

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. 2009, Ch. 62, App.]
for consideration at the November 20, 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) 257:10-1-13(b)(4) & (c)(1)	would eliminate the requirement for an agent of a committee to provide a contribution to the treasurer or deputy treasurer of the committee within five days of receipt would exempt candidate committees from filing pre-election reports when the name of the candidate was not on the ballot and establish the period for the next report
2.	257:10-1-17(a)	would require posting of delinquent filers, would allow sending notices 10 days before reporting due date by either first class or email, would allow sending late letters by first class mail, and would require late fee assessment letters be sent pursuant to the Administrative Procedures Act
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
4.	257:20-1-4(a)	would add prohibiting a state officer or employee from “attempting or threatening to use” official position to the prohibition against “using” official position to solicit or secure for oneself or others special privileges, exemptions or compensation, except as may be allowed by law
5.	257:1-1-5(c) 257:30-1-3(f) & (g) 257:30-1-6	removes replacement of a commissioner by the Chief Justice of the Supreme Court as unconstitutional; removes restrictions on informants and witnesses speaking of informations or names of respondents; and retains restrictions on Commissioners and Commission staff to keep informations confidential until filed as complaints in district court or referred to a law enforcement agency, officer, or prosecuting authority; repeals restrictions on communications between the Executive Director and the Chief

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 may be taken at any regular meeting but no later than the January 2010 Regular Meeting.

Justice on disqualification of Commissioners; and makes open record public reprimands, settlement agreements, complaints, and referrals

Promulgated June 19, 2009 by unanimous vote of the Ethics Commission

6. 257:15-1-5 requires email addresses of agency ethics liaisons
257:15-1-7(a)(1) requires email addresses of compensated F-1R filers
(b)(1) requires email addresses of uncompensated F-1R filers
257:23-1-2(d) requires email addresses of lobbyists or other persons filing expenditures reports
7. 257:10-1-14(a)(20) would certify that contributor statements were received or that
257:10-1-15 three written, good faith efforts to obtain it were made within 30 days of acceptance of a contribution and that due diligence was exercised to obtain and provide contributor information; would eliminate the need for a notarized verification of campaign contributions and expenditures reports [Form C-1R or C-3R] and reports of last minute contributions/receipts [Form C-4R]. Instead of filing a Form C-VR —verification of C-1R, C-3R or C-4R —filers would, by filing online or by paper, certify that the report is true and correct, and that they have made the efforts to obtain the contributor statement and to provide the contributor information and that they are authorized to file reports on behalf of the committee
8. 257:1-1-2 Proposal for revamping the Statement of Financial Interests
257:15-1-2 includes definition of a term [gaming interest]; eliminates
257:15-1-3 statement of no change; requires employment job title, name
257:15-1-7 of spouse and dependants, spouse employment information, all officer/director information [not just with entities doing business with the state], a description of officer/director entities, spouse's officer/director information, a description of companies where stock is held, investment value range or holding amount of filer's and spouse's securities, amount of income from clients, an indication of spouse's clients with amount of income, liability disclosure; real property definition and disclosure, and spouse's real property designation and disclosure
9. 257:10-1-2(c) would hold the treasurer, deputy treasurer or agent of a committee harmless from obtaining the contributor statement if three written, "good faith" attempts are made at least five days apart and due diligence is exercised to obtain contributor information within 30 days of accepting a contribution
10. 257:10-1-20(a) would define "political activity" and conform the section to the ban on PAC-to-PAC transfers

11. 257:10-1-14(a)(12) would lower the threshold for itemizing expenditures from more than \$1,000 to one entity during a reporting period to more than \$200 to one entity during a reporting period
12. 257:1-1-6(i) & (n) would eliminate the reference to a “ hearing” clarifying that the Commission is a prosecutorial authority rather than an administrative tribunal; would also eliminate as duplicative the former statutory need for an “ annual report” since this information is now required in the annual budget request and ethics interpretations and informal opinions are published on the website
13. 257:10-1-2(b)&(f) would clarify that PAC-to-PAC transfers are prohibited from being given by PACs, including out-of-state or federal PACs registered in Oklahoma, or accepted by such PACs
14. 257:1-1-2 [defn of “ Anything of value”] would clarify that the Speaker’ s Ball is exempt from the definition of “ anything of value”
15. 257:30-1-3 would make it a violation of the Rules to give false oral or written information to, or to conceal such information from, the Commission
16. 257:10-1-2(c)
257:10-1-9(d)
257:10-1-14(a)(20) would provide 1) that, if a contributor statement is not obtained within 10 days of accepting a contribution, and 3 written requests are made to obtain it or the missing information, the treasurer is deemed in compliance with the requirement; 2) that the treasurer or deputy treasurer must maintain copies of the requests to obtain contributor statements or missing information; and 3) that the treasurer or deputy treasurer must certify that either contributor statements or three good faith requests to obtain contributor statements were made
17. 257:10-1-2(b) would restore political party limits to \$5,000 per campaign for all candidates [higher limits currently violate criminal statutes]

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

Chairwoman Jo Pettigrew

Explanation: This amendment would eliminate the requirement for an agent of a committee to provide a contribution to the treasurer or deputy treasurer of the committee within five days of receipt. Further it would exempt candidate committees from filing pre-election reports when the name of the candidate was not on the ballot and establish the period for the next report.

The second part of the amendment would exempt candidate committees from filing pre-election reports when the name of the candidate was not on the ballot and establish the period for the next report.

Purpose: The purpose of the amendment is to eliminate the requirement for an agent of a committee to provide a contribution to the treasurer or deputy treasurer of the committee within five days of receipt.

The purpose of the second part of the amendment is to exempt candidates whose names do not appear on a ballot from filing pre-election reports and to establish the reporting period for the next report.

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

Staff Comment:

A contribution is deemed accepted within 6 business days from receipt of the tender by a candidate, treasurer, deputy treasurer or agent of a committee. That gives at least 8 to 10 days, since the 6th day would create 1 to 2 non-business weekend days and there might be a holiday. Unless an agent delivers a contribution to the treasurer —or deputy treasurer —within 5 days, there is little time for the candidate to expressly reject and return the contribution. It must then be reported even if it came from a corporation or it exceeded the limit for the contributor. Or, the candidate might just not want a contribution from that contributor.

Exempting a candidate committee from a required report creates an administrative problem for the staff. Distinguishing between election years or whether a candidate's name appears on a ballot in order to answer questions by telephone correctly for that specific candidate committee is critical. Every exception must be dealt with to avoid making mistakes and a candidate being mistakenly reported as not having filed a required report. It is extremely difficult with the exceptions we already have —for those who do not exceed \$500 in contributions or expenditures during a calendar year. Each additional criteria is a headache.

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. Notification of filing obligation

(a) The Commission shall send by first class or electronic 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 notify each registered committee no less than ten (10) days before each filing date for a monthly or quarterly report. The Commission shall send by first class or electronic mail 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.

(b) A committee is not relieved of its reporting responsibilities if:

- (1) the Commission fails to send a notice ~~or form~~; or
- (2) the committee does not receive a notice ~~or form~~.

(c) **Publication, notice, and late filing fees.** The Commission shall post in public view in its office a list of those delinquent in filing any designation, registration, statement or report required by the Rules. The Commission shall send a delinquency notice to the appropriate person within twenty-four (24) hours after the filing deadline by first class mail and shall assess late filing fees as provided in Section 4256 of Title 74 of the Oklahoma Statutes.

Submitted by

Chairwoman Jo Pettigrew

Explanation: This amendment would require posting of delinquent filers, would allow sending notices 10 days before reporting due date by either first class or email, would allow sending late letters by first class mail, and would require late fee assessment letters be sent pursuant to the Administrative Procedures Act.

Purpose: The purpose of this amendment is to allow sending notices of reports and statements 10 days before due dates either by first class or email and to not include paper forms with the notices.

Person requesting amendment: This amendment was requested by Chairwoman 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.

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.

* * *

Submitted by

Commissioner 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.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 4

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule No. 257:20-1-4(a) as follows:

257:20-1-4. Misuse of office

(a) No state officer or state employee shall use, attempt to use or threaten to use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law. Such prohibited activity, except as provided by statute, shall not include:

* * *

Submitted by

Commissioner John Raley

Explanation: This amendment would add prohibiting a state officer or employee from “ attempting or threatening to use” official position to the prohibition against “ using” official position to solicit or secure for oneself or others special privileges, exemptions or compensation, except as may be allowed by law .

Purpose: The purpose of this amendment would be to prevent attempts or threats to use official position to solicit or secure for oneself or others special privileges, exemptions or compensation, except as may be allowed by law .

Person requesting amendment: This amendment was requested by Commissioner John Raley.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 5

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule No. 257:1-1-5(c), 257:1-1-6(h), 257:30-1-3(f) and (g), and 257:30-1-6 as follows:

257:1-1-5. Conflicts of interest

~~(c) — **Replacement.** The Chief Justice of the Supreme Court shall appoint a member of the Court on the Judiciary to replace any member of the Commission who disqualifies himself or who is disqualified pursuant to the provisions of this section to serve with respect to that particular proceeding only. The Executive Director of the Commission shall notify the Chief Justice in writing of any such disqualification. Such notice shall be confidential and not open for public inspection.~~

257:30-1-3. Investigations

* * *

~~(f) Prior to a determination to initiate a complaint under Section 4 of this chapter, no person who has provided information to the Commission or has knowledge that the Commission is undertaking an investigation shall disclose:~~

~~(1) — his knowledge that an investigation has been undertaken;~~

~~(2) — any information he obtains as a result of having submitted information or interacted with the Commission in connection with a particular investigation;
or~~

~~(3) — the fact that he testified to or filed information with the Commission, or otherwise participated in the Commission investigation.~~

~~If a person, who has provided or intends to provide or file with the Commission any information alleging a violation of this Title, publicly discloses such intent or action, the Respondent shall be notified, in writing by certified mail, that the Respondent may either keep the matter confidential pursuant to Section 6 of this Chapter or waive confidentiality with respect to the final action of the Commission in the matter; provided, such waiver shall be made in writing to the Commission within twenty (20) days of the receipt of notice described in this subsection. The Respondent's waiver, once received by the Commission, may not be amended or rescinded.~~

~~(g) If the Respondent discloses the contents of an information or the fact that an information has been filed against him or her, any provisions of this Chapter prohibiting disclosure of the information by the Commission may be waived and the information~~

and written correspondence between the Respondent and the Commission's staff or independent contractors may, in the discretion of the Commission, be open for public inspection.

