ENGROSSED HOUSE
BILL NO. 1603

By: Wesselhoft of the House

and

Leftwich of the Senate

An Act relating to state employees; amending Rule 257:10-1-4 of the Rules of the Ethics Commission (74 O.S. 2001, Ch. 62, App.), which relates to political activity by state employees; allowing certain employees to become candidates for office; specifying procedures relating to employees becoming candidates; requiring employees to make certain request; providing procedure for determining whether the employee is eligible to become a candidate; and providing an 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:

Rule 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;

(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 for a partisan political purpose; or

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

(b) O.S.B.I. and O.S.B.N.D.D.C. classified employees. 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 party committee at the national, state or local level;

(2) organize or reorganize a party committee;

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

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

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

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

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

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

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

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

(c) Retained rights. Except as otherwise prohibited in Subsection (b), 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) serve as an officer of a party committee at the national, state or local level;

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

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

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

(8) sign a political petition as an individual;

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

(10) 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;

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

(12) 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) During work status. 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.

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

(f) Candidacy for office. Notwithstanding any other provisions of law to the contrary, an unclassified employee may become a candidate for an elective office in a partisan election, during which time the employee may directly or indirectly solicit contributions or other funds solely for the partisan political candidacy of that employee, unless federal law precludes the state employee from becoming a candidate. No later than one hundred twenty (120) days prior to the first day for filing a declaration of candidacy, the employee shall contact the appropriate federal authority to determine whether the candidacy would violate federal law. The determination may be obtained from the Office of Special Counsel, Hatch Act Unit. If no prohibition exists, the unclassified employee may become a candidate for partisan political office.

SECTION 2. This act shall become effective November 1, 2005.

Passed the House of Representatives the 16th day of March, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2005.

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Presiding Officer of the Senate