

1 **SENATE FLOOR VERSION**

2 February 20, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 809

5 By: Dahm

6
7 **[political contributions - Ethics Commission**
8 **Administrative Operations - campaign finance -**
9 **certain rule - noncodification - effective date]**

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

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

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

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

20 2. "Candidate" means an individual who has filed or should have
21 filed a statement of organization for a candidate committee for
22 state office with the Ethics Commission as required by its Rules. A
23 candidate committee shall include committees for candidates for
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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. "Contribution" means any gift, subscription, loan, guarantee
8 or forgiveness of a loan, conveyance, advance, payment, distribution
9 or deposit of money made to, or anything of value given to,
10 including **virtual currency**, or an expenditure other than an
11 independent expenditure made on behalf of a political party,
12 political action committee or candidate committee, but shall not
13 include the value of services provided without compensation by an
14 individual who volunteers those services;

15 5. "Expenditure" means a purchase, payment, distribution, loan,
16 advance, compensation, reimbursement, fee deposit or a gift made by
17 a political party, political action committee, candidate committee
18 or 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 6. "Limited committee" means a political action committee
22 organized to make contributions to candidates; a limited committee
23 may make independent expenditures or electioneering communications,
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1 but may not accept contributions in excess of the limits prescribed
2 for limited committees;

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

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

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

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

18 11. "State office" means all elective offices for which
19 declarations of candidacy are filed with the Secretary of the State
20 Election Board;

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

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

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

10 Rule 2.2. As used in Rule 2:

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

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

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

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

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

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

13 7. "Electioneering communication" means any communication or
14 series of communications that is sent by Internet advertising,
15 direct mail, broadcast by radio, television, cable or satellite, or
16 appears in a newspaper or magazine that (a) refers to a clearly
17 identified candidate for state office, (b) is made within sixty (60)
18 days before a general election (including a special general
19 election) or thirty (30) days before a primary or runoff primary
20 election (including a special primary or runoff primary election)
21 for the office sought by the candidate, (c) that is targeted to the
22 relevant electorate and (d) does not explicitly advocate the
23 election or defeat of any candidate. "Relevant electorate" shall
24 mean twenty-five thousand (25,000) or more persons in the State of

1 Oklahoma in the case of a candidate for statewide elective office,
2 two thousand five hundred (2,500) or more persons in the district
3 the candidate seeks to represent in the case of a candidate for the
4 Oklahoma State House of Representatives or judge of the District
5 Court, and five thousand (5,000) or more persons in the district the
6 candidate seeks to represent in the case of all other elective state
7 offices;

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

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

16 10. "Independent expenditure" means an expenditure made by a
17 person for a communication expressly advocating the election or
18 defeat of a clearly identified candidate or a vote for or against
19 the retention of a judicial retention candidate that is not made in
20 coordination with, cooperation with, consultation with, or concert
21 with, or at the request or suggestion of, a candidate, a candidate
22 committee, or their agents, or a political party committee or its
23 agents. An independent expenditure shall not include the display of
24 a noncommercial yard sign, lapel pin, button, bumper sticker or

1 similar de minimis display of support or opposition to a political
2 party or a candidate;

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

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

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

16 14. "Officeholder expenses" means ordinary and necessary
17 expenses incurred in connection with a candidate's duties as the
18 holder of a state elective office, provided that the expenses are
19 not otherwise reimbursed or paid for by the state. "Ordinary and
20 necessary expenses" are those that would not exist but for the fact
21 that the candidate was elected to and holds a state elective office;

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

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

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

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

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

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