* * *

257:30-1-5. ~~Settlement agreements~~ Resolution of investigations other than by complaints

(a) The Commission may resolve any possible violation of this chapter by the following:

- (1) after prior notice and an opportunity to be heard, issuing a private reprimand to the Respondent for an inadvertent violation;
- (2) after prior notice and an opportunity to be heard, issuing a public reprimand to the Respondent;
- (3) electing to enter into a settlement agreement.

~~A public reprimand and a settlement agreement shall be a matter of public record.~~

* * *

257:30-1-6. Public inspection or confidentiality of actions and records relating to alleged violations

(a) **Confidential Commission actions and records.** The following Commission actions and records are confidential and not open for public inspection:

- (1) information received from any source alleging violations of this title, except as may be filed in district court. The Commission may refer to such matters on the public agenda by the internal matter number assigned by the Commission or its employees or independent contractors rather than by the name of the individual accused of an ethics violation;
- (2) deliberations which shall include discussion of ethics interpretations, investigations, complaints, settlement ranges or settlement offers, decisions, ~~and~~ recommendations, and discussions on pending litigation, all of which shall be held in executive sessions of the Commission; ~~and~~
- (3) ~~records and materials obtained or work products prepared by the Commission, its employees or independent contractors in connection with an investigation or complaint~~ confidential communications between the Commission and its attorney or attorneys concerning a pending investigation, claim, or action if the Commission, with the advice of its attorney or attorneys, determines that disclosure will seriously impair the ability of the Commission to process the claim or conduct a pending investigation or litigation in the public interest; and
- (4) ~~communications between the Executive Director of the Commission and the Chief Justice in writing pertaining to the disqualification of a member of the Commission pursuant to Section 5 of Chapter 1 of this title; and~~

~~(5)~~ private reprimands for inadvertent violations. The Commission shall within 10 days of issuance, publish private reprimands without the name of the subject or subjects of the private reprimands.

(b) **Commission actions and records open for public inspection.** The following Commission actions and records are open for public inspection:

(1) Public reprimands;

(2) Settlement agreements;

(3) Names of respondents and allegations contained in any complaint initiated by the Commission and any other information as may be filed in district court; and

(4) Names of respondents and allegations contained in any record transmitted by the Commission to a law enforcement agency, officer, or prosecuting authority.

(c) **Disclosure to a respondent or law enforcement authority.** Notwithstanding Subsection (a) of this section, the record of a matter that is the subject of an investigation shall be disclosed upon written request to:

(1) a Respondent or the subject of an investigation, or the attorney for a Respondent or subject of an investigation; provided that disclosure of the record to the Respondent or the subject of an investigation or to an attorney for a Respondent or subject of an investigation record shall be limited to a copy of the complaint, a copy of all statements made by the Respondent, a copy of all sworn statements by persons other than the Respondent, and any and all exculpatory evidence; or

(2) a law enforcement ~~commission~~ agency, officer, or prosecuting authority to fulfill the purposes of this title.

~~(e)~~ (d) **Disclosure when necessary in investigation.** Notwithstanding Subsection (a) and (b) of this section, a record or any part of a record may, in the discretion of the Commission, be disclosed ~~upon written request~~ when necessary in the course of an investigation to such persons as are material to the investigation.

~~(d)~~ (e) **Disclosure by staff or independent contractor in investigation.** Notwithstanding anything in this section, an employee or independent contractor of the Commission may, when necessary in the course of an investigation, disclose a record or any part of a record to such persons as are material to the investigation.

~~(e)~~ (f) **Disclosure upon referral for prosecution.** Notwithstanding anything in this chapter, a record or any part of a record containing information indicating that a violation of ~~criminal~~ law, whether state or federal, has occurred or may have occurred, may be transmitted to a law enforcement ~~commission~~ agency, officer, or prosecuting authority.

Submitted by

Commissioner Bob McKinney

Explanation: This amendment in 257:1-1-5(c) removes replacement of a commissioner by the Chief Justice of the Supreme Court as unconstitutional; in 257:30-1-3(f) & (g) removes restrictions on informants and witnesses speaking of informations or names of respondents; in 257:30-1-5(a), removes language making public reprimands and settlement agreements public records; and in 257:30-1-6 retains restrictions on Commissioners and Commission staff to keep informations confidential until filed as complaints in district court or referred to a law enforcement agency, officer, or prosecuting authority; repeals restrictions on communications between the Executive Director and the Chief Justice on disqualification of Commissioners; and makes open record public reprimands, settlement agreements, complaints, and referrals.

Purpose: The purpose of this amendment is to conform the Rules to current case law regarding the constitutionality of rules on confidentiality of Commission actions and records.

Person requesting amendment: This amendment was requested by Commissioner Raley.

Promulgated June 19, 2009 by unanimous vote of the Ethics Commission

RESOLUTION

WHEREAS, the Ethics Commission has studied developments in the law regarding first amendment rights, open records and open meetings; and

WHEREAS, the existing Rules were written in the 1990's; and

WHEREAS, amendments to the Constitutional Ethics Rules [Section 257:1-1-1 et seq. of the Ethics Commission of the Rules of the Ethics Commission, 74 O.S. Supp. 2009, Ch. 62, App.], at Sections 257:1-1-5(c), 257:30-1-3(f) and (g) and 257:30-1-6 have been promulgated bringing these Rules more closely into compliance with current law;

NOW, THEREFORE, the Commission hereby adopts this Resolution and expresses its intent not to enforce the current language of the Sections of the Rules cited above until the Legislature has the opportunity during the 2010 legislative session to review this promulgated amendment.

Dated this 19th day of June, 2009.

By: John Raley, Chair

Attest: Marilyn Hughes, Executive Director

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 6

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:15-1-5, 257:15-1-7(a)(1) and (b)(1) and 257:23-1-2(d) as follows:

257:15-1-5. Liaison to Commission

Every governmental entity created by the Oklahoma Constitution or by state statute, except those exempted in the definition of "public member" in Section 2 of Chapter 1 of this title, shall designate an employee or member who shall be responsible for filing in any manner specified by the ~~agency~~ Commission on or before December 31 of each year, a list of employees and/or members of governing boards or commissions, their mailing and electronic mailing addresses, who are required under Section 3 of this chapter to file statements of financial interests. The employee or member so designated shall notify each person identified on the list in writing of his or her obligation to file a statement of financial interests. Only those persons identified on the list shall be required to file a statement of financial interests. The intentional or inadvertent omission by another of a person from the list shall not subject such person to any liability resulting from the omission. The employee or member so designated shall notify the Commission of newly employed or appointed employees or members of governing boards or commissions, their mailing and electronic mailing addresses, who are required under Section 3 of this chapter to file statements of financial interests as soon as practicable after such employees or members assume the duties of office.

257:15-1-7. Information required

(a) **From compensated filers, candidates and commissioners.** A statement of financial interests of candidates, members of the Commission, and filers who receive compensation from the state, excluding public members who are members of boards of regents within the Oklahoma State System of Higher Education, must contain full and complete information concerning the following:

(1) the name, birth date, mailing address, electronic mailing address, and work place telephone number of the filer;

* * *

(b) **From uncompensated filers.** A statement of financial interests of a filer who does not receive compensation from the state and from public members who are members of boards of regents within the Oklahoma State System of Higher Education must contain full and complete information concerning the following:

- (1) the name, birth date, mailing address, electronic mailing address, and work place telephone number of the filer;

* * *

257:23-1-2. Anything of value reporting by lobbyists--Preservation of accounts, books, etc.

* * *

(d) **Contents of reports.** The information to be reported pursuant to the provisions of Subsection (b) of this section shall be as follows:

- (1) The full name and electronic mailing address of the lobbyist or other person filing the report;
- (2) The name and position of the state officer or state employee to whom the thing of value was given;
- ~~(2)~~ (3) The date the thing of value was given;
- ~~(3)~~ (4) The nature of the thing of value given;
- ~~(4)~~ (5) The amount of the expenditure made by the lobbyist or lobbyist principal for the thing of value; and
- ~~(5)~~ (6) The name of the lobbyist principal or lobbyist principals on whose behalf the thing of value was given, if any.

* * *

Submitted by

Commissioner

Explanation: This amendment would require email addresses from agency ethics liaisons, filers of statements of financial interests, both compensated and uncompensated, and lobbyists or other persons filing expenditures reports.

Purpose: The purpose of this amendment would be to provide reminder notices by email as opposed to first class mail.

