

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 930

By: Bice

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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. 2017, 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 2017, Ch. 62, App. I), which relates to use of
16 candidate committee surplus funds; modifying
17 allowable uses of such funds; and providing an
18 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. 2017,
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
Representatives, the vacancy shall be filled at a Special Election
to be called by the Governor within thirty (30) days after the
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 5 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, as of the date of such resignation,

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

8 SECTION 2. AMENDATORY Rule 2.48 of the Rules of the
9 Ethics Commission (74 O.S. Supp. 2017, Ch. 62, App. I), is amended
10 to read as follows:

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

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

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

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

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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
12 organization for fundraising purposes;

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

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

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

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

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

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

17 SECTION 3. This act shall become effective November 1, 2018.

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