

Oklahoma Bans Corporate Electioneering Communications

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Joining such states as Washington (See page 1), Florida and North Carolina, Oklahoma's Ethics Commission has approved rules regulating electioneering communications, which are issue ads featuring state candidates or ballot measures that are disseminated in close proximity to elections. Like federal law, Oklahoma's new rules prohibit corporate- and union-funded electioneering communications. The new rules were effective July 1, 2005.

The term "electioneering communications" in the new Oklahoma rules is extremely broad and extends to handbills, direct mail, radio, television, newspapers, magazines and billboards. Covered electioneering communications must refer to one or more clearly identified candidates for state office, or to a ballot measure, and must be disseminated within 60 days of a general or special election or within 30 days of a primary or runoff.

In addition, covered electioneering communications in Oklahoma must be targeted to the relevant electorate. This means that the communication has been or can be received by the following:

- 2,500 or more persons in a state house district;
- 25,000 or more persons statewide (for statewide officeholders or ballot measures); or
- 5,000 or more persons in a state senate district or in a district for a district attorney, district judge or associate district judge.

Non-corporate and non-union electioneering communications must contain a prescribed disclaimer, and a person may not make an electioneering communication in the name of another. If a person makes an electioneering communication with a total value of \$5,000

Authors

Carol A. Laham
Partner
202.719.7301
claham@wiley.law

D. Mark Renaud
Partner
202.719.7405
mrenaud@wiley.law

or more, then the person must file a statement with the Ethics Commission within 24 hours. This statement must disclose information about the person making the electioneering communication, the purpose of the electioneering communication and contributor information.