Person requesting amendment: This amendment was requested by staff.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 7

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:10-1-14(a)(20) and 257:10-1-15 as follows:

257:10-1-14. Report contents

(a) **Basic reporting form.** The campaign contributions and expenditures report shall include:

* * *

(20) ~~the signature, or typed signature on electronically filed forms of the treasurer or, in the treasurer's absence, the deputy treasurer, who shall certify that prior to. Within 30 days of accepting any contribution requiring a contributor statement during this campaign-to-date for candidate committees or calendar year-to-date for other committees, the treasurer, or deputy treasurer in the treasurer's absence, received shall obtain or make three written, good faith attempts to obtain a contributor statement, pursuant to Subsection (c) of Section 2 of this chapter, and shall exercise due diligence to obtain and provide the required information on contributors including the address, occupation and employer therefor and who shall each attest to the report's accuracy and veracity. Within five (5) business days of the treasurer or deputy treasurer of a candidate committee filing a required report, the candidate, or the treasurer of a candidate committee for a candidate seeking judicial office. The signature, or typed signature on electronically filed forms, shall confirm in writing certify that the report filed was is a true and correct record of the committee's contribution and expenditure transactions and that the filer committee has either obtained or made the requisite good faith efforts to obtain the contributor statements, that the filer has exercised due diligence to obtain and provide full and complete contributor information, and that the signature is that of a person appointed to file the report on behalf of the committee. The signature shall be verified.~~

257:10-1-15. Report of last minute contributions/receipts

A contribution or contributions of five hundred dollars (\$500) or more in the aggregate accepted from one (1) person or family or loan proceeds received in the amount of five hundred dollars (\$500) or more after the closing date for the pre-election reporting period, but before the election, except for prior reported contributions or loan proceeds, shall be reported by the name and address, occupation and employer,

or principal interest or principal business activity of the contributor, the date accepted, the amount of the contribution or contributions, and the total of contributions accepted from the contributor for the campaign-to-date or calendar year-to-date or the name and address, occupation and employer, or principal interest or principal business activity of the lender and the date of the loan, promissory note, or security agreement resulting in the loan proceeds. Reports shall not be required by a candidate committee which does not have its candidate on the following ballot or a ballot measure committee which is not supporting or opposing a ballot measure on the following ballot nor by committees which are not supporting or opposing candidates in that election cycle or ballot measures on the following ballot. Reports shall be made on the appropriate form by United States mail, hand delivery, facsimile transmission, telegram, or express delivery service to the Commission or electronically transmitted to the Commission office within twenty-four (24) hours of acceptance. The report shall include the signature or typed signature on electronically filed forms of the treasurer or, in the treasurer's absence, the deputy treasurer of said committee. Within five (5) business days of the treasurer or deputy treasurer of a candidate committee filing a required last minute contributions or receipts report, the candidate, or the treasurer of a candidate committee for a candidate seeking judicial office, shall confirm in writing that the report filed was true and correct. The signature shall ~~be verified~~ certify that the report filed was is a true and correct record of the committee's last minute contribution transactions, that the filer committee has exercised due diligence to obtain and provide full and complete contributor information, and that the signature is that of a person appointed to file the report on behalf of the committee. ~~The signature shall be verified.~~ This contribution shall also be included on the next report filed or electronically transmitted by the committee.

Submitted by

Commissioner John Raley

Explanation: would certify that contributor statements were received or that three written, good faith efforts to obtain them were made within 30 days of acceptance of a contribution and that due diligence was exercised to obtain and provide contributor information; would eliminate the need for a notarized verification of campaign contributions and expenditures reports [Form C-1R or C-3R] and reports of last minute contributions/receipts [Form C-4R]. Instead of filing a Form C-VR —verification of C-1R, C-3R or C-4R —filers would, by filing online or by paper, certify that the report is true and correct, and that they have made the efforts to obtain the contributor statement and to provide the contributor information and that they are authorized to file reports on behalf of the committee.

Purpose: The purpose of this amendment is to certify that all required contributor statements have been received or that three written, good faith efforts to obtain them were made and that due diligence was exercised to obtain contributor information within 30 days of acceptance of a contribution; that the person filing is authorized to file reports on behalf of the committee; and to eliminate use of Form C-VR.

Person requesting amendment: This amendment was originally requested by Chairwoman Jo Pettigrew. Changes in wording were requested by Commissioner John Raley.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 8

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:1-1-2, 257:15-1-2, 257:15-1-3 and 257:15-1-7 as follows:

257:1-1-2. Definitions

* * *

A "**Gaming interest**" is held by any person who:

(1) Holds a license or permit as a distributor of gaming devices, who holds a license or permit as a manufacturer of gaming devices, who holds a license or permit as a device service entity, and any person who owns a licensed bingo operation, pari mutuel racetrack, or gaming machine facility which is a licensed device establishment.

(2) Holds a license or permit as a distributor or supplier of class two or class three gaming machines, or who holds a license or permit as a manufacturer of class two or class three gaming machines.

(3) Holds a license or entered into a contract for the conduct of casino gaming operations, who holds a license or permit as a distributor of class two or class three gaming machines, or who holds a license or permit as a manufacturer of class two or class three gaming machines, and any person who owns a casino where such gaming operations are licensed.

* * *

Comment: This provision is adapted from Louisiana law. Oklahoma has pari mutuel betting on horse races, limited class three gaming machines at three racetracks, and unlimited class two and class three gaming machines, together with non-banked card games, at Indian tribe casinos only.

257:15-1-2. Exceptions to reporting requirements

(a) **Miscellaneous.** This chapter does not require ~~the~~ financial disclosure of ~~financial information concerning~~ the following:

(1) ~~a~~ A spouse legally separated from the filer; during the full calendar year covered.

(2) ~~a~~ A former spouse; not married to the filer during the calendar year covered.

- (3) ~~a~~ A gift, devise, or inheritance from the filer's spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual; ~~and,~~
- (4) ~~a~~ A campaign contribution that is permitted and reported.

(b) Filing by holdover officer.

- (1) An appointed state officer who resigns from office and who ceases to participate in the governmental entity's functions is not required to file financial disclosure due because of service in that office after the effective date of the resignation.
- (2) An appointed state officer whose term of office expires and who ceases to participate in the functions of the governmental entity is not required to file financial disclosure due because of service in that office after the date the term of office expires.
- (c) An appointed state officer of a governmental entity that is abolished or whose functions are transferred to another governmental entity is not required to file financial disclosure due because of service after the date that the agency is abolished or the functions of the agency are transferred.
- (d) An appointed state officer who resigns or whose term of office expires who does not intend to participate in the functions of the governmental entity shall deliver written notice of the officer's intention to the ethics liaison for the governmental entity, if any, the appointing authority and the commission.

Comment: This provision is taken from Louisiana law.

257:15-1-3. Individuals required to file--Exemption

- (a) Tier one financial disclosure. ~~The following individuals shall file a statement of persons must file financial interests or a statement of no change with the Commission disclosure pursuant to Subsection (a) of Section 7 of this chapter:~~
 - ~~(1) a state officer except for those excluded from the definition of a public member; Each person holding statewide elective office.~~
 - ~~(2) the chief administrative officer and the first assistant administrative officer of a governmental entity; Each cabinet secretary as created in Section 10.3 of Title 74 of the Oklahoma Statutes.~~
 - ~~(3) a state employee who determines state policy or who makes final spending decisions for the state or any governmental entity; The policy director in the office of the governor.~~
 - ~~(4) an individual who is a candidate to become an elective officer; The chief of staff of the office of the governor.~~
 - ~~(5) a public member; The executive counsel to the governor.~~
 - ~~(6) The deputy chief of staff of the office of the governor.~~
 - ~~(7) The legislative director in the office of the governor.~~

(8) The chancellor of higher education, regents for higher education and president of each public institution of higher education.

~~(b) **Tier two financial disclosure:** For purposes of Chapters 15 and 20, a person who makes final spending decisions shall include a person who~~ The following persons must file financial disclosure pursuant to Subsection (c) of Section 7 of this chapter:

~~(1) participates in the review and analysis of bid specifications; Each~~ elective officer, other than an elective officer filing under Subsection (a) of this section, and judicial officer.

~~(2) assists in the review and analysis of bids; The directors and their deputies; the division chiefs, the executive directors and principal assistants and their deputies and the executive secretaries, no more than one for each governmental entity; and the purchasing agents and the fiscal officers, regardless of the titles by which the foregoing persons are designated, of every governmental entity, institution of higher education, and the courts.~~

~~(3) recommends for selection bidders; The permanent employees of the legislature and its service agencies, other than persons employed in clerical, secretarial, or similar positions.~~

~~(4) prepares or approves requisitions for purchases against previously bid statewide or agency issued contracts; The assistants in the office of the governor and the lieutenant governor, other than persons employed in clerical, secretarial, or similar positions other than those required to file in Subsection (a) of this section.~~

~~(5) are in the claim preparation or approval process who can exercise discretion and who can cause previously made purchasing decisions to be reviewed before payment is made~~ Each member of the Ethics Commission.

~~(6) A candidate for elective office provided that a candidate must only file an initial disclosure covering the twelve months prior to filing a declaration of candidacy for the office sought.~~

~~(c) **Tier three financial disclosure.** A person who makes final spending decisions shall not include a person who:~~ Each state officer who serves as a member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year must file financial disclosure pursuant to Subsection (e) of Section 7 of this chapter.

~~(1) performs clerical duties related to purchasing and claim processing; or~~

~~(2) is involved in substantive purchasing duties but is restricted to individual purchases of less than twenty-five hundred dollars (\$2,500)~~

~~(d) A full-time or adjunct faculty member of the Oklahoma State System of Higher Education, who neither determines state policy nor makes final spending decisions for the state or any governmental entity, shall not be required to file a statement of financial interests.~~

* * *

Comment: Provisions placing state officers and state employees in the above specified tiers were taken from Louisiana, Texas and Hawaii.

257:15-1-7. Information required

Comment: Unless specified, the amendments in this section were taken from Louisiana law.

