

1 STATE OF OKLAHOMA

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

3 SENATE BILL 99

By: Brecheen

4  
5 AS INTRODUCED

6 An Act relating to elections; requiring elections for  
7 county offices to be conducted on nonpartisan basis;  
8 providing procedures; amending 26 O.S. 2011, Sections  
9 1-105, 5-105, 5-111, as amended by Section 2, Chapter  
10 10, O.S.L. 2012, 6-109, 8-101, 12-111, as amended by  
11 Section 6, Chapter 3, O.S.L. 2012 and 12-114 (26 O.S.  
12 Supp. 2012, Sections 5-111 and 12-111), which relate  
13 to election procedures; amending 19 O.S. 2011,  
14 Section 510, which relates to qualifications for the  
15 office of county sheriff; amending 51 O.S. 2011,  
16 Section 10, which relates to vacancies in state  
17 offices; deleting obsolete language; providing  
18 procedures in event of death of candidate for county  
19 office; deleting requirement for registration as  
20 member of political party for certain period as  
21 qualification to become candidate for certain office;  
22 modifying information required on declarations of  
23 candidacy for certain office; modifying procedure for  
24 order of names on ballot; deleting references to  
runoff primary election for county officers;  
providing for codification; and providing an  
effective date.

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

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

23 A. Beginning with the 2016 election cycle, elections for county  
24 offices shall be conducted on a nonpartisan basis. Candidates for

1 county offices shall file a declaration of candidacy with the  
2 secretary of the county election board as provided in Section 5-103  
3 of Title 26 of the Oklahoma Statutes but shall not declare a party  
4 affiliation.

5 B. If more than two candidates qualify to have their names  
6 appear on the ballot for a county office as provided by law, the  
7 names of all such candidates shall appear on the Primary Election  
8 ballot. If no single candidate receives more than fifty percent  
9 (50%) of the votes cast at the Primary Election, the names of the  
10 two candidates receiving the highest number of votes at the Primary  
11 Election shall appear on the General Election ballot.

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

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

18 1. ~~If the nominee was a candidate for county office, the~~  
19 ~~political party's central committee of said county shall notify the~~  
20 ~~secretary of the county election board of the name of an alternative~~  
21 ~~candidate to be placed on the General Election ballot. Such notice~~  
22 ~~shall be submitted in writing, within fifteen (15) days after said~~  
23 ~~death has occurred, but not later than fifty-five (55) days prior to~~  
24 ~~the General Election, and shall be signed by at least two duly~~

1 ~~authorized members of the political party's county central~~  
2 ~~committee;~~

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

14 ~~3.~~ 2. If ~~said~~ the death should occur five (5) days or more  
15 following the Runoff Primary Election date, a special General  
16 Election shall be called by the Governor and shall be conducted  
17 according to the laws governing such elections, Section 12-101 et  
18 seq. of this title, except that there shall be no filing period or  
19 special Primary Election and the candidates in the special General  
20 Election shall be the substitute candidate named by the central  
21 committee and the nominee of other political parties elected in the  
22 Primary or Runoff Primary, and any previously filed independent  
23 candidates.

1 B. In the event of the death of a candidate who was unopposed  
2 for election, a Special Election shall be called by the Governor.  
3 ~~Said~~ The Special Election shall be conducted according to the laws  
4 governing such elections, Section 12-101 et seq. of this title.

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

16 2. In the event of the death of a candidate for county office  
17 whose name would otherwise be on the General Election ballot and the  
18 death occurs before ballot printing has begun for the election, the  
19 name of neither candidate shall be printed on the ballot and the  
20 Governor shall call a special election to fill the office. In the  
21 call for the election, the Governor shall prescribe a filing period,  
22 to be held as nearly as practicable as the regular filing period,  
23 followed in no less than forty-five (45) days by a Special Primary  
24 Election which shall be followed in no less than forty-five (45)

1 days by a Special General Election. The Primary and General  
2 Elections shall be held in the same manner as regular Primary and  
3 General Elections. If the death of the candidate occurs after  
4 ballot printing has begun for the election, votes shall not be  
5 certified by the county election board in the race and the Governor  
6 shall call a special election as specified in this paragraph.

7 SECTION 3. 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, a person must have  
11 been a registered voter of that party for the six-month period  
12 immediately preceding the first day of the filing period prescribed  
13 by law and, under oath, so state. Provided, this requirement shall  
14 not apply to a candidate for the nomination of a political party  
15 which attains recognition less than six (6) months preceding the  
16 first day of the filing period required by law. However, the  
17 candidate shall be required to have registered with the newly  
18 recognized party within fifteen (15) days after such party  
19 recognition.

