

**Proposed draft of Legislative Changes
Staff Recommendations for Modifications to the PSEA
51 O.S. 2011, §§ 301-325
2012 Session
For Consideration at the Ethics Commission
January 12, 2011 Public Hearing/Regular Meeting**

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE/HOUSE BILL

By:

AS INTRODUCED

An Act relating to state government;

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

§ 301. Short title

Sections ~~15 through 39~~ 301 through 325 of this act shall be known and may be cited as the "Political Subdivisions Ethics Act".

§ 302. Legislative intent

It is the intent of the Legislature that the law reflect the following items:

1. That the operation of government be properly conducted so that public officials of political subdivisions of this state are independent and impartial and that a public office is not used for private gain other than the remuneration provided by law. Public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees of political subdivisions of this state in situations where conflicts may exist;

2. That the government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials of political subdivisions should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when such interests conflict with the responsibility of such officials to the public;

3. That the campaign process in this state operate to ensure that the people of this state elect their representatives of political subdivisions in an informed and equitable manner and that qualified persons become candidates for public office with full confidence in the ability of the process to protect them from wrongful allegations of unlawful election practices;

4. That the people be free to seek redress of their grievances and express their opinions to all ~~government~~ political subdivision officials on current issues and pending legislative actions at every local level of government;

5. That these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflict of interest without creating unnecessary barriers to public service be implemented;

6. That no officer or employee of any political subdivision of this state, have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activities; or incur any obligation of any nature that is in substantial conflict with the proper discharge of duties in the public interest; and

7. That all public officials and public employees of political subdivisions of this state are agents of the people and hold their positions for the benefit of the people. They are bound to uphold the Constitution of the United States and the Constitution of this state and to perform efficiently and faithfully their duties under the laws of the federal, state and local governments. Such officers and employees must observe, in their official acts, high standards of ethics regardless of personal consideration, recognizing that promoting the public interest and maintaining the respect for their government must be a foremost concern.

§ 303. Administration of act—Certain clerks not to receive complaints under act

A. The provisions of the Political Subdivisions Ethics Act shall be administered as follows:

1. The Ethics Commission created in Section 1 of Article XXIX of the Oklahoma Constitution, shall administer the Political Subdivision Ethics Act with respect to candidates or candidate committees for county office, campaigns for or against county ballot measures and public officials and public employees elected or appointed to serve in county government;

2. The municipal clerk shall administer the Political Subdivisions Ethics Act with respect to candidates or candidate committees for municipal office, committees supporting or opposing candidates for municipal office and campaigns for or against municipal ballot measures other than those involving utility franchises; and

3. The clerk of the board of education shall administer the Political Subdivisions Ethics Act with respect to candidates or candidate committees for school district office or committees supporting or opposing candidates for school district office.

B. ~~The~~ Neither the Ethics Commission, the municipal clerk and nor the clerk of the board of education shall not receive any complaints of violations of the Political Subdivisions Ethics Act and. The municipal clerks and the clerks of the boards of education shall be limited to the duties prescribed in paragraphs 1, 2, 3, 4 and 5 of Subsection A of Section 19-305 of this title.

§ 304. Definitions

As used in the Political Subdivisions Ethics Act:

1. "Accept", with reference to a contribution, means failure by a candidate, designated agent or subagent of a candidate or the treasurer or agent or subagent of a committee to expressly and unconditionally reject and return a tendered contribution to the contributor within six (6) business days from receipt of the tender.

2. "Act" means the Political Subdivisions Ethics Act, Sections 301 to 325 of Title 51 of the Oklahoma Statutes.

3. "Address" means mailing address unless otherwise specified in this act.

4. "Affiliated" or "connected entity" means any entity which directly or indirectly establishes, administers or financially supports a political entity.

5. "Ballot measure" means a proposition or measure submitted to voters for their approval or rejection at a county or municipal election other than one involving utility franchises.

6. "Bundled contributions"

a. In general. For the purposes of Section 314.1 of this act, the term "bundled contribution" means any contribution or other payment:

(i) transmitted or forwarded from the contributor or payor to the covered entity by another person; or

(ii) received by the covered entity from the contributor or payor, where the covered entity either knows another person raised or solicited such contributions or payments, or credits another person for raising or soliciting such contributions or payments through records, designations or other means of recognition.

b. Joint fundraising. If two or more persons have jointly provided bundled contributions to a covered entity or have been credited for jointly providing bundled contributions to a covered entity, then each such person shall be deemed to have provided the total amount of such bundled contributions to the entity for the purpose of applying the monetary thresholds described in Section 187.1 of Title 21 of the Oklahoma statutes.

7. "Business" means any corporation, limited liability company, partnership, limited liability partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted for profit;

~~2- 8.~~ "Business day" means any day except a Saturday, Sunday or a legal holiday designated in Section 82.1 of Title 25 of the Oklahoma Statutes.

9. "Calendar quarter" means each three-month period of a calendar year, beginning on January 1, April 1, July 1 and October 1 of each year;

~~3- 10.~~ "Campaign" means and includes all activities for or against the election of a candidate to a specific local office for a specific term, or the passage or defeat of a ballot measure from the date of acceptance of the first contribution, the making of the first expenditure, the filing of a declaration of candidacy or a public announcement of intent to seek such election, whichever is first, until a final campaign contributions and expenditures report is filed;

11. "Campaign expenditure" is an expenditure not otherwise prohibited which is used to defray the costs of a candidate's campaign including, without limitation, advertising, travel and food while campaigning, and costs for campaign workers, whether paid or volunteers.

~~4 12.~~ "Candidate" means a person who seeks nomination or election to local office. An individual is a candidate when the individual:

a. has filed a notification and declaration of candidacy for any ~~public~~ local office with the secretary of any county election board;

b. is nominated as a "substitute candidate" pursuant to Section 1-105 of Title 26 of the Oklahoma Statutes; or

c. solicits or accepts contributions, makes expenditures or gives consent to an individual organization, party committee, or other committee to solicit or accept contributions or make expenditures to secure election to any local office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

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- (i) solicitation is made;
- (ii) contribution is accepted; or
- (iii) expenditure is made.

The term "candidate" shall include a person whose candidacy is unopposed, ~~but shall not include any person who has withdrawn such notification and declaration of candidacy;~~

~~5- 13.~~ **"Candidate committee"** means the committee, consisting of one or more persons who may be the candidate only, designated by a candidate to promote the candidate's candidacy and serve as the recipient of all contributions and the disbursing officer of all expenditures for the candidate;

~~6. "Committee"~~ means ~~a candidate committee, political action committee, political party, or organization;~~

~~14.~~ **"Clearly identified"** means the candidate's name, nickname, photograph or drawing appears, or the identity of the candidate is otherwise apparent including, but not limited to, an unambiguous reference such as "the Governor," "your State Representative," or "the incumbent," or including, but not limited to, an unambiguous reference to his or her status as a candidate such as "the Democratic gubernatorial nominee" or "the Republican candidate for State Senate District No. 49 in Oklahoma";

~~15.~~ **"Commission"** means the Ethics Commission;

~~16.~~ **"Committee"** means a candidate committee, political action committee, or party committee;

~~7- 17.~~ **"Compensation"** means ~~money, service, facility or thing of value or financial benefit which is received or is to be received in return for or in connection with :~~

- ~~a.~~ an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, pledge, or transfer of money or anything of value; or
- ~~b.~~ a contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, pledge, or transfer of money or anything of value,

for services rendered or to be rendered;

~~8. "Complainant"~~ means ~~a person filing a complaint pursuant to the provisions of 21 of this act;~~

~~9. "Contributor"~~ means ~~and includes every person or committee who makes a contribution;~~

~~10- 18.~~ **"Contribution"**

~~a.~~ means and includes any money, property, or in-kind services, including but not limited to, printing or engraving, radio or television time, billboards, advertising, subscription, forgiveness of indebtedness, personal or professional services or any other thing of value whatsoever which is given or loaned to be used in a campaign;

- (i) a gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, distribution, or deposit of or anything of value made to and with the knowledge and for the benefit of a candidate or committee, which expressly advocates the election or defeat of a clearly identified

candidate or candidates or the passage or defeat of a ballot measure or ballot measures, or for reducing the debt of such committee;