(a) ~~From compensated filers, candidates and commissioners~~ Tier one filers. A statement of financial interests of candidates, members of the Commission, and filers who receive compensation from the state, excluding public members who are members of boards of regents within the Oklahoma State System of Higher Education, must contain full and complete information concerning the following Information to be provided on the Financial Disclosure Statement for individuals required to file in Subsection (a) of Section 3 of this chapter:

- (1) ~~the~~ The full name, birth date, mailing address, and work place telephone number of the filer;
- (2) The full name of the filer's spouse, if any, and the spouse's occupation and principal business address.
- (3) The full name of all dependents.

Comment: Oklahoma received 0 out of 2 points for not requiring the spouse's name and 0 out of 1 point for not requiring the name of dependants.

- (4) The name of the employer, job title, and a brief job description of each full-time or part-time employment position held by the individual or spouse. ~~the filing status of the filer including:~~

Comment: Oklahoma received 2.5 out of 5 points for not requiring and clearly indicating the spouse's employment information.

- (A) ~~whether the filer is a state officer or state employee, and if so, the filer's:~~
 - (i) ~~position title,~~
 - (ii) ~~governmental entity served,~~
 - (iii) ~~term of office, if applicable, and~~
 - (iv) ~~appointment or employment date, if applicable; and~~
- (B) ~~whether the filer is a candidate running in an election, and if so,~~
 - (i) ~~the month and year of the general election or special general election for which the statement is being filed, and~~
 - (ii) ~~the term of the office sought;~~

Comment: Oklahoma received 0 out of 2 points for not requiring job title and for not clearly indicating the spouse when reporting employment of the spouse.

- ~~(3)~~ (5) The name, and mailing address, of the entity and the type of income exceeding five thousand dollars (\$5,000) in amount or value received from a governmental entity by the filer or the filer's spouse or dependents; brief description of, nature of association with, and amount of interest in each business in which the individual or spouse is a director, officer, owner, partner, member, or trustee, or in which the individual or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business.

Comment: Oklahoma received 0 out of 2 points for not requiring the filer to describe the directorship entity; 0 out of 5 points for not requiring a value range or amount of income; 0 out of 4 points for only requiring directorships, etc. with entities doing business with the state; and 0 out of 4 points for not requiring and clearly indicating the spouse's officer/director information.

(6) The name, address, brief description of, and nature of association with a nonprofit organization in which the individual or spouse is a director or officer.

(7) The name, address, type, and amount of each source of income received during the immediately preceding calendar year by the individual or spouse, or by any business in which the individual or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business, which is received from any of the following:

(A) The state or any political subdivision of the State of Oklahoma.

(B) Services performed for or in connection with a gaming interest as defined in Section 2 of Chapter 1 of this title.

Notwithstanding the provisions of Subsection (b) of this section, amounts reported pursuant to this Paragraph shall be reported by specific amount rather than by category of value.

~~(4) (8) the~~ The name, mailing address, type, and amount of each and a description of the principal business activity of a person from whom source of income in cash or in-kind exceeding five thousand dollars (\$5,000) in amount or value was received by the filer and the type of income received by the individual or spouse, and the nature of the services rendered therefor, if any, not already disclosed under Paragraph (5) of this Subsection. For income derived from professional or consulting services rendered, including mental health, medical health, or legal services, when the disclosure of the name or address of any source of income would be prohibited by law or by a professional code, the individual need only include the number of clients and amount of income for each of the following applicable industry types:

Comment: Oklahoma received 0 out of 3 points for not requiring client value range or income amount and 1 out of 2 points for not requiring and clearly indicating the spouse's client information.

(A) Utilities.

(i) Electric.

(ii) Gas.

(iii) Telephone.

(iv) Water.

(v) Cable television companies.

(B) Transportation:

(i) Intrastate companies.

(ii) Pipeline companies.

(iii) Oil and gas exploration.

- (iv) Oil and gas production.
- (v) Oil and gas retailers.
- (C) Finance and insurance:
 - (i) Banks.
 - (ii) Savings and loan associations.
 - (iii) Loan and/or finance companies.
 - (iv) Manufacturing firms.
 - (v) Mining companies.
 - (vi) Life insurance companies.
 - (vii) Casualty insurance companies.
 - (viii) Other insurance companies.
- (D) Retail companies.
 - (i) Beer companies.
 - (ii) Wine companies.
 - (iii) Liquor companies.
 - (iv) Beverage distributors.
- (E) Associations.
 - (i) Trade.
 - (ii) Professional.
- (F) Other (specify).

(9) A brief description, fair market value or use value as determined by the assessor for purposes of ad valorem taxes, and the address, if any, and if no address, the location by state and parish or county, of each parcel of immovable property, in which the individual or spouse, either individually or collectively, has an interest, provided that the fair market value or use value as determined by the assessor for purposes of ad valorem taxes, for such parcel of immovable property exceeds two thousand dollars. If income results from employment by, operation of, or participation in a proprietorship or partnership or professional corporation or business or nonprofit corporation or other person, the filer may list the proprietorship or partnership or professional corporation or business or nonprofit corporation or other person as the source and not each patron, customer, patient, client, or each oil or gas well of the proprietorship or partnership or professional corporation or business or nonprofit corporation or other person. For purposes of this section, "type of income" shall include, but not be limited to, dividends, profit sharing, proceeds from sales, rent, royalty, salary, stock splits, and wages.

Comment: Oklahoma received 0 out of 2 points for not requiring real-property information; 0 out of 2 points for not narrowly defining real-property information; 0 out of 2 points for not requiring the real-

property's value range or amount; and 0 out of 2 points for not requiring and clearly indicating spouse real-property information.

(10) A brief description, amount, and date of any purchase or sale by the individual or spouse, in excess of one thousand dollars, of any immovable property, and of any personally owned tax credit certificates, stocks, bonds, or commodities futures, including any option to acquire or dispose of any immovable property or of any personally owned tax credit certificates, stocks, bonds, or commodities futures. Nothing in this Paragraph shall require the reporting of information concerning variable annuities, variable life insurance, or variable universal life insurance.

~~(5) the name of any registered lobbyist or lobbyist principal with whom the filer has engaged in business from which income exceeding five thousand dollars (\$5,000) in amount or value was received, provided that the following shall not be required the name of any registered lobbyist or lobbyist principal with whom the filer's employer, its subsidiaries, or parent company is engaged in business; and the name of any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal with whom the filer is engaged in business;~~

~~(6) the name of any entity from which an honorarium or honoraria, valued at more than two hundred dollars (\$200) over and above actual expenses paid to the filer, was received and the value of any such honorarium, which, for elective officers, shall be subject to the provisions of subsection (h) of Section 9 of Chapter 20 of the Rules of the Ethics Commission;~~

~~(7) (11) the The name, of every business or entity in which the filer held securities valued at five thousand dollars (\$5,000) or more during the reporting period; provided, however, mutual funds and similar securities need be identified only by the type of investments made by the mutual fund or similar security; brief description and amount of each investment security having a value exceeding one thousand dollars, and the number of shares of stock in any business entity held by the individual or spouse, excluding variable annuities, variable life insurance, variable universal life insurance, whole life insurance, any other life insurance product, mutual funds, education investment accounts, retirement investment accounts, government bonds, and cash or cash equivalent investments. This Paragraph shall not be deemed to require disclosure of information concerning any property held and administered for any person other than the individual or spouse under a trust, tutorship, curatorship, or other custodial instrument.~~

Comment: Oklahoma received 1 out of 2 points because filers are not required to describe the company where the stock is held; 0 out of 3 points for not requiring an investment value range or holding amount; and 0 out of 3 points for not requiring a clear indication of the spouse's investment information.

(12) The name, address, amount, name of guarantor, if any, and nature of each liability owed to any creditor by the individual or spouse which exceeds ten thousand dollars, excluding:

(A) Any loan secured by movable property, if such loan does not exceed the purchase price of the movable property which secures it.

(B) Any liability, secured or unsecured, which is guaranteed by the individual or spouse for a business in which the individual or spouse owns any interest, provided that the liability is in the name of the business and, if the liability is a loan, that the individual or spouse does not use proceeds from the loan for personal use unrelated to the business.

(C) Any loan from an immediate family member, unless such family member is a registered lobbyist, or his principal or employer is a registered lobbyist, or he employs or is a principal of a registered lobbyist, or unless such family member has a contract with the state.

(D) Any debt arising out of a "retail installment transaction" as set forth in Section 1-101 et seq. of Title 14A of the Oklahoma Statutes (Uniform Consumer Credit Code).

Comment: The provision comes from Louisiana law. The exclusion for retail installment transactions was adopted from the state of Washington law. All states had debt or creditor disclosure.

~~(8) (13) the~~ The name, and address, and amount of compensation received from ~~of all clients represented by the filer or the filer's spouse before a regulatory state governmental agency, as listed in Section 3 of Chapter 23 of this title, for compensation exceeding one thousand dollars (\$1,000) in amount or value during the preceding calendar year; entity.~~

Comment: Oklahoma received 0 out of 2 points for not requiring a client value range or income amount and 1 out 2 points for not clearly indicating when clients are represented by the spouse.

~~(9) (14) every officership, directorship, trusteeship, or other fiduciary relationship held in an entity doing business with a governmental entity with which the filer is associated during the disclosure period and the term of such officership, directorship, trusteeship, or other fiduciary relationship; and The amount of any fee accepted by a state officer who is an attorney for making or receiving any referral for compensation for legal services.~~

~~(10) (15) professional~~ Professional or occupational permits or licenses held by the filer.

(16) A certification that such individual has filed his federal and state income tax returns, or has filed for an extension of time for filing such tax returns.

(17) The financial statement shall be filed with the Ethics Commission and shall be accompanied by the affidavit of the individual filing it certifying that the information contained in the financial statement is true, correct and complete to the best of his or her knowledge, information, and belief for the calendar year covered.

