

CHAPTER 20. CANDIDATE FILING

SUBCHAPTER 3. FILING CANDIDACY FOR FEDERAL, STATE, COUNTY, AND OTHER ELECTIVE OFFICE

PART 1. WHEN, WHERE, AND HOW TO FILE CANDIDACY FOR ELECTIVE OFFICE

230:20-3-4. Forms for filing Declaration of Candidacy for federal, state, county, school district, and statutory municipal offices prescribed by Secretary of the State Election Board

(a) The Secretary of the State Election Board shall prescribe forms ~~to that must~~ be used by candidates for federal, state, legislative, district, and nonpartisan judicial offices to declare their candidacy in Oklahoma. The Secretary of the State Election Board shall prescribe forms ~~to that must~~ be used by candidates to declare their candidacy for ~~county offices, for Board of Education offices, and for municipal offices in statutory municipalities~~ any election conducted by the County Election Board. The Secretary of the State Election Board also shall prescribe forms to be used by candidates to declare their candidacy in the Oklahoma Presidential Preferential Primary Election. The forms prescribed by the Secretary for the purpose of declaring candidacy for office shall request all the information listed in Title 26, Section 5-111 and may request any additional information the Secretary deems necessary.

(b) A Declaration of Candidacy for any office listed in (a) of this Section may include the following individual forms.

(1) **Candidate Information and Oath.** The Candidate Information and Oath form shall include all information required by state law about a candidate and the candidate's eligibility for the office being sought.

(2) **Criminal History Disclosure.** A candidate who indicates a criminal history involving charges or conviction for misdemeanor involving embezzlement or a felony on the Candidate Information and Oath page is required to provide details on the Criminal History Disclosure form.

(3) **Candidate Qualifications.** A candidate is required to read, sign, and date a page listing all qualifications set forth in federal or state law as appropriate to the office sought.

(4) **Voter Registration Verification Form.**

(c) The forms required to be included in a Declaration of Candidacy are available on the State Election Board website. The forms may be filled out online, but they must be downloaded and printed and must be signed in writing, personally by the candidate in the presence of a Notary Public or other person authorized by law to administer oaths. [26:5-111-1] See 230:20-3-35.

SUBCHAPTER 5. CONTESTS OF CANDIDACY

230:20-5-5. Date for hearing contest

The Secretary of the County Election Board shall only accept a petition contesting the candidacy for a candidate that filed his or her declaration of candidacy with the Secretary of the County Election Board. Said petition shall also meet all requirements of state law, including alleging specific reasons why the contestee was not qualified by law to become a candidate. [26:5-118 through 26:5-121]. When a contest of candidacy petition is filed, the Secretary of the Election Board who receives the contest petition shall set a date and hour for a hearing. The County Election Board Secretary shall direct the Assistant Secretary to notify the other County Election Board members and alternate members of the hearing. The Secretary shall make a written Notice of Hearing, setting out the date, hour and subject of the hearing. The contest shall be heard as quickly as possible. However, the hearing may not be held earlier than the fourth day after the petition is filed. In addition to issuing the written Notice of Hearing, the Secretary shall prepare and file with the County Clerk a Notice of Special Meeting for the purpose of the County Election Board conducting the contest of candidacy. See 230:10-7-1 through 230:10-7-7.

230:20-5-12. Disposition of deposit

(a) The County Election Board Secretary, upon receipt of the deposit or deposits for a contest of candidacy or for an answer to such a contest, shall place the check or checks in the County Election Board's Special Depository Account. After the contest is resolved, the Secretary shall write vouchers for expenses of the hearing from the Depository Account. The person charged with the expenses of the hearing shall receive an itemized statement of the costs.

(b) The Secretary of the State Election Board, upon receipt of the deposit or deposits for a contest of candidacy or for an answer to such a contest, shall place the check or checks in the State Election Board's Revolving Fund. After the contest is resolved, the Secretary shall authorize payment for all expenses of the hearing from the Revolving Fund. The person charged with the expenses of the hearing shall receive an itemized statement of the costs.

(c) If the petitioner is unsuccessful at the conclusion of the contest to strike the contestee's name from the ballot, the petitioner will be billed for any necessary expenses if the deposit does not cover the total expenses of the contest. Likewise, if the contestee chooses to appear or answer the petition and is not successful in preventing his or her name from being stricken from the ballot, the contestee will be billed for any necessary expenses if the deposit does not cover the total expenses for the contest. Said necessary expenses may include but are not limited to board member mileage and per diem for the meeting, costs incurred for service of notice by the county sheriff's office, costs for copying or reproduction of materials, transcript fees, court reporter costs, facility costs etc.

The election board secretary may send the itemized statement to the person charged with the expenses either at the address on the person's declaration of candidacy or via email, if provided. The person charged with the expenses must pay the balance within thirty (30) days of the date the bill was sent.

