

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1038

By: Paxton

6 AS INTRODUCED

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.

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

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

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

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

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

- a. for candidates for Governor, Two Thousand Dollars (\$2,000.00),
- b. for candidates for United States Senator, Two Thousand Dollars (\$2,000.00),
- c. for candidates for United States Congress, One Thousand Dollars (\$1,000.00),
- d. for candidates for Lieutenant Governor, Corporation Commission, Attorney General, State Auditor and Inspector, State Superintendent of Public Instruction, State Treasurer, Commissioner of Insurance and Commissioner of Labor, One Thousand Dollars (\$1,000.00),
- e. for candidates for the State House of Representatives, Five Hundred Dollars (\$500.00),
- f. for candidates for the State Senate, Seven Hundred Fifty Dollars (\$750.00),
- g. for candidates for District Judge or Associate District Judge, Five Hundred Dollars (\$500.00),
- h. for candidates for District Attorney, Five Hundred Dollars (\$500.00), and
- i. for candidates for county office, Three Hundred Dollars (\$300.00).

B. Provided, if at the time of filing the declaration of 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:

4 1. A petition supporting the candidate's filing signed by not
5 fewer than one-half of one percent (0.5%) of the number of
6 registered voters in the district, county or state, as appropriate
7 for the office sought; or

8 2. A cashier's check or certified check in the amount of
9 twenty-five percent (25%) of the filing fees set forth in paragraph
10 2 of subsection A of this section.

11 The form for the affidavit shall be prescribed by the Secretary
12 of the State Election Board.

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

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

21 C. A filing fee received by the Secretary of the State Election
22 Board shall be deposited in the State Election Board Revolving Fund
23 created pursuant to Section 3-107 of this title. A filing fee
24 received by a secretary of a county election board shall be

1 deposited in the County Election Board Special Depository Account
2 authorized by Section 3-108 of this title.

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

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