(b) Amounts to be reported by tier one filers. When an amount or number of shares of stock is required to be disclosed pursuant to Subsection (a) of this section, it shall be sufficient to report the amount by category of value and the number of shares of stock by category.

(1) The categories for amounts shall be:

(A) Category I, less than \$5,000.

- (B) Category II, \$5,000-\$24,999.
- (C) Category III, \$25,000-\$49,999.
- (D) Category IV, \$50,000-\$99,999.
- (E) Category V, \$100,000-\$199,999.
- (F) Category VI, \$200,000 or more.

Comment: Oklahoma received 0 out of 5 points for not requiring a value range or income amount.

- (2) The number of shares of stock by category shall be:
 - (A) Category I, less than 100 shares.
 - (B) Category II, at least 100 but less than 500 shares.
 - (C) Category III, at least 500 but less than 1,000 shares.
 - (D) Category IV, at least 1,000 but less than 5,000 shares.
 - (E) Category V, at least 5,000 but less than 10,000 shares.
 - (F) Category VI, 10,000 shares or more.

Comment: Oklahoma received 0 out of 3 points for not requiring investment value range or holding amount.

- (3) Except as provided in Paragraph (7) of Subsection (a) of this section, amounts required to be disclosed shall be valued at actual or fair market value, whichever is greater.

~~(c) **From uncompensated Tier two filers.** A statement of financial interests of a filer who does not receive compensation from the state and from public members who are members of boards of regents within the Oklahoma State System of Higher Education must contain full and complete information concerning the following information to be provided on the Financial Disclosure Statement for individuals required to file in Subsection (b) of Section 3 of this chapter:~~

- ~~(1) the The full name, birth date, mailing address, and work place telephone number of the filer;~~
- ~~(2) the filing status of the filer including the filer's:
 - ~~(A) position title,~~
 - ~~(B) governmental entity served,~~
 - ~~(C) term of office, if applicable, and~~
 - ~~(D) appointment or employment date, if applicable; and The full name of the individual's spouse, if any, and the spouse's occupation and principal business address.~~~~
- ~~(3) The full name of the individual's dependents.~~

Comment: Oklahoma received 0 out of 2 points for not requiring the name of the spouse and 0 of 1 point for not requiring the names of dependents.

- ~~(4) The name of the employer, job title, and a brief job description of each full-time or part-time employment position held by the individual or spouse.~~

Comment: Oklahoma received 2.5 out of 5 points for not requiring and clearly indicating the spouse's employment information.

~~(5) the The name, and mailing address, of the entity and the type of income exceeding five thousand dollars (\$5,000) in amount or value received from a governmental entity by the filer or the filer's spouse or dependents; brief description of, nature of association with, and the amount of interest in each business in which the individual or spouse is a director, officer, owner, partner, member, or trustee, or in which the individual or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business.~~

Comment: Oklahoma received 0 out of 2 points for not requiring the filer to describe the directorship entity; 0 out of 5 points for not requiring a value range or amount of income; 0 out of 4 points for only requiring directorships, etc. with entities doing business with the state; and 0 out of 4 points for not requiring and clearly indicating the spouse's officer/director information.

~~(6) a list of categories or industries from which other income in cash or in-kind exceeding five thousand dollars (\$5,000) in amount or value was received by the filer; The name, address, brief description of, and nature of association with a nonprofit organization in which the individual or spouse is a director or officer.~~

~~(5) (7) the name of any registered lobbyist or lobbyist principal with whom the filer has engaged in business from which income exceeding five thousand dollars (\$5,000) in amount or value was received, provided that the following shall not be required: The name, address, type, and amount of each source of income received during the immediately preceding calendar year by the individual or spouse, or by any business in which the individual or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business, which is received from any of the following:~~

~~(A) the name of any registered lobbyist or lobbyist principal with whom the filer's employer, its subsidiaries, or parent company is engaged in business; and The state or any political subdivision of the State of Oklahoma, or~~

~~(B) the name of any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal with whom the filer is engaged in business; Services performed for or in connection with a gaming interest.~~

Notwithstanding the provisions of Subsection (d) of this section, amounts reported pursuant to this Paragraph shall be reported by specific amount rather than by category of value.

~~(6) (8) the name of any entity from which an honorarium or honoraria, valued at more than two hundred dollars (\$200) over and above actual expenses paid to the filer, was received and the value of any such honorarium; The name and address of any employer which provides income to the individual or spouse pursuant to the full-time or part-time employment of the individual or spouse, including a brief description of the nature of the services rendered pursuant to such employment and the amount of such income, excluding information required to be reported pursuant to Subparagraph (a) of this Paragraph.~~

~~(7) (9) the principal business activity of every business or entity in which the filer held securities valued at five thousand dollars (\$5,000) or more during the reporting period; provided, however, mutual funds and similar securities need be identified only by the type of investments made by the mutual fund or similar security; The name and address of all businesses which provide income to the individual or spouse, including a brief description of the nature of services rendered for each business or of the reason such income was received, and the aggregate amount of such income, excluding information required to be reported pursuant to Subparagraph (a) or (b) of this Paragraph.~~

~~(8) (10) every officership, directorship, trusteeship, or other fiduciary relationship held in an entity doing business with a governmental entity with which the filer is associated during the disclosure period and the term of such officership, directorship, trusteeship, or other fiduciary relationship; and A description of the type of any other income, exceeding one thousand dollars received by the individual or spouse, including a brief description of the nature of the services rendered for the income or the reason such income was received, and the amount of income, excluding information required to be reported pursuant to Subparagraph (a), (b), or (c) of this Paragraph.~~

~~(9) (11) professional or occupational permits or licenses held by the filer. A brief description, fair market value or use value as determined by the assessor for purposes of ad valorem taxes, and the location by state and parish or county of each parcel of immovable property in which the individual or spouse, either individually or collectively, has an interest, provided that the fair market value or use value as determined by the assessor for purposes of ad valorem taxes for such parcel of immovable property exceeds two thousand dollars.~~

Comment: Oklahoma received 0 out of 2 points for not requiring real-property information; 0 out of 2 points for not narrowly defining real-property information; 0 out 2 points for not requiring the real-property's value range or amount; and 0 out of 2 points for not requiring and clearly indicating spouse real-property information.

~~(12) The name and a brief description of each investment security having a value exceeding five thousand dollars, and the number of shares of stock held in any business entity by the individual or spouse, excluding variable annuities, variable life insurance, variable universal life insurance, whole life insurance, any other life insurance product, mutual funds, education investment accounts, retirement investment accounts, government bonds, and cash or cash equivalent investments. This Paragraph shall not be deemed to require disclosure of information concerning any property held and administered for any person other than the individual or spouse under a trust, tutorship, curatorship, or other custodial instrument.~~

Comment: Oklahoma received 0 out of 3 points for not requiring investment value range or holding amount and 0 out of 3 points for not requiring and clearly indicating the spouse's investment information.

~~(13) A brief description, amount, and date of any purchase or sale by the individual or spouse, in excess of five thousand dollars, of any immovable property and of any personally owned tax credit certificates, stocks, bonds, or commodities futures, including any option to acquire or dispose of any~~

immovable property or of any personally owned tax credit certificates, stocks, bonds, or commodities futures. This Paragraph shall not be deemed to require disclosure of information concerning variable annuities, variable life insurance, variable universal life insurance, whole life insurance, any other life insurance product, mutual funds, education investment accounts, retirement investment accounts, government bonds, cash or cash equivalent investments.

Comment: Oklahoma received 0 out of 3 points for not requiring investment value range or holding amount and 0 out of 3 points for not requiring and clearly indicating the spouse's investment information.

(14) The name and address of each creditor, and name of each guarantor, if any, to whom the individual or spouse owes any liability which exceeds ten thousand dollars on the last day of the reporting period excluding:

(A) Any loan secured by movable property, if such loan does not exceed the purchase price of the movable property which secures it.

(B) Any liability, secured or unsecured, which is guaranteed by the individual or spouse for a business in which the individual or spouse owns any interest, provided that the liability is in the name of the business and, if the liability is a loan, that the individual or spouse does not use proceeds from the loan for personal use unrelated to the business.

(C) Any loan by a licensed financial institution which loans money in the ordinary course of business.

(D) Any liability resulting from a consumer credit transaction as set forth in Section 1-101 et seq. of Title 14A of the Oklahoma Statutes (Uniform Consumer Credit Code).

Comment: The provision comes from Louisiana law. The exclusion for retail installment transactions was adopted from the state of Washington law. All states had debt or creditor disclosure.

(15) Information to be provided by a member or member-elect of the legislature licensed to practice law in this state who represents a party to a civil or criminal case for compensation and on that party's behalf applies for or obtains a legislative continuance under Title 12, Chapter 2, Appendix, Rule 24, or under another law or rule that requires or permits a court to grant a continuance on the grounds that an attorney for a party is a member or member-elect of the legislature:

(A) The name of the party represented.

(B) The date on which the member or member-elect was retained to represent the party.

(C) The style and cause number of the action in which the continuance was sought and the court and jurisdiction in which the action was pending when the continuance was sought.

(D) The date on which the member or member-elect applied for a continuance.

(E) Whether the continuance was granted.

Comment: This provision was taken from Texas law.

- (16) The amount of any fee accepted by a state officer who is an attorney for making or receiving any referral for compensation for legal services.

Comment: This provision was taken from Texas law.

- (17) Professional or occupational permits or licenses held by the filer.
- (18) A certification that such individual has filed his federal and state income tax returns, or has filed for an extension of time for filing such tax returns.
- (19) The financial statement shall be filed with the Ethics Commission and shall be accompanied by the affidavit of the individual filing it certifying that the information contained in the financial statement is true, correct and complete to the best of his knowledge, information, and belief for the calendar year covered.

