

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1066

By: Hardin (Tommy)

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5
6 AS INTRODUCED

7 An Act relating to elections; ordering a legislative
8 referendum pursuant to the Oklahoma Constitution;
9 requiring nonpartisan elections for county sheriff;
10 providing procedures; amending 19 O.S. 2011, Section
11 510, as amended by Section 1, Chapter 258, O.S.L.
2017 (19 O.S. Supp. 2020, Section 510), which relates
12 to qualifications for county sheriff; modifying
13 qualifications; providing for codification; providing
14 ballot title; and directing filing.

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

16 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma
17 Constitution, there is hereby ordered the following legislative
18 referendum which shall be filed with the Secretary of State and
19 addressed to the Governor of the state, who shall submit the same to
20 the people for their approval or rejection at the next General
21 Election.

22 SECTION 2. 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:

1 A. Beginning with the 2022 election cycle, elections for the
2 office of county sheriff shall be conducted on a nonpartisan basis.
3 Candidates for county sheriff shall file a declaration of candidacy
4 with the secretary of the county election board as provided in
5 Section 5-103 of Title 26 of the Oklahoma Statutes but shall not
6 declare a party affiliation.

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

14 C. If only two candidates qualify to have their names appear on
15 the ballot for the office of county sheriff, the names of both
16 candidates shall appear on the General Election ballot.

17 SECTION 3. AMENDATORY 19 O.S. 2011, Section 510, as
18 amended by Section 1, Chapter 258, O.S.L. 2017 (19 O.S. Supp. 2020,
19 Section 510), is amended to read as follows:

20 Section 510. Any person, otherwise qualified, who has been a
21 resident of the State of Oklahoma for two (2) years, has been a
22 registered voter ~~of the party whose nomination he or she seeks, or a~~
23 ~~registered Independent,~~ and resides within the county from which
24 such person seeks election for the six (6) months next preceding the

1 first day of the filing period, is at least twenty-five (25) years
2 of age next preceding the date of filing for office, possesses at
3 least a high school education and has served as a duly certified
4 peace officer, in a full-time capacity, for a period of four (4)
5 years or more prior to the date of filing for the office of county
6 sheriff, shall be eligible to hold the office of county sheriff or
7 to file therefor. Within twelve (12) months of taking office, all
8 newly elected or appointed sheriffs shall complete a sheriff's
9 administrative school which has been developed by the Oklahoma
10 Sheriffs' Association and ~~which has been~~ approved by the Council on
11 Law Enforcement Education and Training (CLEET). Failure to complete
12 the sheriff's administrative school within the specified period
13 shall preclude the new sheriff from obtaining CLEET certification.
14 New sheriffs with prior CLEET certification, who fail to attend the
15 sheriff's administrative school, shall have their CLEET
16 certification revoked. Provided, however, the provisions of this
17 section relating to qualifications shall not apply to any person
18 ~~servin~~g who has served as a county sheriff or to any person
19 ~~previously~~ serving as county sheriff prior to the adoption of this
20 statute.

21 For purposes of this section, "peace officer" shall mean a full-
22 time duly appointed or elected officer who is paid for working more
23 than twenty-five (25) hours per week and whose duties are to
24 preserve the public peace, protect life and property, prevent crime,

1 serve warrants, and enforce state, federal or military laws and
2 local ordinances of this state or any political subdivision thereof.

3 SECTION 4. The Ballot Title for the proposed act shall be in
4 the following form:

5 BALLOT TITLE

6 Legislative Referendum No. _____ State Question No. _____

7 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

8 This measure would modify the elections for county sheriff.

9 Beginning in 2022, elections for county sheriff shall be
10 nonpartisan and shall not declare a party affiliation. If no
11 candidate receives more than fifty percent (50%) of the votes
12 cast, the names of the two candidates receiving the highest
13 number of votes shall be on the General Election ballot. If
14 only two candidates qualify, the names of both candidates shall
15 be on the General Election ballot.

16 SHALL THE PROPOSAL BE APPROVED?

17 FOR THE PROPOSAL - YES _____

18 AGAINST THE PROPOSAL - NO _____

19 SECTION 5. The Chief Clerk of the House of Representatives,
20 immediately after the passage of this act, shall prepare and file
21 one copy thereof, including the Ballot Title set forth in SECTION 4
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1 hereof, with the Secretary of State and one copy with the Attorney
2 General.

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