

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3715

By: O'Donnell of the House

and

**Daniels** of the Senate

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9                                   COMMITTEE SUBSTITUTE

10           An Act relating to the Rules of the Ethics  
11           Commission; amending Rule 2.48 of the Rules of the  
12           Ethics Commission, which relates to candidate  
13           committee surplus funds; adding use for surplus  
14           funds; and providing an effective date.

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

16           SECTION 1.           AMENDATORY           Rule 2.48 of the Rules of the  
17           Ethics Commission, is amended to read as follows:

18           Rule 2.48.   Candidate Committee Surplus Funds.

19           Surplus funds of a candidate committee are those funds not  
20           otherwise obligated following the election at which the office for  
21           which the candidate committee was formed has been determined which,  
22           in the candidate's discretion, are not required to be used for  
23           campaign expenses or officeholder expenses.   Such surplus funds may  
24           be:

1 (A) Retained in any amount for use in a future campaign for the  
2 next succeeding term for the same office;

3 (B) Retained for a future campaign for a different state  
4 elective office, excluding a judicial office;

5 (C) Donated to a charitable organization as described in  
6 Section 501(c)(3) of Title 26 of the United States Code as it  
7 currently exists or as it may be amended;

8 (D) Returned to any contributor, as long as the amount returned  
9 does not exceed the contributor's aggregate contribution during the  
10 immediately preceding primary, runoff primary and general elections;

11 (E) Contributed to a political party committee in any amount  
12 not to exceed Twenty-five Thousand Dollars (\$25,000.00) in the  
13 aggregate;

14 (F) Used to purchase item(s) for donation to a charitable  
15 organization as described in Section 501(c)(3) of Title 26 of the  
16 United States Code as it currently exists or as it may be amended;  
17 provided:

18 (1) the donated item(s) are sold by the charitable organization  
19 for fundraising purposes;

20 (2) the purchase of the item(s) for donation is reported on a  
21 Contributions and Expenditures Report which includes a description  
22 and cost of the item(s) purchased;

23 (3) the donation of the item(s) is reported on a Contributions  
24 and Expenditures Report as an in-kind expenditure to the charitable

1 organization which includes a description and the value of the  
2 item(s) donated; and

3 (4) the donated item(s) may not be purchased or used by the  
4 candidate whose committee is donating the item, any other candidate,  
5 a committee, or officer, board member or employee of the charitable  
6 organization; ~~or~~

7 (G) Donated in accordance with the provisions of Section 381 et  
8 seq. of Title 60 of the Oklahoma Statutes to the State of Oklahoma,  
9 or, to any county, city, town or school district within the State of  
10 Oklahoma; or

11 (H) Used to retain legal counsel for the successful defense of  
12 an investigation or prosecution of the candidate's campaign,  
13 campaign finances, or any other violation of the candidate's or  
14 office holder's official duties.

15 Any surplus funds remaining in the candidate committee's  
16 possession within ninety (90) days after the expiration of the term  
17 to which the candidate was elected or, for candidates who were not  
18 elected, within ninety (90) days after the second year following the  
19 general election, shall be deposited in the general revenue fund of  
20 the state.

21 SECTION 2. This act shall become effective January 1, 2026.

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23 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated  
24 02/28/2024 - DO PASS, As Amended and Coauthored.