(d) **Amounts to be reported by tier two filers.** When an amount or number of shares of stock is required to be disclosed pursuant to this Subsection (a) of this section, it shall be sufficient to report the amount by category of value and the number of shares of stock by category.

- (1) The categories for amounts shall be:
- (A) Category I, less than \$5,000.
- (B) Category II, \$5,000-\$24,999.
- (C) Category III, \$25,000-\$100,000.
- (D) Category IV, more than \$100,000.

Comment: Oklahoma received 0 out of 5 points for not requiring a value range or income amount.

- (2) The number of shares of stock by category shall be:
- (A) Category I, less than 100 shares.
- (B) Category II, at least 100 but less than 500 shares.
- (C) Category III, at least 500 but less than 1,000 shares.
- (D) Category IV, at least 1,000 but less than 5,000 shares.
- (E) Category V, at least 5,000 but less than 10,000 shares.
- (F) Category VI, 10,000 shares or more.

Comment: Oklahoma received 0 out of 3 points for not requiring investment value range or holding amount.

(e) (e) **Supplement.** A supplement to the statement of financial interests required by Subsection (a) of this section shall be filed with the Commission within ten (10) days of a filer or a filer's spouse contracting with or receiving payments from new clients required to be reported under Paragraph (8) of Subsection (a) of this section. **Tier three filers.** Information to be provided on the Financial Disclosure Statement by individuals required to file in Subsection (c) of Section 3 of this chapter:

- (1) The full name and mailing address of the individual who is required to file.

(2) The full name of the individual's spouse, if any, and the spouse's occupation and principal business address.

(3) The full name of the individual's dependents.

Comment: Oklahoma received 0 of 2 points for not requiring the name of the spouse and 0 of 1 point for not requiring the names of dependents.

(4) The name of the employer, job title, and a brief job description of each full-time or part-time employment position held by the individual or spouse.

Comment: Oklahoma received 2.5 out of 5 points for not requiring and clearly indicating the spouse's employment information.

(5) The name, address, brief description of, and nature of association with and the amount of interest in each business in which the individual or spouse is a director, officer, owner, partner, member, or trustee, and in which the individual or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business.

Comment: Oklahoma received 0 out of 2 points for not requiring the filer to describe the directorship entity; 0 out of 5 points for not requiring a value range or amount of income; 0 out of 4 points for only requiring directorships, etc. with entities doing business with the state; and 0 out of 4 points for not requiring and clearly indicating the spouse's officer/director information.

(6) The name, address, brief description of, and nature of association with a nonprofit organization in which the individual or spouse is a director or officer.

(7) The name, address, type, and amount of each source of income received by the individual or spouse, or by any business in which the individual or spouse, either individually or collectively, owns an interest which exceeds ten percent of that business, which is received from any of the following:

(A) The state or any political subdivision defined as a county, township, municipal corporation, school district, or other independent governmental entity of equivalent rank.

(B) Services performed for or in connection with a gaming interest as defined in Section 2 of Chapter 1 of this title

(8) A certification that such individual has filed his federal and state income tax returns, or has filed for an extension of time for filing such tax return.

(9) One of the following:

(A) A certification that neither the individual nor any member of his immediate family had a personal or financial interest in any entity, contract, or business or a personal or financial relationship that in any way posed a conflict of interest which affected the impartial performance of the individual's duties as a state officer or state employee.

(B) A statement describing each conflict and any action the individual took to resolve or avoid the conflict.

(10) The financial statement shall be filed with the Ethics Commission and shall be accompanied by the affidavit of the individual filing it certifying that the information contained in the financial statement is true, correct and complete to the best of his knowledge, information, and belief for the calendar year covered.

~~(d) (f) **Statement of no change.** A statement of no change must include the same information as required by Subsection (a) Paragraphs (1) and (2), or Subsection (b) Paragraphs (1) and (2), and a statement that all required information was reported for the previous calendar year and there has been no change in the information reported for the previous calendar year. It shall be certified~~ **Concealing identity of source of payment prohibited –Exception.** No payment shall be made to any person required to report under Section 3 of this chapter, and no payment shall be accepted by any such person, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the payment or in any other manner so as to effect concealment except that the Ethics Commission may issue categorical and specific exemptions to the reporting of the actual source when there is an undisclosed principal for recognized legitimate business purposes.

Comment: This provision comes from the state of Washington law. Oklahoma received 0 out of 1 point for allowing a statement of no change. Of the top five jurisdictions studied, only Hawaii allowed a short form and then only in odd-numbered years.

~~(e) (g) **Forms.**~~ The information shall be filed on forms prescribed by the Commission or utilizing form software provided by the Commission.

Comment: Oklahoma received 0 of 3 points for not making financial disclosure available on the Web.

Submitted by

Commissioner

Explanation: This amendment is a proposal for revamping the Statement of Financial Interests. It includes definition of a term [gaming interest] and eliminates the statement of no change. It requires employment job title, name of spouse and dependants, spouse employment information, all officer/director information [not just with entities doing business with the state], a description of officer/director entities, spouse's officer/director information and a description of company where stock is held, investment value range or holding amount of filer's and spouse's securities, amount of income from clients, an indication of spouse's clients with amount of income, liability disclosure, real property definition and disclosure, and spouse's real property designation and disclosure.

Purpose: The purpose of this amendment is to examine the ranking of the state in personal financial disclosure. The purpose of the ranking by the Center for Public Integrity was to measure whether legislators stand to gain personally from actions they take in office.

Person requesting amendment: This amendment was requested by the Commission.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 9

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule No. 257:10-1-2(c) as follows:

257:10-1-2 Contributions.

* * *

(c) **Contributor statement.** Within ten (10) business days of accepting a single contribution exceeding fifty dollars (\$50.00), or before accepting multiple contributions from a single source which exceed fifty dollars (\$50.00) in the aggregate, persons accepting contributions must obtain from each contributor a statement which shall include:

- (1) the date the contribution was given;
- (2) the name and address, occupation [e.g."retail sales clerk"] and employer [e.g. "Dillard"], or principal business activity of the contributor; a contribution from a person other than an individual or a committee shall be reported by the name of the person or committee and not the individual who signed the check;
- (3) the amount; if in-kind, a description of the contribution and a good faith estimate of its fair market value;
- (4) a declaration that the contribution is for a campaign in the State of Oklahoma, and the contribution is freely and voluntarily given from the contributor's personal property, if an individual, or the person or committee's property, if other than an individual;
- (5) a declaration that the contributor has not been directly or indirectly compensated or reimbursed for the contribution, if an individual, and, if a person other than an individual or a committee, that the person or committee has not been compensated or reimbursed for the contribution by persons:
 - (A) other than those from whom contributor statements have been received and of whom disclosure has or will be made; or
 - (B) if from persons exempted from the definition of political action committee, by other persons; and
- (6) the signature of the contributor, or in the case of a committee, the treasurer or, in the treasurer's absence, the deputy treasurer of the committee.

Persons accepting contributions from contributors who contribute by payroll deduction, dues check-off, or similar process shall be required to obtain only one contributor statement annually or at such other times as a change is made in the deduction, check-off, or similar process.

If a contributor statement is not obtained pursuant to the provisions of this subsection ~~is incomplete~~, the treasurer, deputy treasurer, or agent of the committee shall obtain or make at least three good faith efforts after acceptance of the contribution to obtain the missing information contributor statement. Such efforts shall consist of either ~~a~~ three separate written or electronic ~~request~~ requests sent to the contributor. Such requests must be made at least five (5) days apart and no later than thirty (30) days after acceptance of the contribution. The requests shall not include material on any other subject or any additional solicitation, except that it may include language solely thanking the contributor for the contribution. The requests must clearly ask for the ~~missing information contributor statement~~ missing information contributor statement and must include an accurate statement of this rule regarding the collection of contributor statements and reporting of ~~contribution identifications~~ contributor names, addresses, occupations, and employers. All requests must include the statement in a clear and conspicuous manner. ~~The~~ All non-electronic requests shall be accompanied by a pre-addressed return post card or envelope for the response material. If the treasurer makes such ~~effort~~ efforts and such efforts prove to be unsuccessful, the treasurer shall exercise due diligence to obtain and provide the required information on contributors including the address, occupation and employer therefor within the thirty (30) day time period prescribed in this paragraph, the person. If the above efforts are made to obtain the contributor statement and to obtain and provide contributor information, the treasurer, deputy treasurer, or agent of the committee accepting the contribution shall be deemed to be in compliance with the provisions of this subsection.

Submitted by

Commissioner John Raley

Explanation: This amendment would hold the treasurer, deputy treasurer or agent of a committee harmless from obtaining the contributor statement if three written, “good faith” attempts are made at least five days apart and due diligence is exercised to obtain contributor information within 30 days of accepting a contribution.

Purpose: The purpose of this amendment would be to clarify an amendment passed in 2009.

Person requesting amendment: This amendment was originally requested by Chairwoman Jo Pettigrew. Changes in the wording were requested by Commissioner Raley. The following resolution was passed at the regular meeting of the Ethics Commission on September 17, 2009.

RESOLUTION

WHEREAS, the Ethics Commission amended Rules' Section 257:10-1-2(c) of the Rules of the Ethics Commission, 74 O.S. Supp. 2009, Ch. 62, App. effective July 1, 2009; and

WHEREAS, the intent of the amendment was to hold harmless a treasurer who makes three written, good faith efforts to obtain a contributor statement within 30 days of accepting a contribution; and

WHEREAS, further amendments to Section 257:10-1-2(c) and Section 257:10-1-14(a)(20) are being considered that would clarify the intent of the amendment;

NOW, THEREFORE, the Commission hereby adopts this Resolution and expresses its intent not to enforce the contributor statement requirement of Sections 257:10-1-2(c) and 257:10-1-20(a)(14) —if three good faith efforts to obtain the statement are made and to obtain and provide the required contributor information —until such time as the Commission promulgates effective clarifying amendments to these sections.

