

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 7

By: Wilson

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5  
6 AS INTRODUCED

7 An Act relating to false political advertising;  
8 prohibiting participating in the preparation,  
9 dissemination, or broadcast of certain material;  
10 prohibiting making of certain claims of support or  
endorsement; defining terms; providing penalty;  
providing for codification; and providing an  
effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 188 of Title 21, unless there is  
16 created a duplication in numbering, reads as follows:

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

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

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

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

10 B. It shall be unlawful for any person to knowingly make,  
11 directly or indirectly, a false claim stating or implying that a  
12 candidate or ballot measure has the support or endorsement of a  
13 party committee, or to state in written campaign material that a  
14 candidate or ballot measure has the support or endorsement of an  
15 individual or committee without first getting written permission  
16 from the individual or committee to do so.

17 C. As used in this section:

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

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

1 D. Any person who knowingly and willfully violates any  
2 provision of this section, upon conviction, shall be guilty of a  
3 misdemeanor punishable by a fine of Five Thousand Dollars  
4 (\$5,000.00), or by imprisonment in the county jail for up to one (1)  
5 year, or by both such fine and imprisonment.

6 SECTION 2. This act shall become effective November 1, 2011.

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