- (ii) an expenditure expressly advocating the election or defeat of a clearly identified candidate or candidates or the passage or defeat of a ballot measure or ballot measures made by a person or committee, other than a candidate committee, with the cooperation of, or in consultation with, a committee, a candidate, candidate committee, or candidate's agent or that is made in concert with, or at the request or suggestion of, a candidate, candidate committee, or candidate's agent;
- (iii) the difference between the payment to a person, other than a candidate or committee, of compensation for personal services or products to the candidate or committee, and the reasonable and customary rate charged by the person for like services or products in like quantities when the candidate or committee has knowledge of the discounted services or products;
- (iv) anything of value received by a committee that is transferred from another committee or other source;
- (v) sums paid for tickets for a political event such as a reception, rally, or a similar fundraising event; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting and contribution limitations requirements of Chapter 10 of this title, by the actual cost of consumables furnished by the committee in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution;
- (vi) the candidate's own money used on behalf of that candidate's candidacy; and
- (vii) the difference between the open market value and a discount or rebate:
 - (i) not extended to the public generally; or
 - (ii) by a television or radio station not extended equally to all candidates for the same office.

b. The term "contribution" shall not include:

- ~~a- (i) money loaned to a candidate in connection with his own campaign by a bank, savings and loan association or credit union which is to be repaid with interest at a rate comparable to that of loans for equivalent amounts for other purposes; the value of services provided without compensation by any individual who volunteers on behalf of a candidate or committee;~~
- ~~b- (ii) the value of services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, organization, political action committee, or political party; for purposes of the contribution limits set forth in Section 187.1 of Title 21 of the Oklahoma Statutes, the transfer of any funds by a political action committee to an affiliated or connected political action committee or by a party committee to an affiliated or connected party committee, provided the committees have been established as provided by law and the transferring committee and the receiving committee have been established, directly or indirectly, and are administered or financially supported, directly or indirectly, by a common entity;~~

- e. (iii) ~~for purposes of the contribution limits set forth in Section 2 of this act, the transfer of any funds by a political action committee to another political action committee, provided the committee has been established as provided by law if the transferring committee and the receiving committee have been established, directly or indirectly, and are administered or financially supported, directly or indirectly, by a common organization, or any payment or obligation incurred by a corporation, labor organization, membership organization, cooperative or corporation without capital stock for the establishment, administration, and solicitation of contributions to a separate segregated fund or political action committee to be utilized for political purposes;~~
- d. (iv) ~~any payment or obligation incurred by a corporation, labor organization, membership organization, cooperative or corporation without capital stock for the establishment, administration, and solicitation of contributions to a separate segregated fund or political action committee to be utilized for political purposes~~ a nonreimbursed payment made by an individual for the individual's own travel expenses on behalf of a committee;
- (v) a payment made by an occupant of a residence or office for costs related to a meeting or fundraising event held in the occupant's residence or office if the costs for the meeting or fundraising event do not exceed five hundred dollars (\$500). However, if the occupant hosts more than one (1) event in an election cycle for the same beneficiary, all subsequent payments that exceed five hundred dollars (\$500) in the aggregate are contributions;
- (vi) a loan of money made in the ordinary course of business by a financial institution authorized to transact business in this state at terms and interest rates generally available to a member of the public without regard to that person's status as a state officer or state employee or a candidate for state office by the institution;
- (vii) a communication by a corporation, labor organization, or association aimed at its employees, members, owners, stockholders, directors, executive administrative personnel, or their families;
- (viii) a tender of a contribution if the tender is not accepted, including use as collateral;
- (ix) the fair market value earnings of a sole proprietorship, partnership, limited partnership, limited liability partnership, or limited liability company; or
- (x) a communication which does not expressly advocate the election or defeat of a clearly identified candidate or candidates or the passage or defeat of a ballot measure or ballot measures.
- c. If any person makes, or contracts to make, any disbursement for any electioneering communication as defined in this section; and such disbursement is coordinated with a:
 - (i) candidate or authorized committee of such candidate, or agent or official of any such candidate, such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication and as an expenditure by that candidate committee;

(ii) state or local political party or committee thereof, or agent or official of such political party, such disbursement or contracting shall be treated as a contribution to the political party of the candidate or candidates supported by the electioneering communication and as an expenditure by that candidate's or candidates' party; or

(iii) ballot measure committee, or an agent or official of any such ballot measure committee; such disbursement or contracting shall be treated as a contribution to the ballot measure committee supported by the electioneering communication and as an expenditure by that ballot measure committee;

~~19.~~ **"Contributor"** means and includes every person who makes a contribution;

~~20.~~ **"Covered entity."** For the purposes of Section 314.1 of this act, the term "covered entity" means any of the following:

a. Any corporation as defined in this section, other than a corporation described in paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

b. Any labor organization as defined in this section;

c. Any group described in paragraph (4), (5), or (6) of Section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

d. Any political committee under section 527 of the Internal Revenue Code of 1986, other than a political committee under this title;

~~21.~~ **"Day"** means calendar day, except that in instances where a report or other document is required to be filed with the Commission and the calendar day upon which such a report or document must be filed falls on a day other than a business day, any such report or document may be filed on the immediate next business day;

~~22.~~ **"Disclosure date"** For the purposes of Section 314.1 of this act, the term "disclosure date" means:

a. the first date during any calendar year by which a covered entity has made disbursements for peripheral campaign activity in an aggregate amount equal to or exceeding \$1,000; and

b. any other date during such calendar year by which a covered entity has made disbursements for peripheral campaign activity in an aggregate amount equal to or exceeding \$1,000 since the most recent disclosure date for such calendar year;

~~41.~~ **"Commission"** means the Ethics Commission;

~~42.~~ ~~23.~~ **"Election"** means a Primary, Run-off Primary, General, or Special Election in which a candidate or ballot measure is on the ballot;

~~43.~~ ~~24.~~ **"Election board"** means the appropriate county election board in reference to candidates who file a declaration of candidacy with the county election board;

25. "Election cycle" means the period beginning the day after the General Election, up to and including the following General Election, including a Primary, Special Primary and the following Special General Election;

26. "Electioneering communication"

a. means any communication or series of communications that is sent by handbill or direct mail; broadcast by radio, television, cable or satellite; or appear in a newspaper, magazine or on a billboard which –

(i) refer to one candidate or one or more of the same clearly identified candidates or one ballot measure or one or more of the same ballot measures;

(ii) are made within –

(A) 60 days before a general or special election for the office sought by the candidate or candidates or the ballot measure or ballot measures;
or

(B) 30 days before a primary or runoff primary election for the office sought by the candidate or candidates; and

(iii) are targeted to the relevant electorate;

b. does not mean –

(i) a communication or series of communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political action committee, candidate, candidate committee or ballot measure committee;

(ii) a communication or series of communications which constitute an expenditure or an independent expenditure under this chapter; or

(iii) a communication or series of communications which constitute a candidate debate or forum or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

c. For purposes of this definition, a communication or series of communications which refer to one or more clearly identified candidates or one or more ballot measures are 'targeted to the relevant electorate' if the communication or series of communications have been or can be received by 2,500 or more persons in the municipality, district, or county the candidate seeks to represent;

~~44-~~ 27. "Expenditure" means

a. a purchase, payment, distribution, ~~contribution~~, loan, advance, compensation, reimbursement, fee deposit, transfer of funds between committees, or a gift made by a committee which is used to expressly advocate the election or defeat of a clearly identified candidate or candidates or the passage or defeat of a ballot measure or ballot measures of money ~~securement~~, or any other thing of value, or services including but not limited to postage, telephone, telegraph, printing, advertising, travel, lodging, meals or entertainment for which payment is made with

~~private or public funds, and includes a contract, promise or agreement to make an expenditure, whether or not legally enforceable;~~

- b. An expenditure does not include the following:
- (i) a loan of money, made in the ordinary course of business, by a financial institution authorized to transact business in this state;
 - (ii) a communication by a corporation, labor organization, or association aimed at its employees, members, owners, stockholders, executive administrative personnel, or their families;
 - (iii) uncompensated services provided by an individual volunteering the individual's time;
 - (iv) a transfer of funds to another committee if such transfer is not accepted; or
 - (v) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political action committee, candidate, candidate committee or ballot measure committee;

28. "Expenditure incurred" means an amount owed to a creditor for purchase of delivered goods or completed services;

~~45-~~ 29. "Family" means an individual, his or her spouse, if any, and all children under the age of eighteen (18) years residing in the same household;

~~46-~~ 30. "Governmental entity" means any department, commission, authority, council, board, bureau, committee, legislative body, agency, public trust, or other establishment of the a political subdivision of this state;