Dated this 17th day of September, 2009.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 10

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:10-1-20(a) as follows:

257:10-1-20 Use of campaign contributions and use of surplus funds

(a) **Candidate committees.**

(1) **Use of campaign contributions.** Contributions accepted by a candidate committee may not be converted by any person to any personal use, but shall be used, together with any interest income earned on such contributions, to defray any campaign expenditures or any ordinary and necessary nonreimbursed expenses incurred by the person in connection with his duties as a holder of the state office, including, but not limited to:

(A) payment of debts of a former election campaign of the same candidate,

(B) payment of expenses for use in a future election campaign of the same candidate,

(C) for political activity. For purposes of this paragraph, political activity shall be limited to funds expended for any partisan or nonpartisan event, including the Speaker's Ball, the proceeds of which are not used to support or oppose one or more state candidates,

(D) for community activity or

(E) for nonreimbursed office related expenses.

Said contributions shall not be used for any other purposes except as permitted in Paragraph (3) of this subsection.

(2) **Designation of use of surplus funds.** A candidate whose candidate committee has an unexpended balance of funds not otherwise obligated for the purposes specified in Paragraph (1) of this subsection shall designate how the surplus funds are to be distributed. Uses are limited to those included in Paragraph (3) of this subsection and shall be set forth on the committee's statement of organization. Surplus funds may not be expended for any other purpose. The designated use or uses for surplus funds may be changed by the candidate committee by filing an amended statement of organization, provided that no contributions received prior to the date the amended statement of organization is filed with the Commission may be used for the amended use or uses.

- (3) **Use of surplus funds.** The surplus funds may:
- (A) be deposited with the State Treasurer to the credit of the General Revenue Fund;
 - (B) be returned to the contributors pursuant to any formula approved by the candidate; provided, any amount returned to a contributor shall not exceed the amount of the original contribution;
 - (C) be contributed to a charitable organization;
 - (D) be retained by the candidate or candidate committee for use in a future election for a six-year period following the General Election for the same or a different office;
 - (E) be used to defend legal actions or proceedings arising out of the campaign, election, or the performance of the candidate's official duties as a state officer; provided that such funds shall not be used to defend criminal charges;
 - (F) be used for a community activity;
 - (G) be used for political activity. For purposes of this paragraph, political activity shall be limited to funds expended for any partisan or nonpartisan event, including the Speaker's Ball, the proceeds of which are not used to support or oppose one or more state candidates;
 - (H) be transferred to the state, county or congressional district committee of a political party, not to include an affiliated or connected entity of a political party; or
 - (I) be distributed using a combination of these options.

(b) **Other committees.**

(1) **Use of campaign contributions.** Contributions accepted by any committee, other than a candidate committee, may not be converted by any person to any personal use and shall be used to defray any campaign expenditures and to further the committee's purposes. Said contributions shall not be used for any other purposes except as permitted in Paragraph (2) or (3) of this subsection. Such a committee with an unexpended balance of funds not otherwise obligated for the payment of expenses to further the committee's purposes shall designate how the surplus funds are to be disposed of on the committee's statement of organization. Surplus funds may not be expended for any other purpose. The designated use or uses for surplus funds may be changed by the committee by filing an amended statement of organization, provided that no contributions received prior to the date the amended statement of organization is filed with the Commission may be used for the amended use or uses.

(2) **Use of surplus funds by committees supporting or opposing candidates.** Surplus funds of committees, other than candidate committees, formed solely to support or oppose candidates may be:

- (A) deposited with the State Treasurer to the credit of the General Revenue Fund; or

(B) returned to the contributors pursuant to any formula approved by the committee; provided, any amount returned to a contributor shall not exceed the amount of the original contribution; ~~or~~

~~(C) donated to another committee.~~

(3) **Use of surplus funds by committees supporting or opposing ballot measures.** Surplus funds of committees formed to support or oppose ballot measures may be:

(A) deposited with the State Treasurer to the credit of the General Revenue Fund;

(B) returned to the contributors pursuant to any formula approved by the committee; provided, any amount returned to a contributor shall not exceed the amount of the original contribution; ~~or~~

~~(C) donated to other committees formed solely to support or oppose ballot measures;~~

~~(D)~~ donated to a charitable organization; or

~~(E)~~ (D) donated to a community activity.

* * *

Submitted by

Commissioner John Raley

Explanation: This amendment would define political activity and conform the section to the ban on PAC-to-PAC transfers.

Purpose: The purpose of this amendment would be to define political activity which can be paid for out of a candidate's campaign funds and confirm the ban on PAC-to-PAC transfers.

Person requesting amendment: This amendment was requested by Commissioner John Raley.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 11

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:10-1-14(a)(12) as follows:

257:10-1-14. Report contents

(a) **Basic reporting form.** The campaign contributions and expenditures report shall include:

* * *

(12) the following information about expenditures:

(A) the total of expenditures made during the reporting period and the year-to-date or campaign-to-date total;

(B) the amount, date, a brief description of the consideration, and an explanation of the purpose —which must permit a reasonable person to determine the reason for the purchase —for which each campaign expenditure was made in excess of ~~one thousand two hundred~~ dollars (~~\$1,000.00~~) (\$200.00) in the aggregate to one (1) entity during the reporting period, the name and address of the person to which the expenditure was made, the beneficiary of the expenditure, and the year to date total. Disbursements to consultants, advertising agencies, and similar firms; credit card expenses; and candidate reimbursements must be itemized to permit a reasonable person to determine the ultimate intended recipient of the expenditure and its purpose;

(C) the total amount of all campaign expenditures not required to be reported in Subparagraph (B); and

(D) Committees may file all expenditures in lieu of the additional bookkeeping requirement of grouping together all expenditures aggregating ~~\$50~~ \$200.00 or less to one entity and all expenditures aggregating more than ~~\$50~~ \$200.00 to one entity;

Provided, a committee shall not divide expenditures which would otherwise be made individually for the purpose of evading the reporting requirements of this paragraph;

* * *

Submitted by

Commissioner John Raley

Explanation: This amendment would set the threshold for itemizing expenditures at more than \$200.00.

Purpose: The purpose of this amendment would be to lower the threshold for itemizing expenditures from more than \$1,000 to one entity in a reporting period to more than \$200 to one entity during a reporting period.

Person requesting amendment: This amendment was requested by Commissioner John Raley.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 12

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:1-1-6(i) and (n) as follows:

257:1-1-6. Powers and responsibilities of Commission

* * *

(i) ~~Hearings and subpoenas~~ **Subpoenas.** The Commission shall, pursuant to this title and as specifically authorized by law, hold ~~hearings~~, subpoena witnesses upon a vote of a majority of the members of the Commission, and compel ~~their attendance and~~ testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the Commission's duties or exercise of its powers.

* * *

(n) ~~Annual Report.~~ **Annual Report.** ~~No later than December 1 of each year, the Commission shall report to the five appointing authorities on the Commission's activities in the preceding fiscal year. The report shall contain the names and duties of each individual employed by the Commission and a summary of Commission determinations and ethics interpretations. The Commission shall prevent disclosure of the identity of a person involved in investigations, complaints or ethics interpretations. The report may contain other information on matters within the Commission's jurisdiction and recommendations for legislation as the Commission deems desirable.~~

(e) The Ethics Commission may take other actions it deems appropriate to fulfill its constitutional or statutory duties.

Submitted by

Commissioner

Explanation: This amendment would eliminate the reference to a "hearing" clarifying that the Commission is a prosecutorial authority rather than an administrative tribunal. It would also eliminate as duplicative the former statutory need for an "annual report" since this information is now required in the annual budget request and ethics interpretations and informal opinions are published on the website.

Purpose: The purpose of this amendment is to clarify the constitutional prosecutorial status of the Commission by eliminating any reference to an administrative hearing and to eliminate the need to prepare an annual report since that information is now required in the annual budget request or on the website.

Person requesting amendment: This amendment was requested by staff.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 13

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:10-1-2(b) and (f) as follows:

257:10-1-2. Contributions

(a) **Limitations on contributions from a person.**

(b) ~~Limitations on contributions from a political party committee. A candidate committee shall not accept contributions from a political party of more than:~~

~~(1) fifty thousand dollars (\$50,000) per campaign in the case of a candidate for governor; and~~

~~(2) twenty-five thousand dollars (\$25,000) per campaign in the case of a candidate for other non-federal statewide elective office.~~

COMMENT: This provision, increasing the amount of contributions a political party may give to its statewide candidates, is inconsistent with Section 187.1 of Title 21 of the Oklahoma Statutes, which attaches a criminal penalty to contributions from any person or family to a state candidate in excess of \$5,000.

(c) **Contributor statement.**

(d) (c) **Prohibitions and exceptions to corporate and labor organization contributions and expenditures.**

(e) (d) **Prohibitions relating to committee solicitations and funds.**

(f) (e) **Prohibition on transfer of funds between committees.**

(1) **Candidate committee transfers.**

(A) A candidate committee shall not make a contribution or transfer to another candidate, or to a political action committee which supports or opposes candidates or ballot measures, nor shall it make an independent expenditure on behalf of another candidate or ballot measure. A political action committee, including an out-of-state political action committee, and a committee registered under the laws of the United States which supports or opposes candidates or ballot measures shall not accept a contribution or transfer from a candidate committee. The principal candidate committee or an authorized committee of a person, as such terms are defined in Section 431 of Title 2 of the United States Code, shall not make a contribution to a candidate or make an independent expenditure on behalf of a

candidate. A candidate or candidate committee shall not accept such a contribution.

