

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1751

By: Crosswhite Hader and Fugate
of the House

4 and

5 Rader of the Senate

6
7
8 An Act relating to elections; amending 26 O.S. 2011,
9 Section 5-111, as last amended by Section 1, Chapter
10 402, O.S.L. 2013 (26 O.S. Supp. 2020, Section 5-111),
11 which relates to Declaration of Candidacy forms;
12 modifying information on form; amending 26 O.S. 2011,
13 Section 5-130, which relates to burden of proof on
14 petitioner; providing for civil penalty; and
15 providing an effective date.

16 AUTHOR: Add the following Senate Coauthor: Bullard

17 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
18 entire bill and insert

19 "An Act relating to candidate filing for elective
20 office; amending 26 O.S. 2011, Sections 5-111, as
21 last amended by Section 1, Chapter 402, O.S.L. 2013
22 and 5-130 (26 O.S. Supp. 2020, Section 5-111), which
23 relate to declaration of candidacy forms and contests
24 of candidacy; adding information to be included on
declaration of candidacy form; authorizing imposition
of civil penalty for candidacy stricken on certain
grounds; directing deposit of certain penalty; making
language gender-neutral; and providing an effective
date.

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

2 SECTION 1. AMENDATORY 26 O.S. 2011, Section 5-111, as
3 last amended by Section 1, Chapter 402, O.S.L. 2013 (26 O.S. Supp.
4 2020, Section 5-111), is amended to read as follows:

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

- 8 1. The name of the candidate as it shall appear on the ballot;
- 9 2. The legal name of the candidate;
- 10 3. The candidate's place of residence and mailing address;
- 11 4. The name of the office sought;
- 12 5. The candidate's date of birth;
- 13 6. ~~The~~

14 a. the current political party affiliation of the
15 candidate seeking political party nomination as shown
16 on the candidate's current voter registration record,
17 and

18 b. the date the candidate registered as a voter of that
19 political party within the current county of
20 registration, pursuant to subsection D of Section 4-
21 110.1 of this title, and

22 c. if the date shown in subparagraph b of this paragraph
23 is six (6) months or less immediately preceding the
24 first day of the filing period but the candidate was

1 previously registered in a different county prior to
2 registering in the current county, the candidate shall
3 provide the name of the previous county and the date
4 the candidate registered as a voter of that political
5 party in the previous county pursuant to subsection D
6 of Section 4-110.1 of this title;

7 7. The voter registration identification number of the
8 candidate and the precinct and county wherein the candidate is a
9 registered voter;

10 8. An oath wherein the candidate swears or affirms that he or
11 she resides at the current address listed on the Declaration of
12 Candidacy form and 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

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 5-130, is
15 amended to read as follows:

16 Section 5-130. A. The burden of proof shall be upon the
17 petitioner to sustain the allegations in ~~his~~ the petition. However,
18 failure of the contestee to appear or answer thereto shall be deemed
19 to place ~~him~~ the contestee in default, and shall constitute an
20 admission of the allegations of the petition, in which event, if the
21 board determines that the factual allegations of the petition
22 constitute appropriate grounds for disqualification, ~~such~~ the
23 contestee's candidacy shall be stricken.

24

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9 which relates to Declaration of Candidacy forms;
10 modifying information on form; amending 26 O.S. 2011,
11 Section 5-130, which relates to burden of proof on
petitioner; providing for civil penalty; and
12 providing an effective date.
13

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

15 SECTION 4. AMENDATORY 26 O.S. 2011, Section 5-111, as
16 last amended by Section 1, Chapter 402, O.S.L. 2013 (26 O.S. Supp.
17 2020, Section 5-111), is amended to read as follows:

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

- 21 1. The name of the candidate as it shall appear on the ballot;
- 22 2. The legal name of the candidate;
- 23 3. The candidate's place of residence and mailing address;
- 24 4. The name of the office sought;

1 5. The candidate's date of birth;

2 6. The party affiliation of the candidate seeking political
3 party nomination and the date the candidate registered as a voter of
4 the political party;

5 7. The voter registration identification number of the
6 candidate and the precinct and county wherein the candidate is a
7 registered voter;

8 8. An oath wherein the candidate swears or affirms that he or
9 she resides at the current address listed on the Declaration of
10 Candidacy form and is qualified to become a candidate for the office
11 sought, and that, if elected, the candidate will be qualified to
12 hold the office; and

13 9. Any additional information which the Secretary deems
14 necessary.

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

22 1. The name of the offense;

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

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

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

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

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

12 SECTION 5. AMENDATORY 26 O.S. 2011, Section 5-130, is
13 amended to read as follows:

14 Section 5-130. A. The burden of proof shall be upon the
15 petitioner to sustain the allegations in his petition. However,
16 failure of the contestee to appear or answer thereto shall be deemed
17 to place him in default, and shall constitute an admission of the
18 allegations of the petition, in which event, if the board determines
19 that the factual allegations of the petition constitute appropriate
20 grounds for disqualification, such contestee's candidacy shall be
21 stricken.

22 B. 1. If a contestee's candidacy is stricken by the board on
23 the grounds that the contestee does not meet the residency
24 requirements for the office as provided by law, then the board may

1 assess a civil penalty upon the contestee in an amount not to exceed
2 Two Hundred Dollars (\$200.00). The civil penalty shall be payable
3 within thirty (30) days by a cashier's check or certified check.

4 2. The proceeds of civil penalties assessed by the State
5 Election Board shall be deposited in the state's general fund, and
6 the proceeds of civil penalties assessed by a county election board
7 shall be deposited in the county's general fund.

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

9 Passed the House of Representatives the 3rd day of March, 2021.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2021.

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Presiding Officer of the Senate

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