

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3827

By: McCall

COMMITTEE SUBSTITUTE

An Act relating to state government; amending Ethics Rule 2.2 of the Rules of the Ethics Commission (74 O.S. Supp. 2019, Chapter 62, App. 1), which relates to campaign finance; modifying definition; and providing an effective date.

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

SECTION 1. AMENDATORY Rule 2.2 of the Rules of the Ethics Commission (74 O.S. Supp. 2019, Chapter 62, App. 1), is amended to read as follows:

Rule 2.2. Definitions.

As used in Rule 2:

1. "Campaign" means all activities for or against the election of a candidate for elective state office or for or against a state question;

2. "Candidate" means an individual who has filed or should have filed a statement of organization for a candidate committee for state office with the Commission as required by these Rules. A

1 candidate committee shall include committees for candidates for
2 partisan elective offices, for nonpartisan judicial offices and for
3 judicial retention offices;

4 3. "Candidate committee" means the only committee authorized by
5 a candidate to accept contributions or make expenditures on behalf
6 of the candidate's campaign, including the campaign of a judicial
7 retention candidate;

8 4. "Clearly identified candidate" means a candidate whose name,
9 nickname, photograph or drawing appears, or whose identity is
10 otherwise apparent by unambiguous reference;

11 5. "Commission" means the Oklahoma Ethics Commission;

12 6. "Contribution" means any gift, subscription, loan, guarantee
13 or forgiveness of a loan, conveyance, advance, payment, distribution
14 or deposit of money made to, or anything of value given to, or an
15 expenditure other than an independent expenditure made on behalf of,
16 a political party, political action committee or candidate
17 committee, but shall not include the value of services provided
18 without compensation by an individual who volunteers those services;

19 7. "Electioneering communication" means any communication or
20 series of communications that is sent by Internet advertising,
21 direct mail, broadcast by radio, television, cable or satellite, or
22 appears in a newspaper or magazine that (a) refers to a clearly
23 identified candidate for state office, (b) is made within sixty (60)
24 days before a general election (including a special general

1 election) or thirty (30) days before a primary or runoff primary
2 election (including a special primary or runoff primary election)
3 for the office sought by the candidate, (c) that is targeted to the
4 relevant electorate and (d) does not explicitly advocate the
5 election or defeat of any candidate. "Relevant electorate" shall
6 mean twenty-five thousand (25,000) or more persons in the State of
7 Oklahoma in the case of a candidate for statewide elective office,
8 two thousand five hundred (2,500) or more persons in the district
9 the candidate seeks to represent in the case of a candidate for the
10 Oklahoma State House of Representatives or judge of the District
11 Court, and five thousand (5,000) or more persons in the district the
12 candidate seeks to represent in the case of all other elective state
13 offices;

14 8. "Expenditure" means a purchase, payment, distribution, loan,
15 advance, compensation, reimbursement, fee, deposit or gift made by a
16 political party, political action committee, candidate committee or
17 other individual or entity that is used to expressly advocate the
18 election, retention or defeat of one or more clearly identified
19 candidates or for or against one or more state questions;

20 9. "Family member" shall include spouse, children (including
21 stepchildren), mother, father, sister or brother;

22 10. "Independent expenditure" means an expenditure made by a
23 person for a communication expressly advocating the election or
24 defeat of a clearly identified candidate or a vote for or against

1 the retention of a judicial retention candidate that is not made in
2 coordination with, cooperation with, consultation with, or concert
3 with, or at the request or suggestion of, a candidate, a candidate
4 committee, or their agents, or a political party committee or its
5 agents. An independent expenditure shall not include the display of
6 a noncommercial yard sign, lapel pin, button, bumper sticker or
7 similar de minimis display of support or opposition to a political
8 party or a candidate;

9 11. "Independent judicial retention committee" means a
10 political action committee organized exclusively for the purpose of
11 making independent expenditures or electioneering communications
12 supporting or opposing the retention of a candidate for judicial
13 retention;

14 12. "Labor union" means an organization of workers formed for
15 the purpose of advancing its members' interests in respect to wages,
16 benefits and working conditions;

17 13. "Limited committee" means a political action committee
18 organized to make contributions to candidates. A limited committee
19 may make independent expenditures or electioneering communications,
20 but may not accept contributions in excess of the limits prescribed
21 for limited committees;

22 14. "Officeholder expenses" means ordinary and necessary
23 expenses incurred in connection with a candidate's duties as the
24 holder of a state elective office, provided that the expenses are

1 not otherwise reimbursed or paid for by the state. "Ordinary and
2 necessary expenses" are those that would not exist but for the fact
3 that the candidate was elected to and holds a state elective office;

4 15. "Political action committee" means a limited or unlimited
5 committee that has filed or should have filed a statement of
6 organization with the Commission as required by these Rules;

7 16. "Political party" means a political party recognized under
8 laws of this state;

9 17. "Political party committee" means a committee authorized by
10 the political party to accept contributions or make expenditures on
11 behalf of the political party. A political party committee may
12 include a state committee, a Congressional District committee, a
13 county committee, a precinct committee or any other committee or
14 entity of the party officially recognized in the party's bylaws or
15 similar governing document;

16 18. "State question communication" means an expenditure made by
17 a person for a communication or series of communications that is
18 sent by internet advertising, direct mail, broadcast by radio
19 television, cable or satellite, or appears in a newspaper, magazine,
20 or other printed medium supporting or opposing a state question that
21 is made within sixty (60) days before the election deciding the
22 state question. A state question communication shall not include the
23 display of a noncommercial yard sign, lapel pin, button, bumper
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1 sticker or similar de minimis display of support or opposition to a
2 state question;

3 19. "State question" means an initiative or referendum petition
4 for which the Governor has issued a proclamation setting the date on
5 which an election shall be held or a legislative referendum referred
6 by the Legislature for a vote of the people Secretary of State has
7 assigned a state question number; and

8 20. "Unlimited committee" means an independent judicial
9 retention committee, a political action committee organized
10 exclusively for the purpose of making independent expenditures or
11 electioneering communications or a political action committee
12 organized exclusively for the purpose of advocating the approval or
13 defeat of a state question.

14 SECTION 2. This act shall become effective November 1, 2020.

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