

1                                   **SENATE FLOOR VERSION**

2                                   February 28, 2018

3                                   **AS AMENDED**

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6                   SENATE BILL NO. 1038

By: Paxton

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

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

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

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

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