STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 3059 By: Lindley

AS INTRODUCED

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

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

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

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

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

(b) A person shall not use or authorize the use of public funds, property, or time to produce, print, publish, broadcast, or otherwise disseminate material designed or timed to influence the results of an election for state office or a ballot measure, except political activities or statements inherent to or part of the function of a candidate or an elective officer or in the performance of a state officer's or state employee's duties or as allowed by law, regardless of the lack of specific reference to the election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) nonpartisan voter registration activities.

(i) A candidate or a candidate committee shall not produce, print, publish, broadcast, or otherwise disseminate, or cause to be produced, printed, published, broadcast, or otherwise disseminated, material containing information related to the voting record of a candidate for state office unless such information is accurate. The information as posted on the official Oklahoma State Senate, Oklahoma House of Representatives or Oklahoma Legislative Service Bureau web site or in the Official Journal of the Oklahoma State Senate or the Oklahoma House of Representatives shall be deemed as accurate. A willful violation of the provisions of this subsection shall be punishable as provided in Subparagraph (A) of Paragraph (2) of Subsection (a) of Ethics Commission Rule 257:1-1-11. Continued production, printing, publication, broadcast, or other dissemination of such material by a candidate or a candidate committee after written notification from a candidate that information related to a candidate's voting record contained in such material is inaccurate

shall be prima facie evidence of a willful violation of the provisions of this subsection if such information is subsequently deemed to be inaccurate.

SECTION 2. This act shall become effective November 1, 2006.

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