~~47-~~ 31. "Income" means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, gift, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof; provided, the term "income" shall not include campaign contributions;

~~48-~~ 32. "Independent expenditure" means an expenditure made by a person to advocate the election or defeat of a clearly identified candidate or candidates or a ballot measure or ballot measures, but which is not made to, controlled by, coordinated with, requested by, or made upon consultation with a candidate, committee, treasurer, deputy treasurer or agent of a candidate committee or a ballot measure committee;

33. "In-kind contribution or expenditure" means goods or services provided to or by a person at no charge or for less than their fair market value, but shall not include services provided by a volunteer;

34. "Loan" means a transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or part;

35. "Local office" means all elective offices for which declarations of candidacy are filed with the secretary of any county election board;

~~49-~~ 36. "Ministerial action" means an action that a person performs in a prescribed manner which involves no discretionary judgment;

~~20- 37.~~ **"Organization"** ~~includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, union, education or action group or committee or entity with two or more persons having a joint or common political interest;~~ means a:

- a. labor organization;
- b. collective bargaining organization;
- c. local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership; or
- d. trade or professional association that receives its funds exclusively from membership dues or service fees, whether organized inside or outside the state;

38. "Party committee" means a political party or any affiliated or connected entity;

~~24- 39.~~ **"Person"** ~~means an individual, corporation, limited liability company, association, proprietorship, firm, partnership, labor union or labor organization limited liability partnership, limited partnership, joint venture, joint stock company, syndicate, business trust, estate, trust, company, organization, committee, or club or other organization, or a group of persons who are voluntarily acting in concert;~~

40. "Peripheral campaign activity"

a. In general. For the purposes of Section 314.1 of this act, the term "peripheral campaign activity" means:

- (i) an independent expenditure consisting of a public communication;
- (ii) an electioneering communication, as defined in this section, provided however that the time period in the definition of "electioneering communication" shall be 120 days instead of 60 days;
- (iii) a transfer of funds from a covered entity to another person for the purpose of funding such an independent expenditure or electioneering communication by that person, as described by Paragraph (2); or
- (iv) a transfer of funds from a covered entity to another person for the purpose of funding a transfer by that person, as described by Paragraph (3).

b. Transfers made for purpose of funding peripheral campaign activity. A transfer of funds by a covered entity to another person is "for the purpose of funding such an independent expenditure or electioneering communication by that person or by any other person," if one or more of the following apply:

- (i) The covered entity that transferred the funds designates, requests, or suggests that the transferred funds be used by the recipient to make an independent expenditure consisting of a public communication or an electioneering communication, as defined in this section;
- (ii) The person to whom the amounts were transferred or its agent or representative solicited the covered entity for funds to make an independent expenditure consisting of a public communication or an electioneering communication, as defined in this section;
- (iii) The covered entity that transferred the funds has spent, in aggregate, 25 percent or more of its gross receipts in the period beginning on the first day

of the calendar year and ending on the transfer date to make independent expenditures consisting of a public communications or electioneering communications, as defined in this section;

- (iv) The covered entity that transferred the funds spent, in aggregate, 25 percent or more of its annual gross receipts or assets in the immediately preceding calendar year to make independent expenditures consisting of public communications or electioneering communications, as defined in this section;
- (v) the covered entity that transferred the funds spent, in the aggregate, \$5,000 or more to make independent expenditures consisting of public communications or electioneering communications, as defined in Section 304 of this act, during the 12-month period which ends on the date of the transfer; or
- (vi) the covered entity that transferred the funds knew or had reason to know that the recipient would use the transferred funds to make independent expenditures consisting of a public communications or electioneering communications, as defined in this section, in the 12-month period beginning on the date of the transfer;

~~22-~~ 41.

"Political action committee"

- a. means a combination of at least two individuals, or a person other than an individual, except a corporation or labor union:
 - (i) with the primary ~~or incidental~~ purpose of:
 - (A) expressly supporting or opposing a clearly identified candidate or candidates or political party, except those required to file with the Federal Election Commission or the Ethics Commission, ~~and~~ or
 - (B) supporting or opposing a ballot measure; and
 - ~~b-~~ (ii) which accepts or gives contributions or makes expenditures, including independent expenditures, from a joint account aggregating at least ~~Two~~ Five Hundred Dollars (~~\$200.00~~) during a calendar year;
- b. does not include:
 - (i) a party committee or a candidate committee; or
 - (ii) a combination of individuals, or a person other than an individual, if the combination of individuals, or a person other than an individual, solicits contributions on behalf of a committee; and, any contributions received as a result of the solicitation are forwarded to the committee without being deposited in any account; and, the contributions are required by these rules to be reported by the committee that receives the contributions;
 - (iii) a corporation; or
 - (iv) a labor union;

42. "Political party" means any political party so recognized for the purpose of having candidates appear on the ballot;

~~24- 43.~~ **"Public employee"** means any person who is employed by and receives compensation from any governmental entity, but shall not mean independent contractors or public officials;

~~25- 44.~~ **"Public official"** means an elected or appointed official in the executive or legislative branch of a political subdivision of the state;

~~26- 45.~~ **"Represent" or "representation"** means any formal or informal attendance before, or any written or oral communication with, or the filing of documents with any governmental entity on behalf of a person or organization whether gratuitous or for compensation;

~~27.~~ **"Respondent"** means a person named in a complaint filed pursuant to the provisions of Section 21 of this act;

~~28- 46.~~ **"Source"** means the name, address, and description of the principal business activity of a person or organization; ~~and~~

~~29.~~ **"Substantial financial interest"** means an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of ownership or interest in a business entity, or as a result of salary, gratuity or other compensation or remuneration from any person, partnership, organization or association.

~~47.~~ **"Surplus funds"** arise:

- ~~a.~~ when a candidate committee has an unexpended balance of funds not otherwise obligated for the purposes specified in Subsection (A) of Section 316 of this title;
- ~~b.~~ when a committee formed to support or oppose a ballot measure has an unexpended balance of funds not otherwise obligated for any campaign expenditure;
or
- ~~c.~~ when a committee, other than a candidate committee or a ballot measure committee, has an unexpended balance of funds not otherwise obligated to further the committee's purposes; and

~~48.~~ **"Transfer"** means the movement or exchange of anything of value between committees, except the disposition of surplus funds or material assets by a candidate committee to a party committee in accordance with the dissolution procedure in Section 314(e) of this act.

§ 305. Powers and responsibilities of Commission and other administrators – Promulgation of rules and regulations

- ~~A.~~ **Ethics Commission.** The Ethics Commission ~~shall:~~
 - ~~1.~~ ~~Serve~~ shall serve as the official repository for financial disclosure statements, campaign contributions and expenditures reports and such other documents filed by candidates or candidate committees for county office and public officials and public employees of county government as pertain to its duties;
 - ~~2.~~ ~~Accept and file any information voluntarily supplied that exceeds the requirements of the Political Subdivisions Ethics Act; provided, the Commission shall not require the disclosure of any information other than as specifically provided by the Political Subdivisions Ethics Act;~~
 - ~~3-~~ ~~Make~~ shall make available from its website forms upon which information shall be provided as required by the Political Subdivisions Ethics Act and copies of the

Political Subdivisions Ethics Act for all candidates, committees, officials, and employees required to submit such forms; and