SUBCHAPTER 9. PETITIONS SUPPORTING DECLARATIONS OF CANDIDACY

230:20-9-1. Petition form prescribed by the Secretary of the State Election Board

- (a) The Secretary of the State Election Board shall prescribe the form that shall be used by candidates for federal, state, or county offices to gather signatures from eligible voters in support of their candidacy. Such petitions may be submitted to the Secretary of the State Election Board or to the Secretary of the County Election Board in lieu of a filing fee for federal, state, and county offices.
- (b) The form for a petition supporting a Declaration of Candidacy for a federal, state, or county office shall include at the top of each page spaces for the candidate's political affiliation, candidate's name, the title and district, if applicable, of the office sought, and the county in which the petition was circulated. See 230:20-9-2. A single petition page shall provide space for ~~up to fifteen (15)~~ voters to provide their names, addresses, and signatures. Each petition page shall include the printed name and signature of the person who circulated the petition and who witnessed the signatures of each voter who signed the page.
- (c) Pages of a petition supporting a Declaration of Candidacy shall be printed on white paper measuring 8.5 inches by 11 inches. Pages of a petition shall be printed on only one side of said paper. Each page of a petition shall include the candidate information described in (b) of this Section.
- (d) The forms prescribed by the Secretary of the State Election Board for petitions supporting Declarations of Candidacy shall be available on the State Election Board website: <https://elections.ok.gov/Candidate-Info>. A petition form is available for candidates for all federal and state offices who file with the Secretary of the State Election Board and a petition form is available for all candidates for ~~county~~ offices that file with the Secretary of the County Election Board.

230:20-9-3. Signatures on petitions in support of a Declaration of Candidacy ~~for federal, state, or county office~~

A signature on a petition in support of a Declaration of Candidacy filed by a candidate for a federal, state, or county office shall be the original, personally handwritten signature of a registered voter eligible to vote for the candidate and office. No one may sign a petition in support of a Declaration of Candidacy for another registered voter. Petitions must be submitted in their original form with wet signatures. Photocopies, photographs, or electronic copies cannot be accepted.

SUBCHAPTER 11. REQUIREMENTS FOR COUNTY ELECTION BOARD SECRETARY UNDER THE COUNTY CAMPAIGN FINANCE AND FINANCIAL DISCLOSURE ACT

230:20-11-1. Responsibilities of the County Election Board Secretary under the County Campaign Finance and Financial Disclosure Act

- (a) The County Campaign Finance and Financial Disclosure Act requires candidates for county office and elected county officers to file certain reports with the Secretary of the County Election Board. The Secretary of the County Election Board shall accept the reports, retain the original reports for four years, and shall make the reports available for public inspection and provide copies of the reports upon request as required by the Oklahoma Open Records Act. See 230:10-7-58 and 230:10-7-59.
- ~~(b)~~ The Secretary of the County Election Board shall not be responsible for providing the necessary reporting forms to candidates or to county officers and also shall not be responsible for providing advice concerning the reporting requirements or the content of the reports. All necessary forms and all information about the requirements and responsibilities placed upon candidates for county office and elected county officers by the County Campaign Finance and Financial Disclosure act are available on the Oklahoma Ethics Commission website (<https://www.ok.gov/ethics>).
- ~~(c)~~ The Secretary of the County Election Board shall not be responsible for enforcement of the County Campaign Finance and Financial Disclosure Act. The Secretary of the County Election Board has no responsibility to remind any candidate or any elected county officer of report filing deadlines. Any person who wishes to make a complaint concerning any county candidate's or any elected county officer's failure to comply with the act shall be referred to the Oklahoma Ethics Commission.

230:20-11-2. Reports required by the County Campaign Finance and Financial Disclosure Act [REVOKED]

~~———— The following reports are required to be filed with the Secretary of the County Election Board by candidates and candidates' campaign committees:~~

- ~~(1) **Statement of Organization.** A candidate for county elective office is required to file a Statement of Organization of a campaign committee within ten days of receiving or expending \$1,000 or more for the candidate's campaign. A one-time, nonrefundable processing fee in the amount of \$50 is required to accompany the filing of an initial Statement of Organization. The processing fee shall be in the form of a check drawn on the campaign's bank account and shall be made payable to "Secretary of County Election Board." Additional processing fees are not required for amended Statements of Organization of the same campaign committee.~~
- ~~(2) **Campaign Contributions and Expenditure Reports.** After filing an initial Statement of Organization, candidates are required to file periodic reports on contributions received and expenditures made. Campaign Contributions and~~

Expenditures Reports are required to be filed by candidates for county offices according to the same schedule established by the Oklahoma Ethics Commission required of candidates for state offices and elected state officeholders. The schedule for filing campaign reports in an election year is available on the Oklahoma Ethics Commission website.

(3) **Financial Disclosure Statement.** Elected county officers are required to file a Financial Disclosure Statement by May 15 each year.