

# QUALIFICATIONS FOR OFFICERS To Be Elected in 2014

## *Congressional Officers*

### **U.S. SENATOR**

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen. (*Article 1, Section 3, United States Constitution*)

### **U.S. REPRESENTATIVE**

No Person shall be a Representative who shall not have attained to the age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. (*Article 1, Section 2, United States Constitution*)

## **State Officers**

No person shall be eligible to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor and Inspector, Attorney General, State Treasurer or Superintendent of Public Instruction except a citizen of the United States of the age of not less than thirty-one (31) years and who shall have been ten (10) years next preceding his or her election, or appointment, a qualified elector of this state. (*Article 6, Section 3, Oklahoma Constitution*)

A. To file as a candidate for nomination by a political party to any state or county office, a person must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. Provided, this requirement shall not apply to a candidate for the nomination of a political party which attains recognition less than six (6) months preceding the first day of the filing period required by law. However, the candidate shall be required to have registered with the newly recognized party within fifteen (15) days after such party recognition.

B. To file as an independent candidate for any state or county office, a person must have been registered to vote as an independent for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. (*26 O.S., §5-105*)

### **STATE AUDITOR AND INSPECTOR**

The State Auditor and Inspector must have had at least three years' experience as an expert accountant; his duties shall be, without notice to such treasurer, to examine the state and all county treasurers' books, accounts and cash on hand or in bank at least twice each year, and publish his report as to every such treasurer once each year. For the purpose of such examination he shall take complete possession of such treasurer's office. He shall also prescribe a uniform system of bookkeeping for the use of all treasurers. The State Auditor and Inspector shall perform such other duties and have such other powers as may be prescribed by law. (*Article 6, Section 19, Oklahoma Constitution*)

### **INSURANCE COMMISSIONER**

A. There shall be elected by the qualified electors of the State, at the first general election, a chief officer of the Insurance Department, who shall be styled the "Insurance Commissioner," whose term of office shall be four years: Provided, That the first term of the Insurance Commissioner so elected, shall expire at the time of the expiration of the term of office of the first Governor elected. The Insurance Commissioner shall be at least twenty-five (25) years of age and well versed in insurance matters.

B. No person shall be eligible to serve as Insurance Commissioner for a period of time in excess of eight (8) years. Such years need not be consecutive. Any years served by a person elected or appointed to serve less than a full term to fill a vacancy in such office shall not be included in the limitation set forth herein. Any person serving in such position at the time of passage of this amendment shall be eligible to complete the term for which he or she has been elected and shall be eligible to serve an additional eight (8) years thereafter, notwithstanding the provisions of this amendment. The Legislature is hereby authorized to enact laws to implement the provisions of this subsection. (*Article 6, Section 23, Oklahoma Constitution*)

The Insurance Commissioner of the State of Oklahoma shall be at least twenty-five (25) years of age and a resident of the State of Oklahoma for at least five (5) years, and have had at least five (5) years' experience in the insurance industry in administration, sales, servicing or regulation. The Insurance Commissioner shall not be financially interested, directly or indirectly, in any insurer, agency or insurance transaction except as a policyholder or claimant under a policy. (*36 O.S., §302*)

## **CORPORATION COMMISSIONER**

The qualifications of such commissioners shall be as follows: To be resident citizens of this State for over two years next preceding the election, and qualified voters under the Constitution and laws, and not less than thirty years of age; nor shall such commissioners, or either of them, be, directly or indirectly, interested in any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, operated for hire, in this State, or out of it, or any stock, bond, mortgage, security, or earnings of any such railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, compress or elevator companies; and if such Commissioner shall voluntarily become so interested, his office shall become vacant; and if any Corporation Commissioner shall become so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; and failing to do this, his office shall become vacant. Nor shall any such commissioner hold any other office under the government of the United States, or of this State, or any other state government, and shall not, while such Commissioner, engage in any occupation or business inconsistent with his duties as such commissioner. (*Article 9, Section 16, Oklahoma Constitution*)

## **DISTRICT ATTORNEY**

Any person, otherwise qualified, who has been a resident of the state for two (2) years, a registered voter in the district and a resident residing within such district for at least six (6) months immediately preceding the filing period, a duly licensed attorney for at least five (5) years, and at least twenty-eight (28) years of age, prior to the date of filing for the office, shall be eligible to hold the office of district attorney. The district attorney shall reside in the district from which the district attorney was elected during the term of office. (*19 O.S., §215.2*)

The district attorney shall be ineligible to be a candidate for any office which has a term any portion of which is the same as the term for which he was elected. (*19 O.S., §215.8*)

## ***State Legislature***

A. To file as a candidate for nomination by a political party to any state or county office, a person must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. Provided, this requirement shall not apply to a candidate for the nomination of a political party which attains recognition less than six (6) months preceding the first day of the filing period required by law. However, the candidate shall be required to have registered with the newly recognized party within fifteen (15) days after such party recognition.