3. may, in its discretion and where appropriate, issue ethics interpretations pertaining to the provisions of this Act when requested by any person or committee who may be subject to the jurisdiction of this Act. Before issuing an ethics interpretation, the Commission shall announce its consideration of an ethics interpretation at a meeting of the Commission, publish on its website a copy of the request for the ethics interpretation with sufficient deletions to prevent the disclosure of the identity of the person or persons involved in the situations presented in the request for the ethics interpretation, schedule and provide notice of a hearing on the request no fewer than thirty (30) days after the announcement and accept both written and oral comments on the request at the hearing. At least five (5) days before the hearing, Commission staff comments and/or draft ethics interpretations shall be made available to the public for comment. Should the Commission determine that a request requires a response more quickly than the notice and hearing would permit, the Commission may issue a confidential “emergency opinion” without notice and a hearing, and such an emergency opinion shall apply only to the person making the request and shall be limited to the specific fact situation included in the request. Notwithstanding the issuance of such an emergency opinion, the request for an ethics interpretation shall be scheduled for notice and hearing, the same as any other request. If the ethics interpretation thereafter adopted is different than the emergency opinion, the ethics interpretation shall be given prospective effect. The Commission shall publish all ethics interpretations issued on its website within thirty (30) days of the date of issuance. Provided, failure of a person to request an ethics interpretation shall have no relevance in any prosecution under this Act involving such person; and
4. shall enforce and collect such late filing fees as provided for by the Political Subdivisions Ethics Act. The Commission shall establish a procedure by which an employee of or person contracting with the Commission shall conduct a hearing regarding any late filing fee imposed upon written request. The hearing may be conducted within thirty (30) days of the request. The decision of the person conducting the hearing may be appealed to the Commission upon written request.
 - B. Municipal clerks.** The municipal clerks shall serve as the official repositories for financial disclosure statements, campaign contributions and expenditures reports and such other documents filed by candidates or candidate committees for municipal office, except for municipalities greater than 250,000 in population.
 - C. Clerks of boards of education.** The clerks of the boards of education shall serve as the official repositories for financial disclosure statements, campaign contributions and expenditures reports and such other documents filed by candidates or candidate committees for school board office.
 - D. Ethics Commission, municipal clerks and clerks of boards of education.** The Ethics Commission, municipal clerks and clerks of the boards of education shall:
 1. accept and file any information voluntarily supplied that exceeds the requirements of the Political Subdivisions Ethics Act; provided, the Commission shall not require the disclosure of any information other than as specifically provided by the Political Subdivisions Ethics Act; and

- ~~4- 2. Make make campaign contributions and expenditures reports, political action committees' registrations and financial disclosure statements filed with it available during regular business hours to the public subject to the Open Records Act, Section 24A.1 et seq. of this title. No original or record copies of reports, registrations and statements shall be removed from the office of the Commission. No records or materials of the Commission shall be subject to the Oklahoma Open Records Act unless expressly provided for in this act; _~~
- ~~5. Preserve such reports, registrations and statements in accordance with the Records Management Act, Section 201 et seq. of Title 67 of the Oklahoma Statutes, or for a period of at least two (2) years from date of receipt;~~
- ~~6. Issue ethics interpretations pertaining to the provisions of the Political Subdivisions Ethics Act when requested by any person or committee under the jurisdiction of the Commission and publish its ethics interpretations annually; provided, that failure of a person to request an ethics interpretation shall have no relevance in any subsequent proceeding under the Political Subdivisions Ethics Act. Provided further, such interpretation shall be binding on the Commission in any subsequent proceeding under the Political Subdivisions Ethics Act. Sufficient deletions shall be made by the Commission in published ethics interpretations to prevent the disclosure of the identity of the persons involved in the situations presented in the ethical interpretations;~~
- ~~7. Pursuant to a complaint filed under the provisions of Section 307 of 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;~~
- ~~8. Enforce and collect such late filing fees as provided for by the Political Subdivisions Ethics Act. The Commission shall establish a procedure by which an employee of or person contracting with the Commission shall conduct a hearing regarding any late filing fee imposed upon written request. The hearing shall be conducted within thirty (30) days of the request. The decision of the person conducting the hearing may be appealed to the Commission upon written request; and~~
- ~~9. Initiate and continue programs for the purpose of educating officials, employees and citizens of political subdivisions of this state on matters of ethics and government service.~~

§ 305.1. Repealed by House Bill 2408, § 6, emerg. eff. July 1, 2010.

§ 306. Promulgation of statutory rules and regulations

A. The Ethics Commission shall be authorized to promulgate rules and regulations pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, for the purpose of carrying out its duties pursuant to the Political Subdivisions Ethics Act with respect to candidates and candidate committees for county office, for campaigns for county initiatives and referenda and for county officers and employees.

B. The Ethics Commission shall adopt rules and regulations providing standards for allowing registrations, reports and statements to be filed on magnetic media or in other machine-readable form with the Commission.

§ 307. Complaints – Repeal

~~A. Except as otherwise provided in this section, complaints alleging violations of the provisions of this act by persons, committees, candidates, public officials or public employees of~~

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~~county government shall be filed with the Ethics Commission. The Commission shall not accept a complaint alleging a violation by a candidate for local office other than county office. Such complaint must be filed by the complainant with the district attorney of the county in which the violation is alleged to have occurred.~~

~~B. The Commission shall not initiate any investigation or other proceedings except:~~

~~1. Pursuant to a complaint which meets the requirements of this section; or~~

~~2. Pursuant to the provisions of Section 23* of this act.~~

~~C. Complaints shall be made in writing and signed by the person making the complaint and shall be verified and notarized. Each complaint shall state specifically the sections of the Political Subdivisions Ethics Act that the person named in the complaint is alleged to have violated and the date of the alleged violation, which shall not be more than two (2) years before the date the complaint is filed. The Executive Director shall be authorized, without action of the Commission, to refuse to accept any complaint which does not meet the requirements of this section and shall notify the person filing the complaint of the reasons for such refusal. The Executive Director shall, without action of the Commission, forward any complaint filed with the Commission, over which the Court on the Judiciary has jurisdiction to the Court on the Judiciary. The Executive Director shall forward any complaint alleging a violation by a member of the Commission to the Council on Judicial Complaints, which shall be authorized to refer the complaint to the district attorney of the county in which the alleged violation occurred.~~

~~D. No person shall disclose the contents of a complaint, his or her intention to file a complaint, the fact that a complaint has been filed or his or her knowledge of another person's intention to file a complaint; provided, the respondent may disclose the entire contents of a complaint and any related materials at any time in the proceedings. If the respondent so discloses, any provisions of this act prohibiting disclosure of information shall be waived and the complaint and all records and materials related thereto shall be open for public inspection.~~

~~E. No complaint alleging any violation of the provisions of Sections 24 through 31* of this act by a candidate or by any person in connection with a campaign for county office may be filed with, received by or initiated by the Commission during the period beginning on the first day of the period for filing declarations of candidacy for the office and ending on the day after certification of the results of the election at which the office is filled.~~

~~F. A copy of any complaint filed with the Commission that meets the requirements of subsection C of this section and a general statement of the applicable laws with respect to the complaint, shall be sent by certified mail to the person named in the complaint. Such person shall have twenty (20) days from the day of receipt of the copy of the complaint to file a written response to the complaint. Upon written request by the person, the chairman of the Commission may extend the time for response an additional twenty (20) days.~~

~~G. A complaint may be withdrawn by the complainant at any time during the proceedings outlined in this section with the consent of the Commission and the respondent.~~

~~H. Upon the filing of a complaint, the Commission shall determine if the complaint may be resolved by action on the part of either party or by a conciliation agreement pursuant to the provisions of subsection Q of this section or if the complaint should be dismissed. If not, the Commission may cause an investigation to be conducted and may order a hearing to be held pursuant to the provisions of Article II of the Administrative Procedures Act. The respondent shall have the right to be present during any of the proceedings except the final deliberations and the right to appear with counsel and shall be notified that the investigation and hearing may result in a~~

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~~referral of the complaint to the appropriate authority for prosecution if a criminal penalty is provided in this act for the violation cited in the complaint. The complainant shall not be present except at such times as he may be required to provide testimony.~~

~~I. The rules of evidence shall apply to any hearings held pursuant to the provisions of this section.~~

~~J. All proceedings held pursuant to the provisions of this section shall be conducted in executive sessions. All records relating to any such complaint, review or investigation shall be confidential and not open for public inspection.~~

~~K. The Commission shall cause a record to be made of such proceedings and shall request a hearing officer to conduct the proceedings and advise the Commission as necessary. The hearing officer shall be an attorney licensed to practice law in this state. The Court Administrator shall designate hearing officers. The Executive Director or designee shall present the complaint and any evidence supporting the complaint. The Commission shall determine:~~

~~1. The order of the proceedings;~~

~~2. The order in which the Executive Director or designee and the respondent and his or her counsel are to put on testimony and evidence, cross-examine witnesses and present arguments; and~~

~~3. Such other matters as may be necessary to ensure orderly proceedings. The Commission may request the assistance of the hearing officer in making such determinations.~~

~~L. At the conclusion of the hearing, the Commission shall conduct final deliberations and shall determine if the complaint may be resolved by a conciliation agreement. No other person shall be present at such deliberations; provided, after such determination, the Commission may request the assistance of the Executive Director.~~

~~M. At the conclusion of final deliberations, the Commission shall set forth its determination in writing with findings of fact and conclusions of law. Such written decision with findings of fact and conclusions of law must contain one of the following orders:~~

~~1. A dismissal of the complaint;~~

~~2. An order reflecting the terms of a conciliation agreement with the respondent pursuant to the provisions of subsection Q of this section; or~~

