

3 Senate Bill No. 3
4 As Amended

5 SENATE BILL NO. 3 - By: SHURDEN of the Senate and TURNER of the
6 House.

7 An Act relating to the Oklahoma Ethics Commission; amending
8 Rule 257:10-1-3 of the Rules of the Ethics Commission (74
9 O.S. 2001, Ch. 62, App.), which relates to prohibited acts;
10 prohibiting production, printing, publication, broadcast, or
11 other dissemination of certain inaccurate information;
12 providing penalties; providing that certain actions be prima
13 facie evidence of willful violation; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY Rule 257:10-1-3 of the Rules of
17 the Ethics Commission (74 O.S. 2001, Ch. 62, App.), is amended to
18 read as follows:

19 Rule 257:10-1-3. ~~Use of public funds, property, time, and~~
20 ~~personnel to influence elections~~ Prohibited acts.

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

26 (b) A person shall not use or authorize the use of public
27 funds, property, or time to produce, print, publish, broadcast, or

1 otherwise disseminate material designed or timed to influence the
2 results of an election for state office or a ballot measure, except
3 political activities or statements inherent to or part of the
4 function of a candidate or an elective officer or in the performance
5 of a state officer's or state employee's duties or as allowed by
6 law, regardless of the lack of specific reference to the election.

7 (c) Subsections (a) and (b) shall not prevent:

8 (1) use of a meeting room, auditorium or similar space in a
9 public facility, provided that:

10 (A) if a fee is normally charged for use of the facility,
11 the fee is the same for all candidates for state
12 office, political parties or ballot measure committees
13 for such use;

14 (B) the facility is not required for public purposes
15 during the applicable time period;

16 (C) the same opportunity for use of the facility is given
17 to all candidates for a particular office who request
18 its use on a first-come-first-serve basis;

19 (D) the same opportunity for use of the facility is given
20 to all political parties which request its use on a
21 first-come-first-serve basis; and

1 (E) the same opportunity for use of the facility is given
2 to all ballot measure committees which request its use
3 on a first-come-first-serve basis;

4 (2) incidental use of public building sidewalks, common
5 grounds, parking lots and areas within public buildings;

6 (3) the handing out of leaflets, brochures, or partisan or
7 nonpartisan campaign materials on sidewalks, common grounds, or
8 parking lots and within public buildings which are not used for the
9 conduct of state government business; or

10 (4) any other activity the exercise of which is guaranteed by
11 the Oklahoma Constitution or the United States Constitution.

12 (d) A person shall not authorize the use of state officers or
13 state employees for the purposes set forth in Subsections (a) and
14 (b) while in a uniform that identifies him or her as a state officer
15 or state employee or during the hours that the state officer or
16 state employee is officially in work status for a governmental
17 entity.

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

1 (f) A person shall not solicit, verbally or in writing, in a
2 facility ordinarily used for the conduct of state government
3 business, a contribution from a state employee.

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

8 (h) This section, except for Subsection (e), does not apply to:

9 (1) activities that are part of the ordinary conduct of the
10 governmental entity; and

11 (2) nonpartisan voter registration activities.

12 (i) A candidate or a candidate's committee shall not produce,
13 print, publish, broadcast, or otherwise disseminate, or cause to be
14 produced, printed, published, broadcast, or otherwise disseminated,
15 material containing information related to the voting record of a
16 candidate for state office unless such information is accurate. The
17 information as posted on the official Oklahoma State Senate,
18 Oklahoma House of Representatives or Oklahoma Legislative Service
19 Bureau web site or in the Official Journal of the Oklahoma State
20 Senate or the Oklahoma House of Representatives shall be deemed as
21 accurate. A willful violation of the provisions of this subsection
22 shall be punishable as provided in subparagraph (A) of paragraph (2)
23 of Ethics Commission Rule 257:1-1-11. Continued production,

1 printing, publication, broadcast, or other dissemination of such
2 material **by a candidate or a candidate's committee** after written
3 notification from a candidate that information related to a
4 candidate's voting record contained in such material is inaccurate
5 shall be prima facie evidence of a willful violation of the
6 provisions of this subsection if such information is subsequently
7 deemed to be inaccurate.

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

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-05 - DO
10 PASS, As Amended and Coauthored.