B. To file as an independent candidate for any state or county office, a person must have been registered to vote as an independent for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. (*26 O.S., §5-105*)

No person shall serve as a member of the Legislature who is, at the time of such service, an officer of the United States or State government, or is receiving compensation as such; nor shall any person be eligible to election to the Legislature, who has been adjudged guilty of a felony. (*Article 5, Section 18, Oklahoma Constitution*)

Members of the Senate shall be at least twenty-five years of age, and members of the House of Representatives twenty-one years of age at the time of their election. They shall be qualified electors in their respective counties or districts and shall reside in their respective counties or districts during their term of office. (*Article 5, Section 17, Oklahoma Constitution*)

To file as a candidate for the Senate in any senatorial district, a person must have been a registered voter in the district and a resident residing within such district for the six-month period immediately preceding the first day of the filing period as provided in Section 5-110 of Title 26 of the Oklahoma Statutes. Any member of the Senate whose district has been changed by a reapportionment may change residence with the intent of becoming qualified to seek reelection in such district in the first election applicable to such district following the reapportionment without thereby being deemed to have vacated his or her existing office. (*14 O.S., § 80.8*)

To file as a candidate for the House of Representatives in any representative district, a person must have been a registered voter in such district and a resident residing within such district for at least six (6) months immediately preceding the filing period prescribed by law. Except, however, to file as a candidate for the House of Representatives in any house district in 2004, a person must have been a registered voter and a resident residing in such district no later than December 21, 2003. Any member of the House of Representatives whose district has been changed by redistricting may change residence with the intent of becoming qualified to seek reelection in such district in the first election applicable to such district following redistricting without thereby being deemed to have vacated his or her existing office. (*14 O.S., §108*)

## **Judicial Officers**

### **DISTRICT JUDGE and ASSOCIATE DISTRICT JUDGE**

Each District Judge shall have had prior to election or appointment, a minimum of four years' experience as a licensed practicing attorney, or as a judge of a court of record, or both, within the State of Oklahoma; shall be a qualified elector of the respective district; and shall have such additional qualifications as may be prescribed by statute. Each Associate District Judge shall be an attorney licensed to practice in the State of Oklahoma and an elector in the County at the time of filing; and they shall have such additional qualifications as prescribed by statute. Both District Judges and Associate District Judges shall continue to be licensed attorneys while in office. (*Article 7, Section 8[g], Oklahoma Constitution*)

No person shall be eligible for appointment to, or for election to, the office of associate district judge unless he has had a minimum of two (2) years of experience as a licensed practicing attorney, or as a judge of a court of record, or a combination thereof, within the State of Oklahoma. Provided that this section shall not apply to any person who held the office of associate district judge on or before July 15, 1974. (*20 O.S., §121.1*)

To file as a candidate for the office of district judge or associate district judge, one must have been a registered voter and actual resident of the appropriate county for at least six (6) months prior to the first day of the filing period. Should no one file for any such office, and should a vacancy thereby created be filled by appointment according to law, there shall be no such residency or durational registration requirement imposed on the appointee, providing said appointee is otherwise qualified, nor shall any person appointed to fill a vacancy in the office of district judge or associate district judge be required to comply with such residency or durational registration requirement in becoming a candidate for a full term following such appointment. No one who has been removed from judicial office or who has resigned from office pending disciplinary proceedings shall qualify to file as a candidate for judicial office. (*20 O.S., §92i*)

## **County Officers**

To file as a candidate for any county office, a person must have been a registered voter and have maintained a current principal residence within the county for the six-month period immediately preceding the first day of the filing period prescribed by law.

*(19 O.S., §131.1)*

A. To file as a candidate for nomination by a political party to any state or county office, a person must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. Provided, this requirement shall not apply to a candidate for the nomination of a political party which attains recognition less than six (6) months preceding the first day of the filing period required by law. However, the candidate shall be required to have registered with the newly recognized party within fifteen (15) days after such party recognition.

B. To file as an independent candidate for any state or county office, a person must have been registered to vote as an independent for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state. *(26 O.S., §5-105)*

### **COUNTY COMMISSIONER**

E. In order to file as a candidate for county commissioner in a county commissioner's district, the candidate must have been a qualified registered elector and have maintained a current principal residence in that district for at least six (6) months immediately preceding the first day of the filing period prescribed by law. Evidence of a "principal residence" may include, but not be limited to, the address listed on:

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

*(19 O.S., §131[E])*

## **Additional State, Legislature and County Officer Qualifications**

A county officer shall be eligible to become a candidate for another county office or state office. *(19 O.S., §131[D])*

Any member of a municipal governing body, the city or town clerk, and the city marshal shall be eligible to become a candidate for a county or state office without resigning from the office held by the officer. *(11 O.S., §8-110)*

A. A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States or who has entered a plea of guilty or nolo contendere to such misdemeanor involving embezzlement or felony or who has been convicted of a crime in another state which would have been a misdemeanor involving embezzlement or a felony under the laws of this state or has entered a plea of guilty or nolo contendere to such crime shall not be eligible to be a candidate for or to be elected to any state, county, municipal, judicial or school office or any other elective office of any political subdivision of this state for a period of fifteen (15) years following completion of his sentence or during the pendency of an appeal of such conviction or plea.

B. The provisions of this section shall not be construed to preclude a person who has received a pardon from being eligible for or from holding public office. *(26 O.S., §5-105a)*

**NOTICE:** *These qualifications were compiled by the State Election Board as a public service. They were correct when prepared but are subject to change. It is ultimately the responsibility of each candidate to determine whether he or she is qualified to file for a given office.*