~~3. For complaints alleging a violation of this act for which a criminal penalty is provided, an order referring the complaint and all material gathered by the Commission concerning the alleged violation to the appropriate authority for prosecution or action; provided such referral shall only be made upon the affirmative vote of a majority of the members serving that there is probable cause to believe that the respondent committed a knowing and willful violation of the sections of the Political Subdivisions Ethics Act cited in the complaint. If the Commission refers the complaint for prosecution or action, the records of any proceedings held pursuant to the complaint shall be transcribed.~~

~~As used in this section, "appropriate authority" means the district attorney of the county in which the violation occurred. If uncertainty exists as to the county in which the violation occurred, the Commission may prosecute in, or refer complaints to the district attorney of, any county in which the evidence indicates the violation might have been committed.~~

~~N. If the appropriate authority declines to prosecute or take action, the investigation and order and all materials related thereto shall remain confidential. If the appropriate authority~~

~~decides to prosecute or take action, the respondent shall be entitled to a copy of any report prepared by the Commission concerning the complaint and only that material presented at trial shall become open for public inspection. If the Commission dismisses the complaint, all materials related to the investigation shall be destroyed by the Commission six (6) months after the date of dismissal unless such materials are required for prosecution of filing a frivolous complaint pursuant to the provisions of Section 22* of this act.~~

~~O.——In making a determination pursuant to the provisions of subsection M of this section, the Commission may exercise such discretion as it deems necessary to provide fairness to the accused and to maintain confidence in the public officials and employees who are subject to the provisions of this act.~~

~~P.——Any person disclosing any material made confidential pursuant to the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00). If the Commission upon a vote of a majority of the members serving determines that confidential information has been disclosed, it shall forward any materials related to such disclosure, along with any information it deems necessary, to the appropriate district attorney.~~

~~Q.——A conciliation agreement to resolve any complaint filed may be entered into by the Commission and the respondent at any time during the proceedings provided for in this section. A conciliation agreement, unless violated, shall be a bar to any other action by the Commission or the district attorney. A conciliation agreement shall not be made public unless such disclosure is made part of the agreement. A conciliation agreement may include a requirement that the respondent pay a civil penalty of up to Two Thousand Five Hundred Dollars (\$2,500.00).~~

~~Such penalties shall be deposited with the State Treasurer to the credit of the General Revenue Fund. If the Commission finds, or either party alleges, that a conciliation agreement has been violated, the Commission shall conduct a hearing under the procedures specified in this section to determine if the conciliation agreement has been violated and, if so, if the complaint should be referred to the appropriate authority for prosecution. A conciliation agreement may be amended by the Commission.~~

§ 308. Frivolous complaints – Repeal

~~It shall be unlawful to file a frivolous complaint with the Ethics Commission. A person shall be deemed to have filed a frivolous complaint if:~~

- ~~1.——The person has submitted or has caused or conspired with the complainant to submit substantially the same complaint to the Commission within the preceding six (6) months;~~
- ~~2.——To the best of his or her knowledge, the complaint is not accurate or is not well grounded in fact; or~~
- ~~3.——The complaint is made for an improper purpose, including harassment of any person named in the complaint.~~

~~If the Commission upon a vote of a majority of the members serving determines that a frivolous complaint has been filed, it shall forward the complaint, along with any information it deems necessary, to the appropriate district attorney. Any person convicted of filing a frivolous complaint shall be guilty of a misdemeanor and shall be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00).~~

§ 309. Filing of statements or reports – Delinquency

The Ethics Commission shall post in public view in its office a list of those delinquent in filing any statements or reports required by the Political Subdivisions Ethics Act. It shall send a delinquency notice to the appropriate person within twenty-four (24) hours of the filing deadline by ~~registered or certified mail~~ or email and may impose late filing fees as provided by law. ~~If any person has not filed any statement or report within forty-eight (48) hours after receipt of such notice, the Commission may, on its own motion, institute proceedings against such person pursuant to the provisions of Section 21 of this act; provided, the provisions of subsection E of Section 21 of this act shall not apply to proceedings instituted pursuant to the provisions of this section.~~

§ 310. Reports of contributions from candidates and committees

A. If a candidate or committee has accepted one or more contributions, or made one or more expenditures during a reporting period, the designated agent shall be required to file a complete written report of all contributions and expenditures as provided for in the Political Subdivisions Ethics Act. If a candidate or committee has not accepted any contributions and has made no expenditures during a reporting period, the designated agent shall file a statement of inactivity.

B. Every candidate or candidate committee for county office and every committee, except for committees supporting or opposing municipal or school board candidates, which receives ~~a contribution~~ contributions or makes expenditures which exceeds Two ~~exceed~~ Five Hundred Dollars ~~(\$200.00)~~ (\$500.00) in a campaign shall file reports with the Ethics Commission. Every candidate or candidate committee for local office other than county office shall file reports with the clerk of the appropriate political subdivision.

C. Every candidate and committee shall report the sources of each contribution which exceeds Two Hundred Dollars (\$200.00) in the aggregate during the campaign or calendar year.

D. Every committee, except for candidate committees, that makes ~~a contribution~~ contributions to ~~another candidate or committee in an amount which exceeds Two~~ other candidates or committees in the amount of Five Hundred Dollars ~~(\$200.00)~~ (\$500.00) in the aggregate during the campaign or calendar year shall report the ~~contribution as an expenditure~~ contributions as expenditures as provided in Section ~~28~~ 314 of this act; provided, this subsection shall not authorize any contribution otherwise prohibited by law. A committee shall not make a contribution in cash. A committee shall not make a contribution, other than ~~in-kind~~ in-kind, except by written instrument containing the name of the donor and the name of the payee.

E. If a contributor makes more than one contribution to a candidate or committee and any of such contributions are of a value less than Two Hundred Dollars (\$200.00) in the aggregate during the campaign or calendar year, then such contributions shall be reported whenever the aggregate value or amount of such contributions and the theretofore unreported contributions to such candidate or committee exceeds Two Hundred Dollars (\$200.00).

F. Contributions of a value Two Hundred Dollars (\$200.00) or less during the reporting period shall be reported as one aggregate total without identifying the contributors thereof. All corporate contributions to a committee or person for or against a state question shall be segregated from, and may not be commingled with, a fund established by such person or committee to contribute to candidates or committees which support or oppose candidates.

G. Expenditures made by a candidate or candidate committee from the candidate's own funds including, but not limited to, any funds loaned by a bank, savings and loan association

or credit union, and on the candidate's own behalf shall ~~not~~ be considered and reported both as contributions ~~but shall be reported~~ and as expenditures.

§ 311. Registration of committees –Form

A. Committees shall register with the Ethics Commission within ten (10) days of organization or within ten (10) days of receiving or expending more than ~~Two~~ Five Hundred Dollars (~~\$200.00~~) (\$500.00). The form shall require the following information:

1. The name and address of the committee;
2. The name and address and relationship of any affiliated or connected organizations;
3. The name, address, email address and position of the designated agent of the committee;
4. The name and address of the chairman, vice-chairman and treasurer of the committee and its staff director, if any;
5. If the committee is authorized by a candidate, the name, address, office and party affiliation of the candidate; and
6. A listing of all banks, safety deposit boxes or other depository used by the committee.