(B) This subsection shall not prohibit a candidate or any other person from making a contribution from the candidate's or person's personal funds to his or her own candidate committee or on behalf of his or her own candidacy or to the committee of another candidate for a different office.

(C) This subsection shall not prohibit a candidate committee from providing its surplus funds or material assets to the state ~~or local central, county or congressional district~~ committee of a political party, not to include an affiliated or connected entity of a political party, in accordance with the procedures for dissolution of a candidate committee under Sections 19 and 20 of this chapter.

(2) **Political action committee transfers.** A political action committee, including an out-of-state committee also registered in another state or states and a committee also registered under the laws of the United States, shall not make a contribution to another political action committee as specified herein. A political action committee, including an out-of-state committee also registered in another state or states and a committee also registered under the laws of the United States, shall not accept a contribution from another political action committee as specified herein. This subsection shall not prohibit a political action committee from making a transfer to its own affiliated or connected entity in accordance with the definition of contribution, Section 2, Paragraph (2), Subparagraph (B) of Chapter 1 of this title.

- ~~(g)~~ (f) **Aggregation of contributions.**
- ~~(h)~~ (g) **Attribution and aggregation of family contributions.**
- ~~(i)~~ (h) **Restrictions on loans.**
- ~~(j)~~ (i) **Anonymous and earmarked contributions.**
- ~~(k)~~ (j) **Reimbursement for contribution prohibited.**
- ~~(l)~~ (k) **Cash contributions.**
- ~~(m)~~ (l) **Certain contributions required to be by written instrument.**
- ~~(n)~~ (m) **Use of other funds.**
- ~~(o)~~ (n) **Auctions.**

Submitted by

Commissioner

Explanation: This amendment would clarify that PAC-to-PAC transfers are prohibited from being given by PACs, including out-of-state or federal PACs registered in Oklahoma, or accepted by such PACs.

Purpose: The purpose of this amendment is to clarify that out-of-state and federal PACs registered in Oklahoma are also prohibited from making PAC-to-PAC transfers.

Person requesting amendment: This amendment was requested by staff.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 14

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:1-1-2 [definition of “ anything of value”] as follows:

257:1-1-2. Definitions

* * *

"Anything of value", "Thing of value" or "Things of value"

* * *

(2) These terms do not include:

* * *

(G) food and beverage consumed on the occasion when participating in a charitable, civic, or community event, or at any event, including the Speaker's Ball, to which all members of the Legislature are invited, which bears a relationship to the state officer's or state employee's office and the officer or employee is attending in an official capacity;

* * *

Submitted by

Commissioner

Explanation: This amendment would clarify that the Speaker's Ball is exempt from the definition of “ anything of value” .

Purpose: The purpose of this amendment is to clearly exempt the Speaker's Ball from the definition of “ anything of value” .

Person requesting amendment: This amendment was requested by staff.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 15

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:30-1-3 as follows:

257:30-1-3. Investigations.

* * *

- (h) No person under the jurisdiction of the Commission shall –
- (1) falsify, conceal, evade, or cover up by any trick, scheme or device a material fact in matters subject to the Commission's jurisdiction;
 - (2) make any false, fictitious, or fraudulent statement or representation to the Commission or the Commission's staff or independent contractors; or
 - (3) submit or use any false writing, document or evidence in a matter before the Commission including the filing of record of any statement, registration or report which he or she knows, or should know, contains false, inaccurate or misleading statements or representations.

Submitted by

Commissioner

Explanation: This amendment would make it a violation of the Rules to give false oral or written information to, or to conceal such information from, the Commission.

Purpose: The purpose of this to make it a violation of the Rules to give false oral or written information to, or to conceal such information from, the Commission.

Person requesting amendment: This amendment was requested by staff.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 16

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:10-1-2(c), 257:10-1-9(d) and (257:10-1-14(a)(20) as follows:

257:10-1-2 Contributions.

* * *

(c) **Contributor statement.** Within ten (10) business days of accepting a single contribution exceeding fifty dollars (\$50.00), or ~~before~~ accepting multiple contributions from a single source which exceed fifty dollars (\$50.00) in the aggregate, persons accepting contributions must obtain from each contributor a statement which shall include:

- (1) the date the contribution was given;
- (2) the name and address, occupation [e.g."retail sales clerk"] and employer [e.g. "Dillard"], or principal business activity of the contributor; a contribution from a person other than an individual or a committee shall be reported by the name of the person or committee and not the individual who signed the check;
- (3) the amount; if in-kind, a description of the contribution and a good faith estimate of its fair market value;
- (4) a declaration that the contribution is for a campaign in the State of Oklahoma, and the contribution is freely and voluntarily given from the contributor's personal property, if an individual, or the person or committee's property, if other than an individual;
- (5) a declaration that the contributor has not been directly or indirectly compensated or reimbursed for the contribution, if an individual, and, if a person other than an individual or a committee, that the person or committee has not been compensated or reimbursed for the contribution by persons:
 - (A) other than those from whom contributor statements have been received and of whom disclosure has or will be made; or
 - (B) if from persons exempted from the definition of political action committee, by other persons; and
- (6) the signature of the contributor, or in the case of a committee, the treasurer or, in the treasurer's absence, the deputy treasurer of the committee.

Persons accepting contributions from contributors who contribute by payroll deduction, dues check-off, or similar process shall be required to obtain only one contributor statement annually or at such other times as a change is made in the deduction, check-off, or similar process.

If no contributor statement has been obtained within ten (10) days after a contribution is accepted, or if a contributor statement obtained pursuant to the provisions of this subsection is incomplete, the treasurer shall make at least three efforts after acceptance of the contribution to obtain the contributor statement or the missing information. Such efforts shall consist of either a ~~written mailed~~ or electronic request sent to the contributor. ~~Such~~ All three requests must be made no later than thirty (30) days after acceptance of the contribution. The requests shall not include material on any other subject or any additional solicitation, except that ~~it~~ they may include language solely thanking the contributor for the contribution. The requests must clearly ask for the contributor statement or the missing information and must include an accurate statement of this rule regarding the collection and reporting of contribution identifications. All requests must include the statement in a clear and conspicuous manner. ~~The~~ In the case of mailed requests, the requests shall be accompanied by a pre-addressed return post card or envelope for the response material. In the case of electronic requests, the requests shall include specific instructions for submitting the contributor statement or missing information. If the treasurer makes such effort within the thirty (30) day time period prescribed in this paragraph, the person accepting the contribution shall be deemed to be in compliance with the provisions of this subsection.

257:10-1-9. Committee officers and agents

* * *

(d) Duties of the treasurer/deputy treasurer.

- (1) The committee treasurer or, in the treasurer's absence, the deputy treasurer shall maintain and preserve an account of the following:
 - (A) the total of contributions accepted by the committee;
 - (B) the contributor statement or copies of requests to obtain the contributor statement or information missing from the contributor statement as provided by this chapter and a copy of an accepted check or written instrument evidencing the contribution;
 - (C) the total of expenditures made by or on behalf of the committee;
 - (D) all receipted bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure; and
 - (E) any other documentation necessary to file the reports required by this chapter.

* * *

257:10-1-14. Report contents

(a) **Basic reporting form.** The campaign contributions and expenditures report shall include:

* * *

(20) the signature, or typed signature on electronically filed forms of the treasurer or, in the treasurer's absence, the deputy treasurer, who shall certify that ~~prior to accepting any contribution requiring a contributor statement~~ during this campaign-to-date for candidate committees or calendar year-to-date for other committees, the treasurer, or deputy treasurer in the treasurer's absence, received ~~a contributor statement~~ statements or made the three good faith requests to obtain contributor statements as required by this chapter therefor and who shall each attest to the report's accuracy and veracity. Within five (5) business days of the treasurer or deputy treasurer of a candidate committee filing a required report, the candidate, or the treasurer of a candidate committee for a candidate seeking judicial office, shall confirm in writing that the report filed was true and correct. The signature shall be verified.

Submitted by

Commissioner Bob McKinney

Explanation: The amendment would provide 1) that, if a contributor statement is not obtained within 10 days of accepting a contribution, and 3 written requests are made to obtain it or the missing information, the treasurer is deemed in compliance with the requirement; 2) that the treasurer or deputy treasurer must maintain copies of the requests to obtain contributor statements or missing information; and 3) that the treasurer or deputy treasurer must certify that either contributor statements or three good faith requests to obtain contributor statements were made.

Purpose: The purpose of this amendment is to clarify an amendment passed in 2009.

Person requesting amendment: This amendment was requested by Commissioner Bob McKinney.

ETHICS COMMISSION
STATE OF OKLAHOMA

DISPOSITION BY COMMISSION

RULE AMENDMENT

No. 17

(Date)

Mr. Chairman:

I agree to sponsor Ethics Commission Rule Nos. 257:10-1-2(c), 257:10-1-9(d) and (257:10-1-14(a)(20) as follows:

257:10-1-2. Contributions

* * *

(b) ~~Limitations on contributions from a political party committee.~~ A candidate committee shall not accept contributions from a political party of more than:

(1) ~~fifty thousand dollars (\$50,000) per campaign in the case of a candidate for governor; and~~

(2) ~~twenty-five thousand dollars (\$25,000) per campaign in the case of a candidate for other non-federal statewide elective office.~~

* * *

(e) [Re-letter remaining subsections of Section 2 of Chapter 10]

Submitted by

Chairwoman Jo Pettigrew

Explanation: The amendment would restore political party limits to \$5,000 per campaign for all candidates.

Purpose: The purpose of this amendment is to delete contribution limits which would, if followed, be a criminal violation of Title 21, Section 187.1 of the Oklahoma Statutes setting the limit for political parties at \$5,000 per campaign.

Person requesting amendment: This amendment was requested by Chairwoman Jo Pettigrew.