

1 STATE OF OKLAHOMA

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

3 SENATE BILL 212

By: Silk

4
5
6 AS INTRODUCED

7 An Act relating to elections; requiring elections for
8 office of county sheriff to be conducted on
9 nonpartisan basis; providing procedures; amending 26
10 O.S. 2011, Sections 1-105, as amended by Section 1,
11 Chapter 69, O.S.L. 2014, 5-105, 5-111, as last
12 amended by Section 1, Chapter 402, O.S.L. 2013 and 8-
13 101 (26 O.S. Supp. 2016, Sections 1-105 and 5-111),
14 which relate to election procedures; amending 19 O.S.
15 2011, Section 510, which relates to qualifications
16 for the office of county sheriff; deleting obsolete
17 language; providing procedures in event of death of
18 candidate for county sheriff; deleting requirement
19 for registration as member of political party for
20 certain period as qualification to become candidate
21 for office of county sheriff; modifying information
22 included on declaration of candidacy; providing for
23 codification; and providing an effective date.

16
17
18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 5-103.1 of Title 26, unless
21 there is created a duplication in numbering, reads as follows:

22 A. Beginning with the 2020 election cycle, elections for the
23 office of county sheriff shall be conducted on a nonpartisan basis.
24 Candidates for the office of county sheriff shall file a declaration

1 of candidacy with the secretary of the county election board as
2 provided in Section 5-103 of Title 26 of the Oklahoma Statutes but
3 shall not declare a party affiliation.

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

11 SECTION 2. AMENDATORY 26 O.S. 2011, Section 1-105, as
12 amended by Section 1, Chapter 69, O.S.L. 2014 (26 O.S. Supp. 2016,
13 Section 1-105), is amended to read as follows:

14 Section 1-105. A. In the event of the death of a political
15 party's nominee for office prior to the date of the General
16 Election, a substitute candidate will be permitted to have his or
17 her name placed on the General Election ballot as follows:

18 1. If the nominee was a candidate for county office other than
19 the office of county sheriff, the political party's central
20 committee of the county shall notify the secretary of the county
21 election board of the name of an alternative candidate to be placed
22 on the General Election ballot. Such notice shall be submitted in
23 writing, within fifteen (15) days after the death has occurred, but
24 not later than five o'clock p.m. on the Friday following the date of

1 the Runoff Primary Election, and shall be signed by at least two
2 duly authorized members of the political party's county central
3 committee. If a political party's central committee fails to submit
4 the notice in the manner described, then a nominee for that party
5 shall not appear on the ballot for that office;

6 2. If the nominee was a candidate who filed a Declaration of
7 Candidacy with the State Election Board, the state central committee
8 of the party affected shall notify the Secretary of the State
9 Election Board of the name of an alternative candidate to be placed
10 on the General Election ballot. Such notice shall be submitted in
11 writing, within fifteen (15) days after the death has occurred, but
12 not later than five o'clock p.m. on the Friday following the date of
13 the Runoff Primary Election, and shall be signed by at least two
14 duly authorized members of the political party's state central
15 committee. If a political party's central committee fails to submit
16 the notice in the manner described, then a nominee for that party
17 shall not appear on the ballot for that office; and

18 3. Provided, if the death of a political party's nominee for
19 an office described in paragraph 1 or 2 of this subsection should
20 occur after the Friday following the date of the Runoff Primary
21 Election, then the election shall proceed with the deceased
22 candidate's name printed on the ballot.

23 B. 1. In the event of the death of a candidate for the office
24 of county sheriff whose name would otherwise be on the Primary

1 Election ballot and the death occurs before ballot printing has
2 begun for the election, the name of the deceased candidate shall not
3 be printed on the ballot. If ballot printing has begun, votes for
4 the deceased candidate shall not be certified by the county election
5 board. If the death of a candidate leaves only two surviving
6 candidates, their names shall not appear on the Primary Election
7 ballot, or if ballot printing has begun, votes shall not be
8 certified by the county election board in the race, and the two
9 names shall appear on the ballot for the General Election.