B. The form shall be as follows:

~~REGISTRATION: Committees~~

~~Please type or print clearly in ink~~

~~1. NAME OF COMMITTEE: (Full Exact Name, Do not abbreviate)~~
~~Street Address~~
~~City State Zip~~

~~2. PURPOSE OF COMMITTEE: (Check only one, then provide additional information on line checked)~~
~~Candidate Candidate's Office District/~~
~~Name (Last, Sought County~~
~~First, Middle)~~

~~()~~
~~Special Interest (Associated with a business,~~
~~association, labor union or similar organization)~~

~~()~~
~~Other (Explain fully on Brief Description~~
~~an attached sheet)~~

~~()~~
~~3. DURATION: 4. DATE: 5. FEC ID~~
~~Will committee General/ NUMBER:~~
~~continue beyond Special (Federal~~
~~next election? MM/DD/YY Committees~~
~~()Yes ()No Only)~~

~~6. OFFICERS: Name (Last, Address (Street,~~
~~First, Middle) City, State, Zip)~~

~~Chairman~~

~~Vice-Chairman~~

~~Treasurer~~

~~Staff Director~~

~~7. DESIGNATED AGENT: Name _____ Daytime _____
 _____ Phone No. _____
 Address _____ City _____ State _____ Zip _____~~

~~8. DEPOSITORIES: Please list all banks, safety boxes or other depositories used by the above-named organization, committee or party. List primary depository first; use attached sheet if necessary.
 Institution _____ City _____ Description (Account, _____
 Name _____ Safety Deposit Box...) _____ & Number _____~~

~~9. CONNECTED ORGANIZATIONS: List all affiliated or connected organizations and indicate their relationship to this committee. List primary connected organization first; use attached sheet if necessary.
 Organization _____ Address _____ Relationship _____
 Name _____ (Street, City, State, Zip)~~

~~10. CERTIFICATE: We certify that the above information is true, complete and correct.~~

~~Chairman's _____ Date _____ Designated _____ Date _____
 Signature _____ Agent's _____
 _____ Signature _____~~

~~☞ Any change in submitted information shall be reported within ten (10) days after the date of change.~~

§ 312. Certain out-of-state organizations exempt from requirements of act

The provisions of the Political Subdivisions Ethics Act shall not apply to out-of-state committees which receive contributions and which contribute in Oklahoma only through an Oklahoma committee that registers and files reports of contributions and expenditures pursuant to the provisions of the Rules of the Ethics Commission or the Political Subdivisions Ethics Act.

§ 313. Designation of agent for receipt and expenditure of contributions-Records

A. Every candidate or committee shall designate a person, who may be the candidate himself or herself for a candidate committee, to be the agent of the committee for the receipt and expenditure of contributions for reporting purposes. The agent may designate as many subagents as he or she deems fit. The chairperson of a committee may remove the designated agent and designate another agent at any time. The chairperson or agent may remove a subagent and designate other subagents at any time. The designations of agents and subagents shall be made in writing and filed with the Ethics Commission for candidates or candidate committees for county office and with the clerk of the appropriate political subdivision for candidates or candidate committees for local office other than county office. No person shall act as any agent or as a subagent until after his designation is so filed.

B. ~~The form for designation of agent shall be as follows:~~

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State of Oklahoma

DESIGNATION OF AGENT

Please type or print clearly in ink.

NAME OF CANDIDATE OR COMMITTEE: _____

(Do not abbreviate.)

Business Address (Street or Box, City, State, Zip) _____

CHECK YOUR FILING STATUS: (mark only one box)

() A CANDIDATE COMMITTEE. Name of authorized candidate committee (if any): _____

() A POLITICAL ACTION COMMITTEE. Name of Corporation or Organization: _____

() A POLITICAL PARTY. Central Committee/ District/County/Club: _____

() AN AGENT. Name of candidate or committee represented: _____

Candidates or Candidate Committees Only:
 (fill in each applicable blank for candidate)

Office Title: _____ Position No.: _____ District/
 City/County

Date of Primary Election: _____ Date of Runoff Primary Election: _____ Date of General Election: _____

DESIGNATION OF AGENT: Name _____ Daytime _____ Phone No. _____

Address _____ City _____ State _____ Zip _____

DESIGNATION OF SUBAGENTS:

Name _____ Address _____ Daytime Phone Number _____

AGENT/SUBAGENTS REMOVED:

Name _____ Term of Service (from date of appointment to present) _____

Certificate: I certify that the above information is true, complete and correct.

Candidate, Chairman or Agent's Signature _____ Date _____
 (person serving as appointing authority)

Each agent shall maintain written records of all contributions and expenditures handled by him or her and shall require each of the subagents to maintain a written record of all contributions and expenditures handled by each such subagent. The written records shall be the

property of the candidate or committee to which they relate and shall be delivered to the candidate or committee immediately upon:

1. Demand by the candidate or committee;
2. Removal of an agent or subagent; or
3. The expiration of the agent's or subagent's appointment, whichever shall first occur.

~~D. C.~~ No committee shall solicit, accept or make a contribution on behalf of any individual candidate without expressed permission of the candidate.

§ 314. Campaign contributions and expenditures report

A. Except as provided by subsection F of this section, the campaign contributions and expenditures reports shall disclose:

1. The carryover from a previous campaign or cumulative period. For purposes of this act, a cumulative period shall begin on the first day of an even-numbered year and end on the last day of an odd-numbered year;
2. The grand total of contributions from the last campaign contributions and expenditures report unless beginning a new campaign or cumulative period;
3. The specific identification of each contributor who gives a contribution which exceeds Two Hundred Dollars (\$200.00), including :
 - a. the date the contribution is accepted,
 - b. the contributor's address, occupation and employer, or the principal business activity if a business, and
 - c. a specific description of the contribution;
4. The aggregate value of all contributions received from each such contributor during the campaign for candidates and candidate committees or during the current calendar year for other committees;
5. The aggregate total of all contributions in the amount of Two Hundred Dollars (\$200.00) or less;
6. The total sum of all contributions during the current reporting period;
7. The grand total of all contributions for the campaign or cumulative period to date;
8. The grand total of expenditures from the last campaign contributions and expenditures report, unless beginning a new campaign or cumulative period;
9. All campaign expenditures in detail by categories or objects of expenditure to include the amount, the date, the name and address of each person who received disbursements of an aggregate amount of \$200 or more during the period covered by the report, a description and the purpose of what was purchased, and the aggregate amount of disbursements received by such person in the period;
10. The amount, the date, the name and address of each person who received disbursements of an aggregate amount of \$500 or more for peripheral campaign activity during the period covered by the report and the aggregate amount of disbursements received by such person

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Yes No Yes No Yes No

~~To the best of my knowledge and belief, the above is a true and correct compilation.~~

~~Candidate's, Chairperson's, or Designated Agent's Signature~~

~~Subscribed and sworn to before me this _____~~
~~day of _____~~

~~_____ , 20_____~~

~~My commission expires _____~~

Notary Public

~~D.~~ A statement of inactivity must include:

1. The candidate or candidate committee, political party or organization's name and address; and
2. A statement by the designated agent verifying that a contribution was not received and an expenditure was not made during the reporting period.

Interest earned shall not be considered to be a contribution, and a filing fee paid by the candidate shall not be considered to be an expenditure.

~~E.~~ D. Dissolution Procedures

1. A candidate may not file a "final" report or a candidate committee may not dissolve until:
 - a. after a Primary Election or a Run-off Primary Election in which the candidate is elected or defeated,
 - b. after the General Election in which the candidate's name appears on the ballot,
 - c. after the last day for filing a declaration of candidacy for a candidate who is unopposed in the Primary, Run-off Primary and General Election,
 - d. after a candidate's name has been stricken from the ballot pursuant to Section 5-127 of Title 26 of the Oklahoma Statutes, or
 - e. after withdrawal of the candidate's candidacy pursuant to Sections 5-115 or 5-116 of Title 26 of the Oklahoma Statutes.
2. A political party committee may dissolve only after the political party itself dissolves.
3. A political action committee or an organization may dissolve only after it determines that it will not accept contributions or make expenditures.
4. A final campaign contributions and expenditures report may be filed at the time or before a scheduled filing is due. The form must:
 - a. be marked "final"; and
 - b. include a list of the material assets worth Fifty Dollars (\$50.00) or more, and detail their disposition.
5. If a committee owes or is owed money, the committee may dissolve, but must report the status of the debts on the same dates as campaign contributions and expenditures reports would be due until all debts are resolved. Methods of resolution must also be detailed.

6. Unused contributions and campaign assets must be disposed of by candidates or candidate committees according to Section 316 of this title.

~~F. E.~~ All candidates allowed to receive the maximum contribution of Five Thousand Dollars (\$5,000.00), pursuant to paragraph 2 of subsection A of Section 187.1 of Title 21 of the Oklahoma Statutes shall register and file a campaign contributions and expenditures report reports electronically with the Ethics Commission. ~~The campaign contributions and expenditures report shall include the same information required by Registration and reporting shall be governed by Chapter 10 of the Ethics Commission Rule 257:10-1-14(a) Rules.~~

§ 314.1 NEW LAW. Reports by covered entities making disbursements for peripheral campaign activity

A. Peripheral campaign activity report. If a covered entity makes disbursements for peripheral campaign activity in an aggregate amount equal to or exceeding \$1,000 in a calendar year, it shall, within 24 hours of each disclosure date, file with the Commission a statement containing the information described in Subsection (B).

