

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1238

By: Condit

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6 AS INTRODUCED

7 An Act relating to state employees; amending Rule  
8 257:10-1-4 of the Rules of the Ethics Commission (74  
9 O.S. 2011, Ch. 62, App.), which relates to political  
10 activity by state employees; allowing certain  
11 employees to become candidates for office; specifying  
12 procedures relating to employees becoming candidates;  
13 requiring employees to make certain request;  
14 providing procedure for determining whether the  
15 employee is eligible to become a candidate; and  
16 providing an effective date.

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

18 SECTION 1. AMENDATORY Rule 257:10-1-4 of the Rules of  
19 the Ethics Commission (74 O.S. 2011, Ch. 62, App.), is amended to  
20 read as follows:

21 Rule 257:10-1-4. (a) Classified employees. No classified  
22 employee shall:

23 (1) use ~~his~~ official authority or influence for the purpose of  
24 interfering with an election to or a nomination for office, or  
affecting the result thereof;

1 (2) become a candidate for an elective office in a partisan  
2 election;

3 (3) directly or indirectly solicit contributions or other funds  
4 for a partisan political candidate or party committee;

5 (4) directly or indirectly solicit, accept, collect, handle,  
6 disburse or account for assessments, contributions or other funds  
7 for a partisan political purpose; or

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

11 (b) O.S.B.I. and O.S.B.N.D.D.C. classified employees. In  
12 addition to those prohibitions specified in Subsection (a) of this  
13 section, no classified employee of the Oklahoma State Bureau of  
14 Investigation or the Oklahoma State Bureau of Narcotics and  
15 Dangerous Drugs Control who has the power of a peace officer shall:

16 (1) serve as an officer of a party committee at the national,  
17 state or local level;

18 (2) organize or reorganize a party committee;

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

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

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

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

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

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

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

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

14 (c) Retained rights. Except as otherwise prohibited in  
15 Subsection (b), a classified employee shall retain the right to:

16 (1) register and vote in any election;

17 (2) express ~~his~~ an opinion as an individual privately and  
18 publicly on political subjects and candidates;

19 (3) display a political picture, sticker, badge or button;

20 (4) serve as an officer of a party committee at the national,  
21 state or local level;

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

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

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

6 (8) sign a political petition as an individual;

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

8 (10) be politically active in connection with a question, such  
9 as an amendment to the State Constitution, referendum, approval of a  
10 municipal ordinance or any other question or issue of a similar  
11 character;

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

14 (12) otherwise participate fully in public affairs, except as  
15 prohibited by law, in a manner which does not materially compromise  
16 the neutrality, efficiency or integrity of ~~his~~ administration of  
17 state functions.

18 (d) During work status. Subsection (c) of this section shall  
19 not authorize a classified employee to engage in political activity,  
20 while on duty, or while in a uniform that identifies ~~him~~ the  
21 employee as a state employee. Nor shall a classified state employee  
22 be permitted to engage in political activities in the assigned work  
23 areas of a state agency.

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

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

18 SECTION 2. This act shall become effective November 1, 2013.

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20 54-1-5304 LRB 01/03/13  
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