

SB 868

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THE STATE SENATE
Thursday, February 19, 2004

Senate Bill No. 868

As Amended

SENATE BILL NO. 868 - By: CORN of the Senate and PAULK of the House.

[state employees - 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) become a candidate for an elective office in a partisan
election, except as otherwise provided in subsection (f) of this
section;

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

(4) directly or indirectly solicit, accept, collect, handle,
disburse or account for assessments, contributions or other funds

1 for a partisan political purpose, except as otherwise provided in
2 subsection (f) of this section; or

3 (5) organize, sell tickets to, promote or actively participate
4 in a fundraising activity of a candidate in a partisan election or
5 of a party committee, except as otherwise provided in subsection (f)
6 of this section.

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

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

14 (2) organize or reorganize a party committee;

15 (3) solicit votes in support of or in opposition to a candidate
16 for state office in a partisan election or a candidate for party
17 committee office;

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

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

22 (6) endorse or oppose a candidate for state office in a
23 partisan election or a candidate for party committee office in a

1 political advertisement, broadcast, campaign, literature or similar
2 material;

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

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

8 (9) initiate or circulate a partisan nominating petition; or

9 (10) take any active part in political organization management.

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

12 (1) register and vote in any election;

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

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

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

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

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

1 (7) attend a political convention, rally, fundraising function
2 or other political gathering;

3 (8) sign a political petition as an individual;

4 (9) make a voluntary financial contribution to a committee;

5 (10) be politically active in connection with a question, such
6 as an amendment to the State Constitution, referendum, approval of a
7 municipal ordinance or any other question or issue of a similar
8 character;

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

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

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

21 (e) Unclassified or classified state employees. No
22 unclassified or classified state employee, with the exception of
23 elective officers, shall wear a campaign button, hat, badge or other

1 campaign paraphernalia during the hours that the employee is
2 officially in work status for a governmental entity.

3 (f) Notwithstanding any other provision of law to the contrary,
4 a classified or unclassified employee's appointing authority may
5 grant a request by such employee to take no more than a six-month
6 leave of absence without pay to become a candidate for an elective
7 office in a partisan election, during which time the employee may
8 directly or indirectly solicit contributions or other funds solely
9 for that employee's own partisan political candidacy. The
10 appointing authority may allow the employee to take as much of such
11 six (6) months leave of absence as such employee requests and, if
12 allowed, shall not cancel the leave of absence during the period of
13 requested leave.

14 SECTION 2. This act shall become effective November 1, 2004.

15 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-16-04
16 - DO PASS, As Amended and Coauthored.