

1 **SENATE FLOOR VERSION**

2 February 28, 2018

3 **AS AMENDED**

4 SENATE BILL NO. 1038

5 By: Paxton

6 An Act relating to elections; amending 26 O.S. 2011,
7 Section 5-112, as amended by Section 1, Chapter 268,
8 O.S.L. 2017 (26 O.S. Supp. 2017, Section 5-112),
9 which relates to petitions and filing fees; modifying
10 requirements for petitions and filing fees to
11 accompany declaration of candidacy upon filing of
12 certain affidavit; providing for form of and
13 challenge to affidavit; providing penalty for falsely
14 swearing affidavit; and providing an effective date.

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

16 SECTION 1. AMENDATORY 26 O.S. 2011, Section 5-112, as
17 amended by Section 1, Chapter 268, O.S.L. 2017 (26 O.S. Supp. 2017,
18 Section 5-112), is amended to read as follows:

19 Section 5-112. A. A declaration of candidacy must be
20 accompanied by:

21 1. A petition supporting a candidate's filing signed by not
22 fewer than two percent (2%) of the number of registered voters in
23 the district, county or state, as appropriate for the office sought;
24 or

2. A cashier's check or certified check as follows:

- 1 a. for candidates for Governor, Two Thousand Dollars
2 (\$2,000.00),
- 3 b. for candidates for United States Senator, Two Thousand
4 Dollars (\$2,000.00),
- 5 c. for candidates for United States Congress, One
6 Thousand Dollars (\$1,000.00),
- 7 d. for candidates for Lieutenant Governor, Corporation
8 Commission, Attorney General, State Auditor and
9 Inspector, State Superintendent of Public Instruction,
10 State Treasurer, Commissioner of Insurance and
11 Commissioner of Labor, One Thousand Dollars
12 (\$1,000.00),
- 13 e. for candidates for the State House of Representatives,
14 Five Hundred Dollars (\$500.00),
- 15 f. for candidates for the State Senate, Seven Hundred
16 Fifty Dollars (\$750.00),
- 17 g. for candidates for District Judge or Associate
18 District Judge, Five Hundred Dollars (\$500.00),
- 19 h. for candidates for District Attorney, Five Hundred
20 Dollars (\$500.00), and
- 21 i. for candidates for county office, Three Hundred
22 Dollars (\$300.00).

23 B. Provided, if at the time of filing the declaration of
24 candidacy, a candidate files a sworn affidavit that he or she had

1 family income for the preceding calendar year not in excess of the
2 federal poverty level, the declaration of candidacy may be
3 accompanied by a cashier's check or certified check in the amount of
4 twenty-five percent (25%) of the filing fees set forth in paragraph
5 2 of subsection A of this section.

6 The form for the affidavit shall be prescribed by the Secretary
7 of the State Election Board.

8 If a candidate files such an affidavit, any other candidate
9 filing for such office may challenge the veracity of the affidavit
10 by filing a contest of candidacy as provided by law. In such event,
11 the candidate shall be required to provide documentation of family
12 income as required by the State Election Board or county election
13 board. Such documentation shall not be considered a public record.

14 Falsely swearing an affidavit of family income not in excess of
15 the federal poverty level shall be a misdemeanor.

16 C. A filing fee received by the Secretary of the State Election
17 Board shall be deposited in the State Election Board Revolving Fund
18 created pursuant to Section 3-107 of this title. A filing fee
19 received by a secretary of a county election board shall be
20 deposited in the County Election Board Special Depository Account
21 authorized by Section 3-108 of this title.

22 SECTION 2. This act shall become effective November 1, 2018.

23 COMMITTEE REPORT BY: COMMITTEE ON RULES
24 February 28, 2018 - DO PASS AS AMENDED