

RULES OF THE ETHICS COMMISSION PROPOSED AMENDMENTS and/or DRAFTS

for the 2010 Legislative Session

[Section 257:1-1-1 et seq., 74 O.S. Supp. 2008, Ch. 62, App.]

for consideration at the March 11, 2009

Regular Meeting of the Ethics Commission¹

[incorporated into the Notice/Agenda by reference]

SYNOPSIS OF AMENDMENTS

Amendment	Section	Subject
1.	257:10-1-10(d)	[former Proposed Amendment #13] A candidate seems to be liable for the conduct of a third party under the current language (a person who might be holding checks for a time). The 10-day rule would still apply, which should make the 5-day rule more easily removed. The current language is confusing, also, in that it apparently makes a candidate the same as an agent of his own committee. It also implies that a deputy treasurer must turn over contributions just because the treasurer is not around.
	257:10-1-13(b)(4) & (c)(1).	If the purpose of filing campaign contributions and expenditure reports is to let voters know the source and amount of each candidate's campaign finances, then this amendment will continue to let that be done. However, an unopposed candidate in the general election shouldn't need to file reports prior to either the primary or run-off. Everyone will wind up on equal footing at the first report after the general election. Thus, there will be reports filed prior only to elections at which a candidate's name will appear on the ballot. This would eliminate a lot of paperwork and also save the staff time in processing it.
2.	257:10-1-17(a)	[Former Proposed Amendment #16] would make sending notices 10 days before a report or statement is due by first class mail discretionary rather than mandatory
3.	257:20-1-9(i)	[Former Proposed Amendment #6] would create a "gift list" [Alternative 1] or "no gifts list" [Alternative 2] whereby legislators can specify whether they will or will not accept things of value from lobbyists

¹Commission procedure is to receive oral or written comments on rule amendments at each regular meeting throughout the year, with formal public hearings held in November and December. A vote will then be taken on proposals at the January 2010 Regular Meeting.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 1

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule No. 257:10-1-10(d) and Rule No. 257:10-1-13(b)(4) and (c)(1) as follows:

257:10-1-10. Campaign depositories and campaign accounts.

(d) All contributions, other than in-kind contributions, accepted by the committee, directly or indirectly, shall be deposited in a campaign account within ten (10) days after acceptance. ~~All contributions received by a deputy treasurer or agent of the committee, including the candidate, on behalf of a committee shall be provided to the treasurer or, in the treasurer's absence, the deputy treasurer not later than five (5) days after receipt.~~

Section 257: 10-1-13. Pre-election reports by all committees.

(b) **Pre-election reports by all committees.**

* * *

(4) The first quarterly report due after a General Election in which a committee supported or opposed candidates on the ballot shall cover a period beginning with the first day following the end of the reporting period of the pre-election report for the General Election and end with the last day of the quarter.

* * *

(c) **Exemptions**

(1) **Candidate committees.** A candidate whose name will not appear on the ballot at the next election following the pre-election report dates provided by this subsection shall not be required to file a pre-election report for that election. The next report filed by that candidate shall include information for all transactions beginning with the end of the last reporting period for which the candidate was required to file a report and ending on the date specified for the report to be filed.

* * *

Submitted by

Vice Chair Jo Pettigrew

Explanation and Purpose: The rationale for this amendment, as written by Commissioner Pettigrew, is:

257:10-1-10(d). A candidate seems to be liable for the conduct of a third party under the current language (a person who might be holding checks for a time). The 10-day rule would still apply, which should make the 5-day rule more easily removed. The current language is confusing, also, in that it apparently makes a candidate the same as an agent of his own committee. It also implies that a deputy treasurer must turn over contributions just because the treasurer is not around.

257:10-1-13(b)(4) and (c)(1). If the purpose of filing campaign contributions and expenditure reports is to let voters know the source and amount of each candidate's campaign finances, then this amendment will continue to let that be done. However, an unopposed candidate in the general election shouldn't need to file reports prior to either the primary or run-off. Everyone will wind up on equal footing at the first report after the general election. Thus, there will be reports filed prior only to elections at which a candidate's name will appear on the ballot. This would eliminate a lot of paperwork and also save the staff time in processing it.

Person requesting amendment: This amendment was originally requested by Vice Chair Jo Pettigrew. It was continued by the Commission on January 30, 2009.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 2

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule No. 257:10-1-17(a) as follows:

257:10-1-17. Committee officers and agents

(a) The Commission ~~shall~~ may send by first class mail a notice of obligation to file and appropriate paper forms for filing the necessary report or statement no less than ten (10) days before the first day a report is due for each period for which a committee is required to file or electronically transmit such statement or report. The Commission ~~shall~~ may notify each registered committee no less than ten (10) days before each filing date for a monthly or quarterly report. The Commission ~~shall~~ may send a notice of obligation to file a pre-election report to a committee if information provided on the statement of organization indicates probable involvement in a particular election.

* * *

Submitted by

Vice Chair Jo Pettigrew

Explanation: This amendment would make mandatory pre-notices of reports and statements discretionary.

Purpose: The purpose of this amendment is to make sending notices of reports and statements 10 days before due dates discretionary rather than mandatory.

Person requesting amendment: This amendment was again requested by Vice Chair Jo Pettigrew.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 3

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule No. 257:27-1-9(i) as follows:

257:20-1-9. Restraints on solicitation or acceptance of anything of value—Disclosure

* * *

Alternative 1: (Opt out)

(i) **No gifts list.** The Oklahoma Ethics Commission shall create and maintain a “ No Gifts List,” whereby legislators who do not want to receive things of value from lobbyists may voluntarily participate and be named on the list. No legislator whose name appears on this list can accept a thing of value from a registered lobbyist.

Alternative 2: (Opt in)

(i) **Gifts list.** The Oklahoma Ethics Commission shall create and maintain a “ Gifts List,” whereby legislators who want to receive things of value from lobbyists may voluntarily participate and be named on the list. Only legislators whose name appears on this list can accept a thing of value from a registered lobbyist.

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Submitted by

Chairman John Raley

Explanation: This amendment would create a gift or no gifts list to inform lobbyists which legislators will or will not accept things of value.

Purpose: The purpose of this amendment would be to prevent legislators who do not wish to receive gifts from lobbyists from having gifts offered and the need to reject or return them.

Person requesting amendment: This amendment was originally requested by Dr. John Wood, Common Cause Oklahoma. It was continued by the Commission on January 30, 2009.