B. Contents of statement. Each statement required to be filed under this subsection shall be made under penalty of perjury and shall contain the following information:

1. The name of the covered entity making the disbursement and of any person sharing or exercising direction or control over the activities of such person;
2. The principal place of business of the covered entity;
3. The name and address of each person who received disbursements of an aggregate amount of \$1,000 or more from the covered entity for peripheral campaign activity during the period covered by the statement and the aggregate amount of disbursements received by such person in this period;
4. The elections to which the disbursement pertains and the names (if known) of the candidates identified or to be identified;
5. If the disbursements were paid out of a Peripheral campaign Activity Account that complies with the requirements of Subsection (D),
 - a. the names and addresses of all persons who contributed, transferred or paid an aggregate amount of \$500 or more to that account during the period beginning on the first day of the preceding calendar year and ending on the disclosure date; and
 - b. the name and address of each person who provided two (2) or more bundled contributions to that account in an aggregate amount equal to or exceeding \$1,000 during the period beginning on the first day of the preceding calendar year and ending on the disclosure date, and the aggregate amount of the bundled contributions provided by each such person during this period;
6. If the disbursements were paid out of funds not described in Paragraph (5),
 - a. the names and addresses of all persons who contributed, transferred or paid an aggregate amount of \$500 or more to the covered entity making the disbursement during the period beginning on the first day of the preceding calendar year and ending on the disclosure date; and
 - b. the name and address of each person who provided two (2) or more bundled contributions to the covered entity in an aggregate amount equal to or exceeding

\$1,000 during the period beginning on the first day of the preceding calendar year and ending on the disclosure date, and the aggregate amount of the bundled contributions provided by each such person during this period.

C. Treatment of transfers made to other persons.

1. In general. For purposes of the requirement to file reports under this subsection, a covered entity that makes a transfer described by Section 304(41)(a)(iii) and (iv) of this act shall be considered to have made a disbursement for peripheral campaign activity.

2. Exception. Notwithstanding any other provision of this subsection, a covered entity that makes a transfer described by Section 304(41)(a)(iii) or (iv) shall not be required to file a report under this subsection provided that:

a. the transfer is comprised wholly of funds contributed, transferred or paid to the covered entity in a commercial transaction made in the ordinary course of business;

b. the covered entity making the transfer has not received any funds that were designated by the donor to be used for disbursements for peripheral campaign activity during the 12-month period ending on the date of the transfer; and

c. the covered entity making the transfer has not solicited funds to make disbursement for peripheral campaign activity during the 12-month period ending on the date of the transfer.

D. Peripheral campaign activity account.

1. Establishment of account. At its option, a covered entity may establish and make disbursements from a Peripheral campaign Activity Account (hereafter in this paragraph referred to as the "Account"), which shall be maintained separately from all other accounts of the entity and which shall consist exclusively of the deposits described in subparagraph (B).

2. Deposits Described. The funds that may be deposited in a covered entity's Peripheral campaign Activity Account are limited to amounts contributed, transferred or paid directly to the Account by a person other than the entity.

E. Exclusions from report. For the purposes of the reports filed under this section:

1. In determining the amount of disbursements for peripheral campaign activity made by a covered entity, there shall be excluded any amounts paid from a political action committee established and administered by the entity.

2. In determining the persons who have made contributions, payments or transfers to a covered entity or provided bundled contributions to a covered entity, there shall be excluded the following:

(i) Any person who either contributed, transferred or paid funds or provided bundled contributions to the covered entity in any commercial transaction made in the ordinary course of business, unless there is affirmative evidence that the amounts were received by the covered entity for the purpose of making an independent expenditure or electioneering communication; and

(ii) Any person who contributed, transferred or paid funds to a covered entity and, in writing, requested that the covered entity not use such funds

to make a disbursement for peripheral campaign activity, provided that the entity did not use such funds to make a disbursement for peripheral campaign activity.

F. **Coordination with other provisions.** A covered entity required to file a report under this section shall not be required to file the same information in any report required under Section 14 or Section 15. Notwithstanding any other provision of law, a political entity required to file a report with the Internal Revenue Service under section 527(j) of Title 26 shall be required also to file reports that comply with the disclosure provisions of this section.

§ 315. Time for filing reports of contributions and expenditures

A. Except as provided by Subsection D of this section, ~~The~~ the reports of contributions and expenditures or statements of inactivity shall be filed with the Ethics Commission for candidates or candidate committees for county office and committees supporting or opposing county candidates and organizations, or with the clerk of the appropriate political subdivision for municipal or school board candidates, candidate committees, and committees supporting or opposing municipal or school board candidates, as follows:

1. The reports of a candidate or committee as herein defined shall be filed on or before the tenth day preceding the date of the Primary Election and shall include all contributions accepted and all expenditures made from the date on which the earliest contribution was received or expenditure was made, whichever was earlier, through a period of time ending fifteen (15) days preceding the date of the Primary Election;

2. A further report of a candidate or committee, as herein defined, shall be filed on or before the tenth day preceding the date of the Runoff Primary Election and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 1 of this section through the fifteenth day preceding the date of the Runoff Primary Election;

3. A further report of a candidate or committee, as herein defined, shall be filed on or before the tenth day preceding the date of the General Election and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 2 of this section through the fifteenth day preceding the date of the General Election;

4. A further report of a candidate or committee, as herein defined, shall be filed on or before the fortieth day after the date of the General Election, and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 3 of this section through the thirtieth day after the date of the General Election; and

5. If any contributions are accepted or any expenditures made within six (6) months after close of the reporting period required by paragraph 4 of this section, the candidate or committee, as herein defined, shall file a supplemental report within six (6) months and ten (10) days after the date of the General Election, together with the names of the contributors and the purpose for which the expenditures were made. Such report shall include all contributions accepted and expenditures made from the close of the reporting period required by paragraph 4 of this section, through six (6) months after the date of the General Election. Provided further, that if any contributions are accepted or expenditures are made in connection with such campaign after said six-month period same shall also be fully reported not later than January 15 of each year thereafter. Such reports shall include all contributions accepted and expenditures made from the close of the reporting period of the report most recently filed through December 31 of the previous year.

B. The reports of contributions and expenditures or statements of inactivity of committees accepting contributions or making expenditures for or against a proposition or measure submitted to voters at a county election or a municipal election other than one involving utility franchises shall be filed with the appropriate administering entity as provided by Section 17 of this act as follows:

1. A report shall be filed on or before the tenth day preceding the date of the election and shall include all contributions accepted and all expenditures made from the date on which the earliest contribution was accepted or expenditure was made, whichever was earlier, through a period of time ending fifteen (15) days preceding the date of the election;

2. A final report shall be filed on or before the fortieth day after the date of election wherein the proposition or measure was voted upon, and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 1 of this subsection through the thirtieth day after the date of the election; and

3. If any contributions are accepted or any expenditures are made within six (6) months after the date of the election wherein the proposition or measure was voted upon, the committee shall file a supplemental report within six (6) months and ten (10) days after the election at which the proposition or measure was voted upon, together with the names of the contributors and the purpose for which the expenditures were made. Such report shall include all contributions accepted and expenditures made from the date of the election wherein the proposition or measure was voted upon through six (6) months after the date of the election wherein the proposition or measure was voted upon. Provided, further, that if any contributions are accepted or expenditures are made in connection with such campaign after said six-month period, same shall also be fully reported not later than January 15 of each year thereafter. Such reports shall include all contributions accepted and expenditures made from the close of the reporting period of the report most recently filed through December 31 of the previous year.

C. Reports may be filed by mail or delivered to the Commission or the clerk of the appropriate political subdivision but the same must be received by the Commission or the clerk of the appropriate political subdivision not later than 4:30 p.m. of the day specified for filing in order to be deemed timely filed.

D. Candidates required to file electronically by Section 314 of this act shall file registrations and reports required by Sections 257:10-1-12(a) and 257:10-1-13(a) and (b) of the Ethics Commission Rules.

§ 316. Use of campaign contributions—Unused contributions –Notification and declaration of candidacy

A. Contributions accepted by any candidate or candidate committee shall be used to defray any campaign expenditures or any ordinary and necessary expenses incurred by the person in connection with duties as a holder of the public office including, but not limited to, expenses for use in a future election campaign, for political activity, for community activity or for nonreimbursed public office related expenses. Said contributions shall not be used for any other purposes. Contributions and any interest income earned on said contributions which are not used in this manner within forty-eight (48) months of the date of the General Election which is intended to result in the final election of a single individual to the office at stake shall be disposed of as follows:

1. 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;

2. Donated to the campaign of any other political candidate or to any political party officially recognized by the State Election Board;

3. Donated to a charitable organization qualified for a tax exemption pursuant to the provisions of the Internal Revenue Code; or

4. Retained by the candidate or candidate committee for use in a future election.

B. Any person who receives contributions for a campaign but does not file a notification and declaration of candidacy for public office with the secretary of any county election board, or any person who has withdrawn such notification and declaration of candidacy, shall be governed by the provisions of this section.

