

SB 212

THE STATE SENATE  
Thursday, February 13, 2003

Senate Bill No. 212  
As Amended

SENATE BILL NO. 212 - By: MONSON of the Senate and SWEEDEN of the House.

[ state employees - prohibited political activity - providing certain exception - setting maximum period for certain leave of absence without pay - effective date ]

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

SECTION 1. AMENDATORY Rule 257:10-1-4 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), is amended to read as follows:

Section 257:10-1-4. (a) Classified employees. 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)~~ (1) become a candidate for an elective office in a partisan election;

~~(3)~~ (2) directly or indirectly solicit contributions or other funds for a partisan political candidate or party committee;

~~(4)~~ (3) directly or indirectly solicit, accept, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose; or

1       ~~(5)~~ (4) organize, sell tickets to, promote or actively  
2 participate in a fundraising activity of a candidate in a partisan  
3 election or of a party committee.

4       (b) O.S.B.I. and O.S.B.N.D.D.C. classified employees. In  
5 addition to those prohibitions specified in Subsection (a) of this  
6 section, no classified employee of the Oklahoma State Bureau of  
7 Investigation or the Oklahoma State Bureau of Narcotics and  
8 Dangerous Drugs Control who has the power of a peace officer shall:

9       (1) serve as an officer of a party committee at the national,  
10 state or local level;

11       (2) organize or reorganize a party committee;

12       (3) solicit votes in support of or in opposition to a candidate  
13 for state office in a partisan election or a candidate for party  
14 committee office;

15       (4) act as a watcher at the polls in behalf of a party  
16 committee or a candidate in a partisan election;

17       (5) drive voters to the polls on behalf of a party committee or  
18 a candidate in a partisan election;

19       (6) endorse or oppose a candidate for state office in a  
20 partisan election or a candidate for party committee office in a  
21 political advertisement, broadcast, campaign, literature or similar  
22 material;

1           (7)   serve as a delegate, alternate or proxy to a party  
2 committee convention;

3           (8)   address a convention, caucus, rally or similar gathering of  
4 a party committee in support of or in opposition to a partisan  
5 candidate for state office or party committee office;

6           (9)   initiate or circulate a partisan nominating petition; or  
7           (10)  take any active part in political organization management.

8           (c)   Retained rights. Except as otherwise prohibited in  
9 Subsection (b), a classified employee shall retain the right to:

10          (1)   register and vote in any election;

11          (2)   express his opinion as an individual privately and publicly  
12 on political subjects and candidates;

13          (3)   display a political picture, sticker, badge or button;

14          (4)   serve as an officer of a party committee at the national,  
15 state or local level;

16          (5)   participate in the activities of a civic, community,  
17 social, labor or professional organization or of a similar  
18 organization;

19          (6)   be a member of a party committee or other political action  
20 committee and participate in its activities consistent with  
21 Subsections (a) and (b) of this section;

22          (7)   attend a political convention, rally, fundraising function  
23 or other political gathering;

1 (8) sign a political petition as an individual;  
2 (9) make a voluntary financial contribution to a committee;  
3 (10) be politically active in connection with a question, such  
4 as an amendment to the State Constitution, referendum, approval of a  
5 municipal ordinance or any other question or issue of a similar  
6 character;

7 (11) serve as an election judge or clerk, or in a similar  
8 position to perform duties as prescribed by state or local law; and

9 (12) otherwise participate fully in public affairs, except as  
10 prohibited by law, in a manner which does not materially compromise  
11 the neutrality, efficiency or integrity of his administration of  
12 state functions.

13 (d) During work status. Subsection (c) of this section shall  
14 not authorize a classified employee to engage in political activity,  
15 while on duty, or while in a uniform that identifies him as a state  
16 employee. Nor shall a classified state employee be permitted to  
17 engage in political activities in the assigned work areas of a state  
18 agency.

19 (e) Unclassified or classified state employees. No  
20 unclassified or classified state employee, with the exception of  
21 elective officers, shall wear a campaign button, hat, badge or other  
22 campaign paraphernalia during the hours that the employee is  
23 officially in work status for a governmental entity.

1        (f) Notwithstanding any other provision of law to the contrary,  
2 a classified or unclassified employee's appointing authority shall  
3 grant a request by such employee to take no more than a six-month  
4 leave of absence without pay to become a candidate for an elective  
5 office in a partisan election. The appointing authority shall allow  
6 the employee to take as much of such six (6) months leave of absence  
7 as such employee requests and shall not cancel the leave of absence  
8 during the period of requested leave.

9        SECTION 2. This act shall become effective November 1, 2003.

10        COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-10-03  
11        - DO PASS, As Amended and Coauthored.