10 2. In the event of the death of a candidate for the office of
11 county sheriff whose name would otherwise be on the General Election
12 ballot and the death occurs before ballot printing has begun for the
13 election, the name of neither candidate shall be printed on the
14 ballot and the Governor shall call a special election to fill the
15 office. In the call for the election, the Governor shall prescribe
16 a filing period, to be held as nearly as practicable as the regular
17 filing period, followed in no less than forty-five (45) days by a
18 Special Primary Election which shall be followed in no less than
19 forty-five (45) days by a Special General Election. The Primary and
20 General Elections shall be held in the same manner as regular
21 Primary and General Elections. If the death of the candidate occurs
22 after ballot printing has begun for the election, votes shall not be
23 certified by the county election board in the race and the Governor
24 shall call a special election as specified in this paragraph.

1 C. In the event of the death of an independent candidate for an
2 office described in paragraph 1 or 2 of subsection A of this
3 section, the following procedure shall apply:

4 1. If the death occurs on or prior to the Friday following the
5 date of the Runoff Primary Election, the candidate's name shall not
6 be printed on the ballot; and

7 2. If the death occurs after the Friday following the date of
8 the Runoff Primary Election, the candidate's name shall be printed
9 on the ballot.

10 ~~C.~~ D. In the event a deceased candidate is certified by the
11 appropriate Election Board as having won an election, a vacancy in
12 the office shall occur upon the date the candidate would have taken
13 office, and the vacancy shall be filled in the manner prescribed by
14 law.

15 ~~D.~~ E. In the event of the death of a candidate who was
16 unopposed for election, a Special Election shall be called by the
17 Governor. The Special Election shall be conducted according to the
18 laws governing such elections, Section 12-101 et seq. of this title.

19 SECTION 3. AMENDATORY 26 O.S. 2011, Section 5-105, is
20 amended to read as follows:

21 Section 5-105. A. To file as a candidate for nomination by a
22 political party to any state or county office other than the office
23 of county sheriff, a person must have been a registered voter of
24 that party for the six-month period immediately preceding the first

1 day of the filing period prescribed by law and, under oath, so
2 state. Provided, this requirement shall not apply to a candidate
3 for the nomination of a political party which attains recognition
4 less than six (6) months preceding the first day of the filing
5 period required by law. However, the candidate shall be required to
6 have registered with the newly recognized party within fifteen (15)
7 days after such party recognition.

8 B. To file as an independent candidate for any state or county
9 office other than the office of county sheriff, a person must have
10 been registered to vote as an independent for the six-month period
11 immediately preceding the first day of the filing period prescribed
12 by law and, under oath, so state.

13 SECTION 4. AMENDATORY 26 O.S. 2011, Section 5-111, as
14 last amended by Section 1, Chapter 402, O.S.L. 2013 (26 O.S. Supp.
15 2016, Section 5-111), is amended to read as follows:

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

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

24

1 6. The party affiliation of the candidate seeking political
2 party nomination, other than for offices for which election
3 conducted on a nonpartisan basis;

4 7. The precinct and county wherein the candidate is a
5 registered voter;

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

10 9. Any additional information which the Secretary deems
11 necessary.

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

19 1. The name of the offense;

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

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

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

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

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

10 SECTION 5. AMENDATORY 26 O.S. 2011, Section 8-101, is
11 amended to read as follows:

12 Section 8-101. The county election board shall certify a list
13 of nominees of each political party for county offices following the
14 Primary and Runoff Primary Elections, other than the office of
15 county sheriff. The State Election Board shall certify a list of
16 nominees of each political party for the offices for which the Board
17 accepts filings of Declarations of Candidacy following the Primary
18 and Runoff Primary Elections.

19 SECTION 6. AMENDATORY 19 O.S. 2011, Section 510, is
20 amended to read as follows:

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

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

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 7. This act shall become effective November 1, 2017.

56-1-1353 CD 1/17/2017 11:35:44 AM