

# **CANDIDATE FILING INSTRUCTIONS**

## **State Senate District 34 Special Election**

### **Candidate Filing Period**

Monday, August 31, 8:00 A.M. – 5:00 P.M.  
Tuesday, September 1, 8:00 A.M. – 5:00 P.M.  
Wednesday, September 2, 8:00 A.M. – 5:00 P.M.

**Special Primary Election: Tuesday, November 10, 2015**

**Special General Election (if needed): Tuesday, January 12, 2016**

**If a Special Primary Election is not needed, the Special General Election will be held November 10, 2015.**

### **Where to File**

State Election Board — Candidates for State Senate file Declarations of Candidacy with the Secretary of the State Election Board at the State Capitol Building, 2300 N Lincoln Boulevard, Room B-6, Oklahoma City.

### **Filing Fee or Petition**

A cashier's check or certified check made payable to the Secretary of the State Election Board shall accompany the Declaration of Candidacy. Cash cannot be accepted. The non-refundable filing fee for State Senate is \$200.00

In lieu of a fee, a petition supporting the candidacy that is signed by four percent (4%) of the registered voters eligible to vote for the candidate in the first election wherein the candidate's name could appear on the ballot may be submitted with a Declaration of Candidacy.

### **Withdrawal of Candidacy**

A candidate may withdraw from the Special Primary Election by filing a written notice with the Secretary of the State Election Board before 5:00 P.M. on Friday, September 4. A candidate may withdraw from the Special General Election by filing a written notice before 5:00 P.M. on Friday, November 13. If no Special Primary Election is needed, a candidate may withdraw from the Special General Election by filing a written notice with the Secretary of the State Election Board before 5:00 P.M. on Friday, September 4. Forms for withdrawal may be obtained from the Secretary of the State Election Board.

### **Contests of Candidacy**

Any candidate may contest the candidacy of any other candidate for the office by filing a written petition with the Secretary of the State Election Board before 5:00 P.M. on Friday, September 4. The petition must be accompanied by a cashier's check or certified check in the amount of \$250.00, payable to the Secretary of the State Election Board. Cash cannot be accepted. To respond to the petition, the contestee also must post a deposit in the same manner as the petitioner, except that the deposit may be posted at the time of the contestee's appearance at the scheduled hearing.

# GENERAL INFORMATION

1. Candidates may file for the nomination of a political party only if said party is recognized by the laws of the State of Oklahoma.
2. Candidates may file for no more than one office at any election. A Special Election and a Regular Election held on the same date shall be considered one election.
3. To become a candidate for office and have one's name appear on a ballot, a person must file the Declaration of Candidacy form prescribed by the Secretary of the State Election Board, accompanied by either a filing fee in the amount specified by the laws of the State of Oklahoma or by a petition bearing the required number of signatures of registered voters.
4. The Declaration of Candidacy must be completely filled out, signed by the candidate and notarized by a Notary Public or other person authorized to administer oaths.
5. A candidate's name will be printed on the ballot as it is entered on the first line of the Declaration of Candidacy; however, no candidate shall have any prefix, suffix or title placed before or after his name. A candidate's full legal name also must be provided on the Declaration of Candidacy.
6. All candidates are required by state law to disclose on their Declarations of Candidacy whether they ever have been convicted of a misdemeanor involving embezzlement or of a felony in Oklahoma or in any other state and/or whether an arrest warrant is outstanding in connection with such misdemeanor or felony.
7. In contests of candidacy, the Secretary of the State Election Board is the constructive service agent for each candidate who has filed. By the act of filing a Declaration of Candidacy, each candidate is conclusively presumed to have accepted such constructive service.
8. Candidates filing Declarations of Candidacy with the State Election Board may also be required to register and file reports with the Oklahoma Ethics Commission. A Statement of Organization for a candidate committee may be filed with the Ethics Commission at any time but must be filed within 10 days after a candidate has accepted or spent more than \$1,000 for his or her campaign. For more information, visit the Ethics Commission website at [www.ethics.ok.gov](http://www.ethics.ok.gov) or contact the Ethics Commission by email at [ethics@ethics.ok.gov](mailto:ethics@ethics.ok.gov), at the State Capitol Building Room B-5, Oklahoma City, OK 73105, or by phone at (405) 521-3451.

# QUALIFICATIONS FOR STATE SENATOR

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)

No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State; provided, neither the provisions of this section nor any other provision of this Constitution or state law shall be construed to prohibit the following officeholders from holding at the same time any other office of trust or profit:

1. Officers and enlisted members of the National Guard;
2. Officers and enlisted members of the National Guard Reserve;
3. Officers of the Officers Reserve Corps of the United States;
4. Enlisted members of the Organized Reserves of the United States; and
5. Officers and enlisted members of the Oklahoma State Guard and any other active militia or military force organized under state law. (Article 2, Section 12, Oklahoma Constitution)

## **ADDITIONAL QUALIFICATIONS FOR STATE OFFICERS**

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 instructions 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.*