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

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

4       Section 5-111. Forms to be used for filing Declarations of  
5 Candidacy shall be prescribed by the Secretary of the State Election  
6 Board and shall contain the following information: name of the  
7 candidate; the candidate's place of residence and mailing address;  
8 name of the office sought; the candidate's date of birth; party  
9 affiliation of candidate seeking political party nomination for  
10 state offices; precinct and county wherein the candidate is a  
11 registered voter; an oath wherein the candidate swears or affirms  
12 that he or she is qualified to become a candidate for the office  
13 sought, and that, if elected, the candidate will be qualified to  
14 hold the office; and any additional information which the Secretary  
15 deems necessary. A Declaration of Candidacy form must be signed by  
16 the candidate, and the signature must be properly notarized by a  
17 notary public or other person authorized by law to administer oaths.  
18 In addition to the information required by this section, a candidate  
19 may include a telephone number, email address and website address.  
20 Such additional information shall not be required of any candidate  
21 but if provided shall be made available to the public.

22       SECTION 5.       AMENDATORY       26 O.S. 2011, Section 6-109, is  
23 amended to read as follows:  
24

1       Section 6-109. On all Primary and Runoff Primary Election  
2 ballots, except absentee ballots, the names of the candidates for  
3 each office shall be rotated in such a manner that all candidates'  
4 names appear in each position on ~~said~~ the ballots an equal number of  
5 times. Provided, however, the names of candidates for judicial,  
6 county, school, city and town offices shall be placed on the ballot  
7 according to lot.

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

10       Section 8-101. The county election board shall certify a list  
11 of nominees ~~of each political party~~ for county offices following the  
12 Primary ~~and Runoff Primary Elections~~ Election. The State Election  
13 Board shall certify a list of nominees of each political party for  
14 the offices for which the Board accepts filings of Declarations of  
15 Candidacy following the Primary and Runoff Primary Elections.

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

19       Section 12-111. A. Whenever a vacancy shall occur in the  
20 office of a county commissioner, the vacancy shall be filled at a  
21 special election to be called by the Governor within thirty (30)  
22 days after the vacancy occurs. Provided, no special election shall  
23 be called if the vacancy occurs in an even-numbered year if the term  
24 of the office expires the following year. In such case, the

1 candidate elected to the office at the Primary Election, ~~runoff~~  
2 ~~Primary Election~~, or the regular General Election shall be appointed  
3 by the Governor as soon as practical after the applicable election  
4 to fill the unexpired term.

5 B. Whenever a vacancy shall occur in any elective county office  
6 of any county in this state having a population of more than the  
7 population figure specified in subsection B of Section 10 of Title  
8 51 of the Oklahoma Statutes, the vacancy shall be filled at a  
9 special election to be called by the Governor within thirty (30)  
10 days after the vacancy occurs. Provided, no special election shall  
11 be called if the vacancy occurs in an even-numbered year if the term  
12 of the office expires the following year. In such case, the  
13 candidate elected to the office at the Primary Election, ~~runoff~~  
14 ~~Primary Election~~, or the regular General Election shall be appointed  
15 by the Governor as soon as practical after the applicable election  
16 to fill the unexpired term.

17 SECTION 8. AMENDATORY 26 O.S. 2011, Section 12-114, is  
18 amended to read as follows:

19 Section 12-114. ~~Said elections~~ Elections to fill vacancies in  
20 county offices shall be conducted under the laws applicable to  
21 regular Primary and General Elections, ~~except that the candidate~~  
22 ~~receiving the highest number of votes in said Primary Election shall~~  
23 ~~be deemed the nominee of his political party~~, provided that the  
24 dates of the elections do not coincide with the dates for the



1 regular Primary, ~~Runoff Primary~~ and General Elections. If ~~the~~  
2 ~~nominee of a political party~~ a candidate is unopposed in the Special  
3 Election or receives at least fifty percent (50%) of the votes cast  
4 at the Special Primary Election, ~~he~~ the candidate shall be issued a  
5 certificate of election after the expiration of the contest period  
6 following the Primary ~~or Runoff Primary~~ Election, if no contest is  
7 filed, and shall immediately assume the duties of ~~said~~ the office.

8 SECTION 9. AMENDATORY 19 O.S. 2011, Section 510, is  
9 amended to read as follows:

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

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

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

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

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

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

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