

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 809

By: Dahm

AS INTRODUCED

An Act relating to political contributions; amending 21 O.S. 2011, Section 187, as amended by Section 1, Chapter 312, O.S.L. 2014 (21 O.S. Supp. 2018, Section 187), which relates to Ethics Commission Administrative Operations; modifying certain definition; amending Rule 2.2 of the Oklahoma Ethics Commission (74 O.S. Supp. 2018, Ch. 62, App. I), which relates to campaign finance; modifying certain definition; requiring promulgation of certain rules; specifying method of calculation for certain rule; providing for deposit of certain funds; providing for noncodification; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 187, as amended by Section 1, Chapter 312, O.S.L. 2014 (21 O.S. Supp. 2018, Section 187), is amended to read as follows:

Section 187. As used in this section through Section 187.2 of this title:

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

1        2. "Candidate" means an individual who has filed or should have  
2 filed a statement of organization for a candidate committee for  
3 state office with the Ethics Commission as required by its Rules. A  
4 candidate committee shall include committees for candidates for  
5 partisan elective offices, for nonpartisan judicial offices and for  
6 judicial retention offices;

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

11        4. "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,  
14 including cryptocurrency, or an expenditure other than an  
15 independent expenditure made on behalf of a political party,  
16 political action committee or candidate committee, but shall not  
17 include the value of services provided without compensation by an  
18 individual who volunteers those services;

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

1       6. "Limited committee" means a political action committee  
2 organized to make contributions to candidates; a limited committee  
3 may make independent expenditures or electioneering communications,  
4 but may not accept contributions in excess of the limits prescribed  
5 for limited committees;

6       7. "Local office" means all elective offices for which a  
7 declaration of candidacy is filed with the secretary of any county  
8 election board;

9       8. "Political action committee" means a limited or unlimited  
10 committee that has filed or should have filed a statement of  
11 organization with the Ethics Commission as required by its Rules;

12       9. "Political party" means a political party recognized under  
13 the laws of this state;

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

21       11. "State office" means all elective offices for which  
22 declarations of candidacy are filed with the Secretary of the State  
23 Election Board;

1        12. "State question" means an initiative or referendum petition  
2 for which the Governor has issued a proclamation setting the date on  
3 which an election shall be held or a legislative referendum referred  
4 by the Legislature for a vote of the people; and

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

11        SECTION 2.        AMENDATORY        Rule 2.2 of the Rules of the  
12 Ethics Commission (74 O.S. Supp. 2018, Ch. 62, App. I), is amended  
13 to read as follows:

14        Rule 2.2. As used in Rule 2:

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

18        2. "Candidate" means an individual who has filed or should have  
19 filed a statement of organization for a candidate committee for  
20 state office with the Commission as required by these Rules. A  
21 candidate committee shall include committees for candidates for  
22 partisan elective offices, for nonpartisan judicial offices and for  
23 judicial retention offices;

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

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

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

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

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

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

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

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

20 10. "Independent expenditure" means an expenditure made by a  
21 person for a communication expressly advocating the election or  
22 defeat of a clearly identified candidate or a vote for or against  
23 the retention of a judicial retention candidate that is not made in  
24 coordination with, cooperation with, consultation with, or concert  
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1 with, or at the request or suggestion of, a candidate, a candidate  
2 committee, or their agents, or a political party committee or its  
3 agents. An independent expenditure shall not include the display of  
4 a noncommercial yard sign, lapel pin, button, bumper sticker or  
5 similar de minimis display of support or opposition to a political  
6 party or a candidate;

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

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

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

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

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

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

11        SECTION 3.        NEW LAW        A new section of law not to be  
12 codified in the Oklahoma Statutes reads as follows:

13        In accordance with the changes made to the definition of  
14 contribution in this act, the Ethics Commission shall promulgate  
15 rules to correspond with the change in definition. Such rules shall  
16 also require that when cryptocurrency is used and a determination of  
17 the value of the cryptocurrency is made, a conversion will be made  
18 to United States dollars. The conversion shall be made at the  
19 prevailing rate within seventy-two (72)) hours of receipt of such  
20 cryptocurrency payment. If the value of the cryptocurrency results  
21 in a dollar amount that exceeds the contribution amount permitted by  
22 law, the excess dollar amount shall be deposited into the Ethics  
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1 Commission Fund created pursuant to Section 4258 of Title 74 of the  
2 Oklahoma Statutes.

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