

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3827

By: McCall and **O'Donnell**

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8                               COMMITTEE SUBSTITUTE

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

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

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

18               Rule 2.2.   Definitions.

19               As used in Rule 2:

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

23               2.   "Candidate" means an individual who has filed or should have  
24 filed a statement of organization for a candidate committee for

1 state office with the Commission as required by these Rules. A  
2 candidate committee shall include committees for candidates for  
3 partisan elective offices, for nonpartisan judicial offices and for  
4 judicial retention offices;

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

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

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

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

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

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

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

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

23 10. "Independent expenditure" means an expenditure made by a  
24 person for a communication expressly advocating the election or

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

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

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

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

23 14. "Officeholder expenses" means ordinary and necessary  
24 expenses incurred in connection with a candidate's duties as the

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

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

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

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

18. "State question communication" means an expenditure made by a person for a communication or series of communications that is sent by internet advertising, direct mail, broadcast by radio television, cable or satellite, or appears in a newspaper, magazine, or other printed medium supporting or opposing a state question that is made within sixty (60) days before the election deciding the state question. A state question communication shall not include the display of a noncommercial yard sign, lapel pin, button, bumper

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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16 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/26/2020 - DO PASS,  
17 As Amended and Coauthored.  
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