

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1350

By: Condit

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5  
6 AS INTRODUCED

7 An Act relating to counties and county officers;  
8 amending 19 O.S. 2011, Section 131, as amended by  
9 Section 1, Chapter 300, O.S.L. 2013 (19 O.S. Supp.  
10 2016, Section 131), which relates to county officers;  
11 making elections for county officers nonpartisan;  
12 amending 19 O.S. 2011, Section 215.1, which relates  
13 to district attorneys; making elections for district  
14 attorneys nonpartisan; amending 19 O.S. 2011, Section  
15 510, which relates to county sheriffs; making  
16 elections for county sheriffs nonpartisan; amending  
17 26 O.S. 2011, Sections 5-105, 8-101, 12-111, as  
18 amended by Section 6, Chapter 3, O.S.L. 2012, 12-113,  
19 as amended by Section 7, Chapter 3, O.S.L. 2012 and  
20 12-114 (26 O.S. Supp. 2016, Sections 12-111 and 12-  
21 113), which relate to candidates for nomination to  
22 office, certification and contest of nominees, and  
23 vacancies in certain county office; stating certain  
24 parameters for filing for office; removing references  
to county Runoff Primary Elections and Runoff Primary  
Elections for district attorneys; stating conditions  
for winning election; amending 51 O.S. 2011, Section  
10, which relates to vacancies in state and county  
offices; updating language; providing for  
codification; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 131, as  
amended by Section 1, Chapter 300, O.S.L. 2013 (19 O.S. Supp. 2016,  
Section 131), is amended to read as follows:

1 Section 131. A. At the general election to be held in November  
2 1974, there shall be elected in each county of the state, a court  
3 clerk, a county sheriff, and a county clerk who shall hold office  
4 for a term of two (2) years, the terms of the court clerk, county  
5 sheriff and county clerk beginning on the first Monday in January  
6 following their election, and until their successors are elected and  
7 qualified. At the general election to be held in November 1976, and  
8 each four (4) years thereafter, there shall be elected in each  
9 county of the state, a court clerk, a county sheriff, and a county  
10 clerk who shall hold office for a term of four (4) years; the terms  
11 of the court clerk, the county sheriff and the county clerk,  
12 beginning on the first business day in January following their  
13 election, and until their successors are elected and qualified.

14 B. At the general election to be held in November 1974, and  
15 each four (4) years thereafter, there shall be elected in each  
16 county of the state, a county assessor and a county treasurer, who  
17 shall hold office for a term of four (4) years. The term of the  
18 county assessor shall begin on the first business day in January  
19 following the election, and shall terminate when a successor is  
20 elected and qualified. The term of the county treasurer shall begin  
21 on the first Monday in July following the election and shall  
22 terminate when the successor is duly elected and qualified.

23 C. At the general election to be held in November 1990, and  
24 each four (4) years thereafter, there shall be elected in each

1 county of the state two county commissioners, one from the first  
2 county commissioner district and one from the third county  
3 commissioner district, who shall hold office for a term of four (4)  
4 years. At the general election to be held in November 1990, there  
5 shall be elected in each county of the state one county commissioner  
6 from the second county commissioner district who shall hold office  
7 for a term of six (6) years. At the general election to be held in  
8 November 1996, and each four (4) years thereafter, there shall be  
9 elected in each county of the state, one county commissioner from  
10 the second county commissioner district, who shall hold office for a  
11 term of four (4) years. The terms of the county commissioners shall  
12 begin on the first business day in January following their election,  
13 and shall terminate when their successors are elected and qualified.

14 D. A county officer shall be eligible to become a candidate for  
15 another county office or state office.

16 E. In order to file as a candidate for county commissioner in a  
17 county commissioner's district, the candidate must have been a  
18 qualified registered elector and have maintained a current principal  
19 residence in that district for at least six (6) months immediately  
20 preceding the first day of the filing period prescribed by law.

21 Evidence of a "principal residence" may include, but not be limited  
22 to, the address listed on:

- 23 1. A federal or state tax return;
- 24 2. A driver license; or

1 3. An automobile registration.

