

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1941

By: Phillips

AS INTRODUCED

An Act relating to elections; amending 26 O.S. 2011, Section 5-111, as last amended by Section 1, Chapter 402, O.S.L. 2013 (26 O.S. Supp. 2020, Section 5-111), which relates to declaration of candidacy forms; modifying information on form; amending 26 O.S. 2011, Section 5-118, which relates to contests of candidacy; requiring production of certain documents in contest regarding residency; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 5-111, as last amended by Section 1, Chapter 402, O.S.L. 2013 (26 O.S. Supp. 2020, Section 5-111), is amended to read as follows:

Section 5-111. A. Forms to be used for filing Declarations of Candidacy shall be prescribed by the Secretary of the State Election Board and shall contain the following information:

1. The name of the candidate as it shall appear on the ballot;
2. The legal name of the candidate;
3. The candidate's place of residence and mailing address used for his or her:

1 a. homestead exemption, and

2 b. individual income tax return required to be filed
3 pursuant to the provisions of the Internal Revenue
4 Code of 1986, as amended;

5 4. The name of the office sought;

6 5. The candidate's date of birth;

7 6. The party affiliation of the candidate seeking political
8 party nomination;

9 7. The precinct and county wherein the candidate is a
10 registered voter;

11 8. An oath wherein the candidate swears or affirms that he or
12 she is qualified to become a candidate for the office sought, and
13 that, if elected, the candidate will be qualified to hold the
14 office; and

15 9. Any additional information which the Secretary deems
16 necessary.

17 B. If the candidate has ever been ultimately determined by a
18 court of proper authority to be guilty of an offense specified in
19 subsection A of Section 5-105a of this title or at the time of
20 filing the Declaration of Candidacy is named in an outstanding
21 warrant for arrest for such an offense, in this or any other state,
22 the candidate shall provide the following information on a form
23 prescribed by the Secretary of the State Election Board:

24 1. The name of the offense;

1 2. The date of conviction or issuance of the outstanding
2 warrant; and

3 3. The county and state of conviction or issuance of the
4 outstanding warrant.

5 The provisions of this subsection shall not apply to an offense
6 for which the candidate has received a pardon.

7 C. A Declaration of Candidacy form must be signed by the
8 candidate, and the signature must be properly notarized by a notary
9 public or other person authorized by law to administer oaths.

10 D. In addition to the information required by this section, a
11 candidate may include a telephone number, email address and website
12 address. Such additional information shall not be required of any
13 candidate but if provided shall be made available to the public.

14 SECTION 2. AMENDATORY 26 O.S. 2011, Section 5-118, is
15 amended to read as follows:

16 Section 5-118. A. Any candidate, hereafter referred to as
17 petitioner, may contest the candidacy of any other candidate for the
18 same office, hereafter referred to as contestee, by filing a written
19 petition with the secretary of the election board with whom said
20 candidate filed the declaration of candidacy. In the event only one
21 candidate files for an office, a petition contesting the candidacy
22 may be filed by any registered voter who is eligible to vote for the
23 candidate.

1 B. Any contest of candidacy regarding residency shall require
2 the production of a copy of the homestead exemption and the first
3 page and signature page of the individual income tax return
4 described in Section 5-111 of this title; provided any information
5 other than the name and address of the candidate may be redacted.

6 SECTION 3. This act shall become effective November 1, 2021.

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