

ENGROSSED SENATE
BILL NO. 165

BY: DICKERSON and COLE of the
SENATE

and

STEIDLEY of the HOUSE

AN ACT RELATING TO STATE GOVERNMENT; AMENDING SECTION
38, CHAPTER 338, O.S.L. 1982, AS LAST AMENDED BY
SECTION 1, CHAPTER 219, O.S.L. 1987 (74 O.S. SUPP.
1990, SECTION 4242), WHICH RELATES TO PROHIBITED
POLITICAL ACTS BY CERTAIN STATE EMPLOYEES;
RESTORING CERTAIN PROHIBITED POLITICAL ACTS TO
CLASSIFIED STATE EMPLOYEES; PROHIBITING CERTAIN
RETALIATION BY PUBLIC EMPLOYEES OR OFFICIALS; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 38, Chapter 338, O.S.L.
1982, as last amended by Section 1, Chapter 219, O.S.L. 1987 (74
O.S. Supp. 1990, Section 4242), is amended to read as follows:

Section 4242. A. No classified employee shall:

1. Use his official authority or influence for the purpose of
interfering with an election to or a nomination for office, or
affecting the result thereof;

2. Wear a campaign button, hat or badge during the hours that
the employee is officially in work status for an agency; or

3. Become a candidate for an elective public office in a partisan election;

~~4. Serve as an officer of a political party at the national, state or local level;~~

~~5. Directly or indirectly solicit contributions or other funds for a partisan political candidate or party;~~

~~6. Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose; or~~

~~7. Organize, sell tickets to promote or actively participate in a fund-raising activity of a candidate in a partisan election or of a political party.~~

B. In addition to those prohibitions specified in subsection A of this section, no classified employee of the Oklahoma State Bureau of Investigation or the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who has the power of a peace officer shall:

1. Serve as an officer of a political party at the national, state or local level;

2. Organize or reorganize a political party organization;

3. Solicit votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;

4. Act as a watcher at the polls in behalf of a political party or a candidate in a partisan election;

5. Drive voters to the polls on behalf of a political party or a candidate in a partisan election;

6. Endorse or oppose a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, broadcast, campaign, literature or similar material;

7. Serve as a delegate, alternate or proxy to a political party convention;

8. Address a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office;

9. Initiate or circulate a partisan nominating petition; or

10. Take any active part in political organization management.

C. A classified employee shall retain the right to:

1. Register and vote in any election;

2. Express his opinion as an individual privately and publicly on political subjects and candidates;

3. Display a political picture, sticker, badge or button;

4. Participate in the activities of a civic, community, social, labor or professional organization or of a similar organization;

5. Be a member of a political party or other political organization and participate in its activities consistent with subsections A and B of this section;

6. Serve as an officer of a political party at the national, state or local level;

7. Directly or indirectly solicit contributions or other funds for a partisan political candidate or party;

8. Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose;

9. Organize, sell tickets to promote or actively participate in a fund-raising activity of a candidate in a partisan election or of a political party;

10. Attend a political convention, rally, fund-raising function or other political gathering;

~~7.~~ 11. Sign a political petition as an individual;

~~8.~~ 12. Make a voluntary financial contribution to a candidate, political party or organization;

~~9.~~ 13. Be politically active in connection with a question such as an amendment to the State Constitution, referendum, approval of a

municipal ordinance or any other question or issue of a similar character;

~~10.~~ 14. Serve as an election judge or clerk, or in a similar position to perform duties as prescribed by state or local law; and

~~11.~~ 15. Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency or integrity of his administration of state functions.

D. Subsection C of this section shall not authorize a classified employee to engage in political activity, while on duty, or while in a uniform that identifies him as a state employee. Nor shall a classified state employee be permitted to engage in political activities in the assigned work areas of a state agency in a manner that would conflict with the efficient performance of agency operations.

E. No ~~state~~ public employee or ~~elected~~ public official shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, ~~his~~ time, ~~his~~ effort or anything else of value to any party, committee, organization, agency or person for political purposes. No public employee or official shall retaliate against any employee for exercising his or her rights as provided in this section, or for not participating in permitted political activities.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 6th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of
_____, 1991.

Speaker of the House of
Representatives