

1 ENGROSSED HOUSE  
2 BILL NO. 3827

By: McCall, O'Donnell,  
Cornwell, Sanders and Lepak  
of the House

3  
4 and

5 Treat of the Senate  
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7 An Act relating to state government; amending Ethics  
8 Rule 2.2 of the Rules of the Ethics Commission (74  
9 O.S. Supp. 2019, Chapter 62, App.), which relates to  
campaign finance; modifying definition; and providing  
an effective date.  
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

16 Rule 2.2 Definitions.

17 As used in Rule 2:

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

21 2. "Candidate" means an individual who has filed or should have  
22 filed a statement of organization for a candidate committee for  
23 state office with the Ethics Commission as required by these Rules.  
24 A candidate committee shall include committees for candidates for

1 partisan elective offices, for nonpartisan judicial offices and for  
2 judicial retention offices;

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

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

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

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

18 7. "Electioneering communication" means any communication or  
19 series of communications that is sent by Internet advertising,  
20 direct mail, broadcast by radio, television, cable or satellite, or  
21 appears in a newspaper or magazine that (a) refers to a clearly  
22 identified candidate for state office, (b) is made within sixty (60)  
23 days before a general election (including a special general  
24 election) or thirty (30) days before a primary or runoff primary

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

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

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

21 10. "Independent expenditure" means an expenditure made by a  
22 person for a communication expressly advocating the election or  
23 defeat of a clearly identified candidate or a vote for or against  
24 the retention of a judicial retention candidate that is not made in

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

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

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

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

21 14. "Officeholder expenses" means ordinary and necessary  
22 expenses incurred in connection with a candidate's duties as the  
23 holder of a state elective office, provided that the expenses are  
24 not otherwise reimbursed or paid for by the state. "Ordinary and

1 necessary expenses" are those that would not exist but for the fact  
2 that the candidate was elected to and holds a state elective office;

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

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

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

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

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

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

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

Passed the House of Representatives the 4th day of March, 2020.

Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Presiding Officer of the Senate