Rule 2.48. Candidate Committee Surplus Funds.

A. Surplus funds of a candidate committee are those funds not otherwise obligated following the election at which the office for which the candidate committee was formed has been determined as to that candidate, which, in the candidate’s discretion, are not required to be used for campaign expenses or officeholder expenses. Any candidate committee meeting the requirements of subsections (C) and (D) shall only expend surplus funds as provided in those subsections. All other such surplus funds may be:

(1) Transferred in any amount for use in a future campaign of the candidate for the next succeeding term for the same office;
(2) Retained for a future campaign of the candidate for a different state elective office, excluding a judicial office;
(3) Donated to a charitable organization as described in Section 501(c)(3) of Title 26 of the United States Code as it currently exists or as it may be amended;
(4) Returned to any contributor, as long as the amount returned does not exceed the contributor’s aggregate contribution during the immediately preceding primary, runoff primary and general elections; or
(5) Contributed to a political party committee in any amount not to exceed Twenty-five Thousand Dollars ($25,000.00) in the aggregate;
(6) Used to purchase item(s) for donation to a charitable organization as described in Section 501(c)(3) of Title 26 of the United States Code as it currently exists or as it may be amended; provided:

a) the donated item(s) are sold by the charitable organization for fundraising purposes;

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

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

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

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

B. Any surplus funds remaining in the candidate committee’s possession within ninety (90) days after the expiration of the term to which the candidate was elected shall be deposited in
the general revenue fund of the state. For candidates who were not elected, any surplus funds remaining in the candidate committee’s possession within ninety (90) days after the second year following the general election, or one-hundred eighty (180) days after the special general election, whichever is earlier shall be deposited in the general revenue fund of the state.

C. A candidate committee of a candidate holding office subject to election or retention and whose office becomes vacant due to resignation, expulsion, impeachment or other removal from office, shall expend surplus funds to the State Election Board in an amount sufficient to offset the costs of a special election to fill such office. Any surplus funds which exceed the costs of such special election shall be deposited in the general revenue fund of the state. For purposes of this subsection, an amount equal to funds received by a candidate committee pursuant to subsection (A)(1) or (A)(2) of this Rule shall be considered surplus funds regardless of whether the office for which the committee was formed has been decided. This subsection shall not apply to an office vacated due to the death of the candidate.

D. A candidate committee of a candidate who does not file a declaration of candidacy with the state election board for an election during the year for which the committee was formed, and
is not subject to subsection (C), shall be limited to use of committee funds as follows:

1. for contributions received for the election for which the committee was formed, those contributions are restricted to items (A)(4) and (A)(5) above;

2. for a candidate committee that received funds through a transfer as provided in (A)(1) or (A)(2) above, the committee may transfer an amount equal to the amount originally transferred to another committee as provided for in (A)(1) or (A)(2);

3. for a committee that received a loan from the candidate or financial institution, the committee may make payments towards the loan.

4. Any funds remaining in the candidate committee’s account ninety (90) days after the last day of the declaration of candidacy filing period applicable to the election for which the committee was formed shall be deposited in the General Revenue Fund of Oklahoma.