ENGROSSED SENATE
BILL NO. 702

By: Rabon and Lerblance of the Senate

and

Terrill of the House

An Act relating to crimes and punishments; prohibiting participating in the preparation, dissemination, or broadcast of certain material; prohibiting making of certain claims of support or endorsement; defining terms; providing penalty; providing for codification; and providing an effective date.

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 188 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to intentionally participate in the preparation, dissemination, or broadcast of paid political advertising, campaign material, or a letter to a newspaper editor, that is false, and that such person knows is false or communicates to others with reckless disregard of whether it is false, if such advertising or material:

1. Relates to the personal or political character, voting record, or acts of a candidate, or relates to the effect of a ballot measure; and

2. Is designed or intended to elect, injure, promote, or defeat a candidate or to promote or defeat a ballot measure.

The provisions of this subsection shall not apply to any person or organization whose sole act is, in the normal course of business, the printing, manufacturing, or dissemination of the false advertising or material.

B. It shall be unlawful for any person to knowingly make, directly or indirectly, a false claim stating or implying that a

candidate or ballot measure has the support or endorsement of a party committee, or to state in written campaign material that a candidate or ballot measure has the support or endorsement of an individual or committee without first getting written permission from the individual or committee to do so.

C. As used in this section:

1. The terms “ballot measure”, “candidate”, “committee”, “party committee”, and “person” shall have the same meaning as such terms are assigned pursuant to the provisions of Section 187 of Title 21 of the Oklahoma Statutes; and

2. “Campaign material” means any literature, publication, or material tending to influence voting at an election, except for news items or editorial comments by the news media.

D. Any person who knowingly and willfully violates any provision of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

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

Passed the Senate the 16th day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives