

ENGROSSED HOUSE  
BILL NO. 1077

By: Cotner, Widener, Smith  
(Bill), Mitchell, Rhodes  
and Pettigrew of the  
House

and

Cole and Herbert of the  
Senate

An Act relating to officers; prohibiting state officers from being candidates for other state offices prior to resignation; providing exception; providing for vacation of office under certain circumstances; defining term; amending 21 O.S. 1991, Section 274, which relates to appointments to office; modifying prohibition and penalty for appointing persons to office pursuant to certain circumstances; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8.1 of Title 51, unless there is created a duplication in numbering, reads as follows:

A. A state officer shall not be eligible to become a candidate for another state office unless the officer resigns from the office held by that officer. The provisions of this section shall not apply if the filing period for the office the state officer is

seeking and the filing period for the office the state officer holds are the same. In the event that the filing period for the office the state officer is seeking and the filing period for the office the state officer holds are not the same, the state officer will have been deemed to have vacated the office upon the election and swearing in of the state officer's replacement to the office which the state officer currently holds.

B. As used in this section, "state officer" means any statewide elected official, any district attorney, any member of the Oklahoma Legislature, or any member of the United States Congress.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 274, is amended to read as follows:

Section 274. Every person who, directly or indirectly, asks or receives or promises to receive any gratuity ~~or~~, reward, ~~or~~ any promise of a gratuity or reward, or campaign contribution for appointing ~~another person~~ or procuring ~~for another person an~~ the appointment of another person to any public office or any clerkship, deputation or other subordinate position in any public office, or for employing or procuring the employment of another person in any position as a public employee, upon conviction, is guilty of a felony punishable by imprisonment in the county jail state penitentiary not less than six (6) months nor more than one (1) year exceeding two (2) years, or by a fine not less than Two Hundred Dollars (\$200.00) nor more than exceeding One Thousand Dollars (\$1,000.00) or by both such fine and imprisonment.

SECTION 3. 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.

Passed the House of Representatives the 14th day of March, 1995.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1995.

President of the Senate