

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL

By: Crosswhite Hader and Fugate  
of the House

and

Rader of the Senate

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9 COMMITTEE SUBSTITUTE

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

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

22 SECTION 1. AMENDATORY 26 O.S. 2011, Section 5-111, as  
23 last amended by Section 1, Chapter 402, O.S.L. 2013 (26 O.S. Supp.  
24 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;
4. The name of the office sought;
5. The candidate's date of birth;
6. ~~The~~

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

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

c. if the date shown in subparagraph b of this paragraph is six (6) months or less immediately preceding the first day of the filing period but the candidate was previously registered in a different county prior to registering in the current county, the candidate shall provide the name of the previous county and the date the candidate registered as a voter of that political party in the previous county pursuant to subsection D of Section 4-110.1 of this title;

1       7. The voter registration identification number of the  
2 candidate and the precinct and county wherein the candidate is a  
3 registered voter;

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

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

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

18       1. The name of the offense;

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

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

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

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

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

8 SECTION 2. AMENDATORY 26 O.S. 2011, Section 5-130, is  
9 amended to read as follows:

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

18 B. 1. If a contestee's candidacy is stricken by the board on  
19 the grounds that the contestee does not meet the residency  
20 requirements for the office as provided by law, the board may assess  
21 a civil penalty upon the contestee in an amount not to exceed Two  
22 Hundred Dollars (\$200.00). The civil penalty shall be payable  
23 within thirty (30) days by a cashier's check or certified check.  
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1        2. The proceeds of a civil penalty assessed by the State  
2 Election Board shall be deposited in the state's General Revenue  
3 Fund. The proceeds of a civil penalty assessed by a county election  
4 board shall be deposited in the county's general fund.

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

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