

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2756

By: Boyd (Laura)

AS INTRODUCED

An Act relating to state government; prohibiting certain activities relating to election campaigns; providing penalties; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4261 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. A person shall not use or authorize the use of public funds, property, or time to participate or assist in the organization of or preparation for a fundraiser for a campaign or in any solicitation of funds for or against a candidate for state office or a ballot measure.

B. A person shall not use or authorize the use of public funds, property, or time to produce, print, publish, broadcast, or otherwise disseminate material designed or timed to influence the results of an election for state office or a ballot measure, except political activities or statements inherent to or part of the function of a candidate or an elective officer or in the performance

of a state officer's or state employee's duties or as allowed by law, regardless of the lack of specific reference to the election.

C. Subsections A and B of this section shall not prevent:

1. Use of a meeting room, auditorium or similar space in a public facility, provided that:
 - a. if a fee is normally charged for use of the facility, the fee is the same for all candidates for state office, political parties or ballot measure committees for such use,
 - b. the facility is not required for public purposes during the applicable time period,
 - c. the same opportunity for use of the facility is given to all candidates for a particular office who request its use on a first-come-first-serve basis,
 - d. the same opportunity for use of the facility is given to all political parties which request its use on a first-come-first-serve basis, and
 - e. the same opportunity for use of the facility is given to all ballot measure committees which request its use on a first-come-first-serve basis;
2. Incidental use of public building sidewalks, common grounds, parking lots and areas within public buildings;
3. The handing out of leaflets, brochures, or partisan or nonpartisan campaign materials on sidewalks, common grounds, or parking lots and within public buildings which are not used for the conduct of state government business; or
4. Any other activity the exercise of which is guaranteed by the Oklahoma Constitution or the United States Constitution.

D. A person shall not authorize the use of state officers or state employees for the purposes set forth in subsections A and B of this section while in a uniform that identifies him or her as a state officer or state employee or during the hours that the state

officer or state employee is officially in work status for a governmental entity.

E. A person shall not print or distribute or cause to be printed or distributed, at public expense, a newsletter or other mass mailing of promotional material on behalf of an elective officer from the day the officer files a declaration of candidacy through the date of the election for the office.

F. A person shall not solicit, verbally or in writing, in a facility ordinarily used for the conduct of state government business, a contribution from a state employee.

G. A person shall not distribute or post, or cause to be distributed or posted, in a facility ordinarily used for the conduct of state government business, a communication designed to influence the outcome of an election for state office or a ballot measure.

H. This section, except for subsection E of this section, does not apply to:

1. Activities that are part of the ordinary conduct of the governmental entity; and

2. Nonpartisan voter registration activities.

I. Any conviction for a knowing and willful violation of a provision of this section shall be a Schedule F felony. Any other conviction for a violation of a provision of this section shall be a misdemeanor.

SECTION 2. This act shall become effective July 1, 1998.

SECTION 3. 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.

46-2-7940

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