

SHORT TITLE: Elections; requiring independent candidates to participate in Primary and Runoff Elections; codification; repealer; emergency.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1066

By: Stipe

AS INTRODUCED

An Act relating to elections and state government; amending 26 O.S. 1991, Sections 1-102 and 1-103, which relate to Primary and Runoff Elections; modifying Primary Election procedures; removing certain exception; specifying date of certain election; requiring nonpartisan candidates to participate in certain elections; specifying allowable uses of campaign contributions accepted by candidate or candidate committee; prohibiting use for other purposes; specifying procedure for disposition and allowable uses of surplus contributions; requiring person who changes political affiliation to donate certain contributions to political party under certain circumstances; providing that certain persons be governed by provisions of section; providing penalties; providing for codification; repealing 74 O.S. 1991, Section 4217, as amended by Section 25 of Enrolled House Joint Resolution No. 1077 of the 2nd Session of the 43rd Oklahoma Legislature (74 O.S. Supp. 1993, Section 4217), which relates to the Ethics Commission Act; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 1991, Section 1-102, is amended to read as follows:

Section 1-102. A Primary Election shall be held on the fourth Tuesday in August of each even-numbered year, at which time each political party recognized by the laws of Oklahoma shall nominate its candidates and nonpartisan candidates shall be nominated for the offices to be filled at the next succeeding General Election, unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless said candidate shall have been nominated as herein provided, unless otherwise provided by law, ~~provided further that this provision shall not exclude the right of a nonpartisan candidate to have his name printed upon said General Election ballots.~~ No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such Primary Election.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-102.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

A Primary Election shall be held on the fourth Tuesday in August of each year, at which time any candidate who files for office as an Independent, as defined in Section 4-112 of this title, shall have his or her name printed on the primary ballot as Independents for nomination for the office to be filed at the next succeeding General Election, unless otherwise provided by law. No candidate's name shall be printed upon the General Election ballot unless such candidate has been nominated as herein provided, unless otherwise provided by law.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 1-103, is amended to read as follows:

Section 1-103. If at any Primary Election no candidate for the nomination for office of any political party receives a majority of

all votes cast for all candidates of such party or if no nonpartisan candidate receives a majority of all votes cast for all such candidates for said office, no candidate shall be nominated by said party for said office, nor shall any nonpartisan candidate be nominated for said office, but the two candidates of such party or the two nonpartisan candidates receiving the highest number of votes at said election shall be placed on the official ballot as candidates for such nomination at a Runoff Primary Election to be held on the third Tuesday of September of the same year. No county, municipality or school district shall schedule an election on any date during the twenty (20) days immediately preceding the date of any such Runoff Primary Election.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4217.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Contributions accepted by any candidate or candidate committee shall be used to defray any campaign expenditures or any ordinary and necessary expenses incurred by the person in connection with his or her duties as a holder of the public office including, but not limited to, expenses for use in a future election campaign, for political activity, for community activity or for nonreimbursed public office related expenses. Said contributions shall not be used for any other purposes. Contributions and any interest income earned on said contributions which are not used in this manner within forty-eight (48) months of the date of the General Election which is intended to result in the final election of a single individual to the office at stake shall be disposed of as follows:

1. Returned to the contributors pursuant to any formula approved by the candidate; provided, any amount returned to a contributor shall not exceed the amount of the original contribution;

2. Donated to the campaign of any other political candidate or to any political party officially recognized by the State Election Board;

3. Donated to a charitable organization qualified for a tax exemption pursuant to the provisions of the Internal Revenue Code; or

4. Retained by the candidate or candidate committee for use in a future election.

B. Notwithstanding the provisions of subsection A of this section, any person who accepts contributions for a campaign while a registered voter affiliated with a political party and who, prior to the election, modifies his or her voter registration by changing his or her political affiliation shall donate all contributions accepted for such campaign prior to the change of political affiliation to the political party with which he or she was affiliated prior to the change.

C. Any person who accepts contributions for a campaign but does not file a declaration of candidacy for public office with the Secretary of the State Election Board or the secretary of any county election board, or any person who has withdrawn such declaration of candidacy, shall be governed by the provisions of this section.

D. Every person who knowingly and willfully violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by confinement in the county jail for not more than six (6) months, or by both such fine and imprisonment.

SECTION 5. REPEALER 74 O.S. 1991, Section 4217, as amended by Section 25 of Enrolled House Joint Resolution No. 1077 of the 2nd Session of the 43rd Oklahoma Legislature (74 O.S. Supp. 1993, Section 4217), is hereby repealed.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-1863

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