

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2656

By: Pruett

4
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 2015, 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. 2012, 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:

1 SECTION 1. AMENDATORY 19 O.S. 2011, Section 131, as
2 amended by Section 1, Chapter 300, O.S.L. 2013 (19 O.S. Supp. 2015,
3 Section 131), is amended to read as follows:

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

17 B. At the general election to be held in November 1974, and
18 each four (4) years thereafter, there shall be elected in each
19 county of the state, a county assessor and a county treasurer, who
20 shall hold office for a term of four (4) years. The term of the
21 county assessor shall begin on the first business day in January
22 following the election, and shall terminate when a successor is
23 elected and qualified. The term of the county treasurer shall begin
24

1 on the first Monday in July following the election and shall
2 terminate when the successor is duly elected and qualified.

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

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

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

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

- 3 1. A federal or state tax return;
- 4 2. A driver license; or
- 5 3. An automobile registration.

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

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

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

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

1 Election Board shall conduct the elections in 2002 for District No.
2 (2) and District No. (3) in accordance with the provisions of this
3 section.

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

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

1 preclude the new sheriff from obtaining CLEET certification. New
2 sheriffs with prior CLEET certification, who fail to attend the
3 sheriff's administrative school, shall have their CLEET
4 certification revoked. Provided, however, the provisions of this
5 section relating to qualifications shall not apply to any person
6 serving as a county sheriff or to any person previously serving as
7 county sheriff prior to the adoption of this statute.

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

11 Elections for county officers and district attorneys shall be
12 nonpartisan, and all candidates for county offices and for district
13 attorney shall file as nonpartisan candidates.

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

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

1 with the newly recognized party within fifteen (15) days after such
2 party recognition.

3 B. To file as an independent candidate for any state ~~or county~~
4 office other than district attorney, a person must have been
5 registered to vote as an independent for the six-month period
6 immediately preceding the first day of the filing period prescribed
7 by law and, under oath, so state.

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

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

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

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

1 Election. The State Election Board shall certify a list of nominees
2 for district attorney offices following the Primary Election.

3 SECTION 7. AMENDATORY 26 O.S. 2011, Section 12-111, as
4 amended by Section 6, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2015,
5 Section 12-111), is amended to read as follows:

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

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

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

4 SECTION 8. AMENDATORY 26 O.S. 2011, Section 12-113, as
5 amended by Section 7, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2015,
6 Section 12-113), is amended to read as follows:

7 Section 12-113. ~~Such~~ The proclamation provided for in Section
8 12-112 of this title shall contain the following facts:

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

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

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

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

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

23 Section 12-114. ~~Said~~ The elections provided for in Section 12-
24 112 of this title shall be conducted under the laws applicable to

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

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

17 Section 10. A. All vacancies in state offices, except in
18 offices of the members of the Legislature, members of the House of
19 Representatives from Oklahoma in the Congress of the United States
20 of America and members of the Senate of the United States of
21 America, shall be filled by appointment by the Governor. When a
22 vacancy occurs in the office of district judge, associate district
23 judge, or judge of any intermediate appellate court, the Governor
24 shall, in filling such vacancy, utilize the services of the Judicial

1 Nominating Commission in the manner as provided for in the filling
2 of judicial offices under Section 47 of Article ~~7B~~ VII-B of the
3 Oklahoma Constitution.

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

24

1 SECTION 11. This act shall become effective November 1, 2016.

2
3 55-2-8401 LRB 01/12/16
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24