

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1751  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the printed Bill  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Denise

CrosswhiteHader  
Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 1751

By: Crosswhite Hader and Fugate  
of the House

6 and

7 Rader of the Senate

8  
9 FLOOR SUBSTITUTE

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

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

19 SECTION 1. AMENDATORY 26 O.S. 2011, Section 5-111, as  
20 last amended by Section 1, Chapter 402, O.S.L. 2013 (26 O.S. Supp.  
21 2020, Section 5-111), is amended to read as follows:

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

1. The name of the candidate as it shall appear on the ballot;

- 1        2. The legal name of the candidate;
- 2        3. The candidate's place of residence and mailing address;
- 3        4. The name of the office sought;
- 4        5. The candidate's date of birth;
- 5        6. The party affiliation of the candidate seeking political
- 6 party nomination and the date the candidate registered as a voter of
- 7 the political party;
- 8        7. The voter registration identification number of the
- 9 candidate and the precinct and county wherein the candidate is a
- 10 registered voter;
- 11        8. An oath wherein the candidate swears or affirms that he or
- 12 she resides at the current address listed on the Declaration of
- 13 Candidacy form and is qualified to become a candidate for the office
- 14 sought, and that, if elected, the candidate will be qualified to
- 15 hold the office; and
- 16        9. Any additional information which the Secretary deems
- 17 necessary.
- 18        B. If the candidate has ever been ultimately determined by a
- 19 court of proper authority to be guilty of an offense specified in
- 20 subsection A of Section 5-105a of this title or at the time of
- 21 filing the Declaration of Candidacy is named in an outstanding
- 22 warrant for arrest for such an offense, in this or any other state,
- 23 the candidate shall provide the following information on a form
- 24 prescribed by the Secretary of the State Election Board:

- 1        1. The name of the offense;
- 2        2. The date of conviction or issuance of the outstanding
- 3 warrant; and
- 4        3. The county and state of conviction or issuance of the
- 5 outstanding warrant.

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

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

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

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

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

1        B. 1. If a contestee's candidacy is stricken by the board on  
2 the grounds that the contestee does not meet the residency  
3 requirements for the office as provided by law, then the board may  
4 assess a civil penalty upon the contestee in an amount not to exceed  
5 Two Hundred Dollars (\$200.00). The civil penalty shall be payable  
6 within thirty (30) days by a cashier's check or certified check.

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

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

12  
13        58-1-7660        LRB        02/22/21