

### Restrictions for County Officials running for re-election

Situation	Declaration of Surplus Property by BOCC	Expenditures	Entering into new contracts
Non election year or no officials running for re-election	No special restriction	Restricted to the amount appropriated	No special restriction
Incumbent files for re-election and draws no opponent  19 O.S. § 421.2(C)	Restriction lifted after the filing period expires		
Only one county commissioner up for re-election	Two commissioners not up for re-election may vote to declare county owned property as surplus.  <i>*note: OSAI recommends the BOCC refrain from declaring surplus property for any elected official up for re-election beginning 30 days prior to filing and ending when it is determined the incumbent will succeed himself/herself in office or when a new official takes oath of office.</i>		
Two county commissioners up for re-election  19 O.S. § 421.2(B)	BOCC may not vote to declare county owned property as surplus beginning 30 days prior to filing and ending when the new term begins or when it is determined that the incumbent will succeed himself/herself in office.		
If it becomes impossible for the incumbent to serve another term  19 O.S. § 333 (B)	Prohibited	Limited to expending not more than 50% of general fund appropriations and 50% of the cash fund balance July 1st of the last six months of his or her term. <i>Exception applies only if approved in writing by Excise Board.</i> 19 O.S. § 347 (C)  <i>Note: the above excludes the County Treasurer because the term is the same as the fiscal year.</i>  Limited to normal and routine operating expenditures, shall not acquire new equipment/machinery. 19 O.S. § 333 B	Prohibited
Elected official running for re-election	Prohibited	Remain cognizant of the above restriction because if it should become impossible to serve another term, the above restrictions apply.	

Statutes Related to County Officers with Terms Ending

Statute	Language	Notes
<b>19 O.S. § 333 B</b>	Any county commissioner who fails to file for re-election or is <b>defeated</b> in any primary or general election - or by any other manner <b>it becomes impossible for the commissioner to serve another term in office</b> , shall not acquire, purchase, contract for or dispose of any machinery or equipment, or expend or approve for expenditure any monies for any purpose other than normal or routine operating expenditures except as provided in this section. It shall be the mandatory duty of the commissioner to execute payment and to pay all outstanding obligations of the county incurred by the commissioner, or on behalf of the commissioner by the board of county commissioners, prior to the expiration of the term of office of the commissioner. However, in the case of lease-purchase contracts, rental, lease or other payments extending beyond the term of office of the commissioner it shall be the mandatory duty of the commissioner to execute and to make such payments current as of the date of the expiration of the term of office of the commissioner. The commissioner shall be liable both personally and on the official bond of the commissioner for any violation of the mandatory duties herein imposed.	
<b>19 O.S. § 347 D</b>	It shall also be unlawful for a county officer who will not immediately serve a succeeding term to make any changes or alterations in the licensing or source code of computer software currently being used.	
<b>19 O.S. § 347 C</b>	Whenever a county officer holding an elective office <b>will not immediately succeed himself</b> in said office, it shall be unlawful for the board of county commissioners, <b>during the first six months of the fiscal year in which said term of office expires</b> , to approve claims for the operation of said office totaling in excess of one-half the amount allocated for the operation of said office during said fiscal year, unless approval in writing is obtained from the county excise board, and any claim in excess thereof and any warrant issued pursuant thereto shall be null and void.	During an officer turnover audit, the auditor will verify that at least 50% of the cash fund carryover as of July 1st remains and 50% of the general fund appropriations remain.
<b>19 O.S. § 421.2</b>	<b>B.</b> Except as otherwise provided in this section, the board of county commissioners shall not deem any property to be surplus during the period when the elections of any two county commissioners occur at the same time. The prohibition of declaring county property or material surplus shall:	Note: Also see AG 2014-9
	1. Begin thirty (30) days before the filing period for the elections of any two or more county commissioners in a county; and	
	2. End the day after two or more county commissioners are sworn in as such.	
	<b>C.</b> If two or more incumbents draw no opponents or if two or more incumbent county commissioners both win reelection, either at the primary, special, or general election, the prohibition of declaring county property or material surplus until the swearing in of county officials shall be removed and the county may dispose of surplus property as provided in subsection A of this section.	
	For terms of County Elected Officials please refer to <b>19 O.S. § 131</b>	
	For guidance on use of public funds, property, time and personnel - please refer to <b>74 O.S. § 257:10-1-3</b>	