2 F. County officers shall be elected at nonpartisan elections.

3 SECTION 2. AMENDATORY 19 O.S. 2011, Section 215.1, is  
4 amended to read as follows:

5 Section 215.1 There is hereby created the office of district  
6 attorney in the State of Oklahoma, which office shall be filled and  
7 in the same manner as now prevails for district judge. Filing for  
8 said office shall be accomplished by filing with the State Election  
9 Board. District attorneys shall be elected at nonpartisan  
10 elections. There shall be one district attorney for each of the  
11 district court judicial districts as they are composed and exist on  
12 March 1, 1965, with the following exceptions. Provided, however,  
13 that that part of Judicial District No. (14) which is Pawnee County  
14 shall be consolidated with Osage County to form District Attorney's  
15 District No. (10) and Judicial District No. (25) shall be  
16 consolidated with Judicial District No. (19) for the purposes of  
17 this act; and, provided further, that District Court Judicial  
18 District No. (5) be divided into two district attorney districts,  
19 one composed of Caddo, Grady, Stephens and Jefferson Counties to be  
20 denominated District Attorney's District No. (6) and the other  
21 composed of Comanche and Cotton Counties, to be denominated District  
22 Attorney's District No. (5); and, that District Court Judicial  
23 District No. (4) shall be composed of Canadian, Kingfisher, Blaine,  
24 Garfield and Grant Counties to be denominated District Attorney's

1 District No. (4) and the other composed of Alfalfa, Major, Dewey,  
2 Woodward and Woods Counties, to be denominated District Attorney's  
3 District No. (26); that District Court Judicial District No. (15) be  
4 divided into two district attorneys' districts, one composed of  
5 Muskogee County to be denominated District Attorney's District No.  
6 (15) and the other composed of Wagoner, Cherokee, Sequoyah and Adair  
7 Counties to be denominated District Attorney's District No. (27);  
8 that Creek and Okfuskee Counties shall be denominated as District  
9 Attorney's District No. (24); Okmulgee and McIntosh Counties shall  
10 be denominated as District Attorney's District No. (25); and  
11 Pittsburg and Haskell Counties shall be denominated as District  
12 Attorney's District No. (18); and Latimer and LeFlore Counties shall  
13 be denominated as District Attorney's District No. (16); and  
14 District Attorney's District No. (7) shall consist of Oklahoma  
15 County; and, effective January 6, 2003, Kiowa, Jackson, Tillman,  
16 Harmon and Greer Counties shall be denominated as District  
17 Attorney's District No. (3); and, effective January 6, 2003,  
18 Washita, Ellis, Roger Mills, Custer and Beckham Counties shall be  
19 denominated as District Attorney's District No. (2). The State  
20 Election Board shall conduct the elections in 2002 for District No.  
21 (2) and District No. (3) in accordance with the provisions of this  
22 section.

23 SECTION 3. AMENDATORY 19 O.S. 2011, Section 510, is  
24 amended to read as follows:

1 Section 510. Any person, otherwise qualified, who has been a  
2 resident of the State of Oklahoma for two (2) years, has been a  
3 registered voter ~~of the party whose nomination he or she seeks, or a~~  
4 ~~registered Independent,~~ within the county from which such person  
5 seeks election for the six (6) months next preceding the first day  
6 of the filing period, except in 2004, when such person must have  
7 been a qualified registered elector no later than December 21, 2003,  
8 is at least twenty-five (25) years of age next preceding the date of  
9 filing for office, and possesses at least a high school education,  
10 shall be eligible to hold the office of county sheriff or to file  
11 therefor. Provided, however, in counties with populations of five  
12 hundred thousand (500,000) or more, the person seeking election  
13 shall also be a current certified peace officer in good standing.  
14 Within twelve (12) months of taking office, all newly elected or  
15 appointed sheriffs shall complete a sheriff's administrative school  
16 which has been developed by the Oklahoma ~~Sheriff's~~ Sheriffs'  
17 Association and which has been approved by the Council on Law  
18 Enforcement Education and Training (CLEET). Failure to complete the  
19 sheriff's administrative school within the specified period shall  
20 preclude the new sheriff from obtaining CLEET certification. New  
21 sheriffs with prior CLEET certification, who fail to attend the  
22 sheriff's administrative school, shall have their CLEET  
23 certification revoked. Provided, however, the provisions of this  
24 section relating to qualifications shall not apply to any person

1 serving as a county sheriff or to any person previously serving as  
2 county sheriff prior to the adoption of this statute.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 5-103.1 of Title 26, unless  
5 there is created a duplication in numbering, reads as follows:

6 Elections for county officers and district attorneys shall be  
7 nonpartisan and all candidates for county offices and for district  
8 attorney shall file as nonpartisan candidates.

