

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 363

By: Sharp

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Section 12-106, as amended by Section 3, Chapter 3,  
9 O.S.L. 2012 (26 O.S. Supp. 2018, Section 12-106),  
10 which relates to special elections; adding payment  
11 requirement for expenses of certain special  
12 elections; providing certain sources of funds;  
13 allowing for recovery of expenses; amending Rule 2.48  
14 of the Rules of the Ethics Commission (74 O.S. Supp.  
15 2018, Ch. 62, App. I), which relates to surplus funds  
16 of candidate committees; modifying allowable uses of  
17 such funds; updating statutory reference; and  
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 26 O.S. 2011, Section 12-106, as  
21 amended by Section 3, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2018,  
22 Section 12-106), is amended to read as follows:

23 Section 12-106. A. Whenever a vacancy shall occur in the  
24 office of a member of the State Senate or the State House of  
25 Representatives, the vacancy shall be filled at a Special Election  
26 to be called by the Governor within thirty (30) days after the  
27 vacancy occurs; provided, no special election shall be called if the

1 vacancy occurs in an even-numbered year if the term of the office  
2 expires the same year.

3 B. If in an even-numbered year an incumbent State Senator with  
4 two (2) or more years remaining in the term for which elected shall  
5 file with the Oklahoma Secretary of State before March 1 a  
6 resignation in writing which states that the resignation will not  
7 become effective immediately, but rather will become effective on  
8 some date certain that is after the General Election but before the  
9 convening of the next session of the Legislature, the vacancy shall  
10 be filled by a special election which shall be held in that even-  
11 numbered year on the same dates as the regular Primary Election,  
12 Runoff Primary Election and General Election. The filing period for  
13 the special election shall be the regular filing period prescribed  
14 in Section 5-110 of this title. The person elected in the General  
15 Election of the special election shall take office on the date the  
16 resignation of the incumbent becomes effective and shall serve the  
17 remainder of the unexpired term.

18 C. Whenever the Governor calls a Special Election pursuant to  
19 subsection A of this section, any funds in the campaign account of  
20 the candidate committee of the member of the State Senate or the  
21 House of Representatives that has either resigned, been expelled  
22 pursuant to Section 30 of Article V of the Oklahoma Constitution or  
23 removed from office by operation of law resulting in a vacancy as of  
24 the date of such action, shall be paid to the State Election Board

1 Revolving Fund to offset expenses incurred by the state for  
2 conducting the Special Election, not to exceed the actual cost of  
3 such expenses. Any nonpayment of expenses may be recovered by any  
4 civil remedy available by law. Provided, this subsection shall not  
5 apply to a Special Election called as a result of a vacancy caused  
6 by the death of a member.

7 SECTION 2. AMENDATORY Rule 2.48 of the Rules of the  
8 Ethics Commission (74 O.S. Supp. 2018, Ch. 62, App. I), is amended  
9 to read as follows:

10 Rule 2.48. Surplus funds of a candidate committee are those  
11 funds not otherwise obligated following the election at which the  
12 office for which the candidate committee was formed has been  
13 determined which, in the candidate's discretion, are not required to  
14 be used for campaign expenses or officeholder expenses. Such  
15 surplus funds may be:

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

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

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

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

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

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

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

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

16 (3) the donation of the item(s) is reported on a Contributions  
17 and Expenditures Report as an in-kind expenditure to the charitable  
18 organization which includes a description and the value of the  
19 item(s) donated; and

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

1 (G) Donated in accordance with the provisions of Section 381 et  
2 seq. of Title 60 O.S. § 381, et seq. of the Oklahoma Statutes, to  
3 the State of Oklahoma, or, to any county, city, town or school  
4 district within the State of Oklahoma; or

5 (H) Paid to the State Election Board Revolving Fund to offset  
6 expenses incurred by the state for conducting a special election as  
7 provided in subsection C of Section 12-106 of Title 26 of the  
8 Oklahoma Statutes.

9 Any surplus funds remaining in the candidate committee's  
10 possession within ninety (90) days after the expiration of the term  
11 to which the candidate was elected or, for candidates who were not  
12 elected, within ninety (90) days after the second year following the  
13 general election, shall be deposited in the general revenue fund of  
14 the state.

15 SECTION 3. This act shall become effective November 1, 2019.

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