

# An Act

ENROLLED HOUSE  
BILL NO. 3827

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

and

Treat of the Senate

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.), which relates to campaign finance; modifying definition; and providing an effective date.

SUBJECT: State government

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.), 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 Ethics Commission as required by these Rules. A candidate committee shall include committees for candidates for partisan elective offices, for nonpartisan judicial offices and for judicial retention offices;
3. "Candidate committee" means the only committee authorized by a candidate to accept contributions or make expenditures on behalf

of the candidate's campaign, including the campaign of a judicial retention candidate;

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

5. "Commission" means the Oklahoma Ethics Commission;

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

7. "Electioneering communication" means any 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 or magazine that (a) refers to a clearly identified candidate for state office, (b) is made within sixty (60) days before a general election (including a special general election) or thirty (30) days before a primary or runoff primary election (including a special primary or runoff primary election) for the office sought by the candidate, (c) that is targeted to the relevant electorate and (d) does not explicitly advocate the election or defeat of any candidate. "Relevant electorate" shall mean twenty-five thousand (25,000) or more persons in the State of Oklahoma in the case of a candidate for statewide elective office, two thousand five hundred (2,500) or more persons in the district the candidate seeks to represent in the case of a candidate for the Oklahoma State House of Representatives or judge of the District Court, and five thousand (5,000) or more persons in the district the candidate seeks to represent in the case of all other elective state offices;

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

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

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

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

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

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

14. "Officeholder expenses" means ordinary and necessary 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 sticker or similar de minimis display of support or opposition to a 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.

Joe Russ  
Presiding Officer of the House  
of Representatives

Passed the Senate the 14th day of May, 2020.

Burt Howard  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15<sup>th</sup>

day of May, 20 20, at 12:25 o'clock pm M.

By: Sumercurry

Approved by the Governor of the State of Oklahoma this 21<sup>st</sup>

day of May, 20 20, at 9:03 o'clock a M.

KJA  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21<sup>st</sup>

day of May, 20 20, at 12:20 o'clock P M.

By: Michael Byers