

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1006

By: Sharp

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 surplus funds
16 of candidate committees; modifying allowable uses of
17 such funds; and providing an effective date.

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

15 SECTION 1. AMENDATORY 26 O.S. 2011, Section 12-106, as
16 amended by Section 3, Chapter 3, O.S.L. 2012 (26 O.S. Supp. 2017,
17 Section 12-106), is amended to read as follows:

18 Section 12-106. A. Whenever a vacancy shall occur in the
19 office of a member of the State Senate or the State House of
20 Representatives, the vacancy shall be filled at a Special Election
21 to be called by the Governor within thirty (30) days after the
22 vacancy occurs; provided, no special election shall be called if the
23 vacancy occurs in an even-numbered year if the term of the office
24 expires the same year.

1 B. If in an even-numbered year an incumbent State Senator with
2 two (2) or more years remaining in the term for which elected shall
3 file with the Oklahoma Secretary of State before March 1 a
4 resignation in writing which states that the resignation will not
5 become effective immediately, but rather will become effective on
6 some date certain that is after the General Election but before the
7 convening of the next session of the Legislature, the vacancy shall
8 be filled by a special election which shall be held in that even-
9 numbered year on the same dates as the regular Primary Election,
10 Runoff Primary Election and General Election. The filing period for
11 the special election shall be the regular filing period prescribed
12 in Section 5-110 of this title. The person elected in the General
13 Election of the special election shall take office on the date the
14 resignation of the incumbent becomes effective and shall serve the
15 remainder of the unexpired term.

16 C. Whenever the Governor calls a Special Election pursuant to
17 subsection A of this section, any funds in the campaign account of
18 the candidate committee of the member of the State Senate or the
19 House of Representatives that has either resigned, been expelled
20 pursuant to Section 30 of Article 5 of the Oklahoma Constitution or
21 removed from office by operation of law resulting in a vacancy as of
22 the date of such action, shall be paid to the State Election Board
23 Revolving Fund to offset expenses incurred by the state for
24 conducting the Special Election, not to exceed the actual cost of

1 such expenses. Any nonpayment of expenses may be recovered by any
2 civil remedy available by law. Provided, this subsection shall not
3 apply to a Special Election called as a result of a vacancy caused
4 by the death of a member.

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

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

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

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

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

21 (D) Returned to any contributor, as long as the amount returned
22 does not exceed the contributor's aggregate contribution during the
23 immediately preceding primary, runoff primary and general elections;

1 (E) Contributed to a political party committee in any amount
2 not to exceed Twenty-five Thousand Dollars (\$25,000.00) in the
3 aggregate;

4 (F) Used to purchase item(s) for donation to a charitable
5 organization as described in Section 501(c)(3) of Title 26 of the
6 United States Code as it currently exists or as it may be amended;
7 provided:

8 (1) the donated item(s) are sold by the charitable organization
9 for fundraising purposes;

10 (2) the purchase of the item(s) for donation is reported on a
11 Contributions and Expenditures Report which includes a description
12 and cost of the item(s) purchased;

13 (3) the donation of the item(s) is reported on a Contributions
14 and Expenditures Report as an in-kind expenditure to the charitable
15 organization which includes a description and the value of the
16 item(s) donated; and

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

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

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

5 Any surplus funds remaining in the candidate committee's
6 possession within ninety (90) days after the expiration of the term
7 to which the candidate was elected or, for candidates who were not
8 elected, within ninety (90) days after the second year following the
9 general election, shall be deposited in the general revenue fund of
10 the state.

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

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