9 SECTION 5. AMENDATORY 26 O.S. 2011, Section 5-105, is  
10 amended to read as follows:

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

22 B. To file as an independent candidate for any state ~~or county~~  
23 office other than district attorney, a person must have been  
24 registered to vote as an independent for the six-month period

1 immediately preceding the first day of the filing period prescribed  
2 by law and, under oath, so state.

3 C. To file as a candidate for any county office, a person must  
4 have been a registered voter of the county for the six-month period  
5 immediately preceding the first day of the filing period prescribed  
6 by law and, under oath, so state.

7 D. To file as a candidate for district attorney, a person must  
8 have been a registered voter for the six-month period immediately  
9 preceding the first day of the filing period prescribed by law and,  
10 under oath, so state.

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

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

22 SECTION 7. AMENDATORY 26 O.S. 2011, Section 12-111, as  
23 amended by Section 6, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2016,  
24 Section 12-111), is amended to read as follows:



1 Section 12-111. A. Whenever a vacancy shall occur in the  
2 office of a county commissioner, the vacancy shall be filled at a  
3 special election to be called by the Governor within thirty (30)  
4 days after the vacancy occurs. Provided, no special election shall  
5 be called if the vacancy occurs in an even-numbered year if the term  
6 of the office expires the following year. In such case, the  
7 candidate elected to the office at the Primary Election,~~runoff~~  
8 ~~Primary Election,~~ or the regular General Election shall be appointed  
9 by the Governor as soon as practical after the applicable election  
10 to fill the unexpired term.

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

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1 SECTION 8. AMENDATORY 26 O.S. 2011, Section 12-113, as  
2 amended by Section 7, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2016,  
3 Section 12-113), is amended to read as follows:

4 Section 12-113. ~~Such~~ The proclamation provided for in Section  
5 12-112 of this title shall contain the following facts:

6 1. A filing period of three (3) days, on a Monday, Tuesday and  
7 Wednesday, not less than ten (10) days from the date of such  
8 proclamation;

9 2. The date of the Special Primary Election, not less than  
10 twenty (20) days after the close of the filing period; and

11 3. The date of the Special General Election, not less than  
12 twenty (20) days after the date of the Special Primary Election.

13 Should such a vacancy occur in an even-numbered year, when a  
14 special election is required, the proclamation must contain dates  
15 that are the same as are required by law for the regular filing  
16 period, Primary Election, ~~Runoff Primary Election~~ and General  
17 Election, if practicable.

18 SECTION 9. AMENDATORY 26 O.S. 2011, Section 12-114, is  
19 amended to read as follows:

20 Section 12-114. ~~Said~~ The elections provided for in Section 12-  
21 112 of this title shall be conducted under the laws applicable to  
22 regular Primary and General Elections, except that the candidate  
23 receiving the highest number of votes in ~~said~~ such Primary Election  
24 shall be deemed ~~the nominee of his political party,~~ elected to the

1 office if the candidate receives a majority of all the votes cast.  
2 If no candidate receives a majority of the votes cast, the two  
3 candidates receiving the highest number of votes shall be deemed  
4 nominees for the office; provided, that the dates of the elections  
5 do not coincide with the dates for the regular Primary, ~~Runoff~~  
6 ~~Primary~~ and General Elections. If ~~the~~ a nominee ~~of a political~~  
7 ~~party~~ is unopposed in the Special Election, ~~he~~ the nominee shall be  
8 issued a certificate of election after the expiration of the contest  
9 period following the Primary ~~or Runoff Primary~~ Election, if no  
10 contest is filed, and shall immediately assume the duties of ~~said~~  
11 the office.

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~~7~~ of Article 7~~B~~ VII-B of the  
24 Oklahoma 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 appointment is made,  
10 proclaim a special election to fill the balance of the unexpired  
11 term, providing the balance of the term does not expire in the year  
12 following the next succeeding general election. In making the  
13 proclamation, the county commissioners shall establish the dates for  
14 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, 2017.

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23 56-1-5427 LRB 12/21/16

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