§ 317. Penalties

A. Every person who knowingly and willfully violates any of the provisions of Sections ~~24 through 30~~ 310 through 316 of this act shall, upon conviction, be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by confinement in the county jail for not more than six (6) months, or by both such fine and imprisonment. Such violations shall be prosecuted in the county in which said reports are required to be filed.

B. Every candidate or candidate committee for county office and every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures or statements of inactivity on or before the days specified in Sections ~~25, 27 and 29~~ 311, 313 and 315 of this act shall be assessed by the Ethics Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed One Thousand Dollars (\$1,000.00). The agent, except for agents for candidates or candidate committees, may be liable for the late fee. Failure to file a report shall be deemed to be a separate offense for each day that the report remains unfiled after it becomes due. Fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the General Revenue Fund. Candidates or candidate committees shall not pay such fees from campaign funds.

§ 318. Legislative Intent

The Legislature hereby declares those persons elected and employed to administer the government on behalf of the people of the State of Oklahoma have a responsibility to make certain financial disclosures to demonstrate that fair and equitable treatment is given all governmental decisions.

§ 319. Persons required to file financial disclosure statement

A. Any person elected to an office for which a declaration of candidacy is required to be filed with the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes, except any person required to file financial disclosure pursuant to the provisions of any federal law, shall file a Financial Disclosure Statement with the Ethics Commission on or before the fortieth day after each General Election.

B. Any candidate for an office for which a declaration of candidacy is required to be filed with the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes shall file a Financial Disclosure Statement with the Commission on or before the tenth day following the last day for filing the declaration of candidacy for the office.

C. A member of a board or commission as created by the Oklahoma Constitution or by statute except members of advisory committees to the legislative, executive, or judicial branches of state government, Foster Care Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes, and board members of guaranty associations created pursuant to state statute, shall file a Financial Disclosure Statement with the Commission upon initial appointment and not later than April 30 of each even-numbered year thereafter. The provisions of this subsection shall not be construed to require precinct inspectors, judges, clerks and counters to file Financial Disclosure Statements.

D. No individual shall be required to file more than one Financial Disclosure Statement in any calendar year.

E. Every person failing to file a Financial Disclosure Statement on or before the dates specified in this section shall be assessed by the Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day the statement remains unfiled; provided, the total amount of such fees assessed per report shall not exceed One Thousand Dollars (\$1,000.00). Failure to file a Financial Disclosure Statement shall be deemed to be a separate offense for each day that the Statement remains unfiled after it becomes due. Fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the General Revenue Fund. Such fees shall not be paid from campaign funds.

F. Every board and commission created by the Oklahoma Constitution or by state statute, except those exempted in subsection E of this section, shall designate an employee or member who shall be responsible for filing a list of employees and/or members of governing boards or commissions required under this section to file Financial Disclosure Statements on or before January 1 of each year. Names of individuals no longer required to file shall also be reported along with the effective date of the termination of their services.

§ 320. Extension of filing time–Oath–Retention of financial disclosure statements

A. Except for those persons required to file a Financial Disclosure Statement pursuant to the provisions of subsection B of ~~Section 33~~ Section 319 of this act, any person who is required to file a Financial Disclosure Statement may effect one thirty-day extension of the time for filing such a statement by filing with the Ethics Commission, not more than ten (10) days before or ten (10) days after the date the Financial Disclosure Statement is due, a declaration of intention to defer the filing of his Financial Disclosure Statement.

B. All Financial Disclosure Statements required to be filed pursuant to the provisions of this act shall be certified.

C. The Commission shall retain the Financial Disclosure Statements according to the provisions of the Records Management Act, Section 201 et seq. of Title 67 of the Oklahoma Statutes; provided, all statements shall be retained by the Commission for at least two (2) years.

§ 321. Information required in financial disclosure statement–Form

~~A.~~ The Financial Disclosure Statement shall contain the following information for the preceding two (2) calendar years or for the period since the most recent Financial Disclosure Statement was filed:

- ~~1.~~ A. Name or title of the office;
- ~~2.~~ B. Name of the person filing the Financial Disclosure Statement;
- ~~3.~~ C. Business address of the person;

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- 4- D. Residential address of the person;
- 5- E. Occupation or business of the person prior to the election or employment for which the Financial Disclosure Statement is being filed;
- 6- F. Prior positions held as a public official, regardless of whether a salary or reimbursement was received for such service;
- 7- G. Names, business addresses, residential addresses and occupations of the spouse of the person and all living adult children if such spouse or children are doing business with the county;
- 8- H. A list of categories or industries from which income is received without reference to amounts or frequency of receipt of income. Provided, categories or industries from which less than One Thousand Dollars (\$1,000.00) annually is received may be omitted. Such persons shall list special areas of practice in general subjective terms;
- 9- I. A list of categories or industries in which the person has had stock during the period for which the information on the Financial Disclosure Statement is required. Provided, categories or industries in which the person has stock valued at less than One Thousand Dollars (\$1,000.00) at the time of filing the Financial Disclosure Statement may be omitted;
- 10- J. The name of any entity from which an honorarium or honoraria, valued at more than Two Hundred Dollars (\$200.00) over and above actual expenses paid to the person, was received and the value of any such honorarium; and
- 11- K. The name of any registered lobbyist with whom the person has engaged in business from which income of over One Thousand Dollars (\$1,000.00) was received.

B. ~~The form for the Financial Disclosure Statement shall be as follows:~~

~~FINANCIAL DISCLOSURE STATEMENT~~

~~NAME: (Last, First, Middle) — Birth Date~~
~~Business Address (Street or Box, City, State, Zip)~~
~~Residential Address (Street or Box, City, State, Zip)~~
~~CHECK YOUR FILING STATUS: (mark only one box)~~
~~() An elected official:~~
~~() A candidate running in an election:~~
~~_____ month _____ year _____~~
~~() A member of a board or commission:~~
~~Position you hold or have been appointed to: (fill in all applicable blanks)~~
~~Position Title: _____~~
~~County or agency of the office: _____~~
~~Position number: _____~~
~~Term begins: _____ ends: _____~~
~~Appointment date: _____~~
~~Employment date: _____~~

- 1. ~~OCCUPATION OR BUSINESS: (current or prior to this election or appointment)~~
- 2. ~~PRIOR POSITIONS HELD AS A PUBLIC OFFICIAL: (List most recent positions first)~~

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~~3. SPOUSE and ADULT CHILDREN: Give the following information for your spouse and all living adult children (over 18 years of age) if your spouse or children are doing business with the county.~~

~~NAME _____ RESIDENTIAL ADDRESS _____~~

~~BUSINESS ADDRESS _____ OCCUPATION _____
Check here () if continued on attached sheet~~

~~4. INCOME: List categories or industries from which you receive \$1,000 or more annually:~~

~~Check here () if continued on attached sheet~~

~~5. STOCK: List categories or industries in which you have owned stock which is valued at \$1,000 or more during the period for which this Financial Disclosure Statement is required:~~

~~CATEGORY OR INDUSTRY
CATEGORY OR INDUSTRY
CATEGORY OR INDUSTRY~~

~~Check here () if continued on attached sheet~~

~~6. HONORARIA: List names of any entities from which you received an honorarium or honoraria valued at more than \$200 over and above actual expenses and list the value of such honorarium or honoraria:~~

~~DATE
ENTITY
VALUE~~

~~Check here () if continued on attached sheet~~

~~7. LOBBYISTS: List any registered lobbyists with whom you have engaged in business from which income of over \$1,000 was received:~~

~~LOBBYIST'S NAME:
LOBBYIST'S NAME:~~

~~Check here () if continued on attached sheet~~

~~Report additional information on plain 8 1/2 x 11 paper using format of each question. Attach pages to this report. Put your name and the date on all attachments.~~

~~To the best of my knowledge and belief, the above is a true and correct compilation:~~

~~SIGNATURE: (Person Filing Statement) _____ Date _____~~

§ 322. Failure to file financial disclosure statement-Penalties

~~A.~~ Any person who fails to file a Financial Disclosure Statement required in the Political Subdivisions Ethics Act, who knowingly gives false information in the Financial Disclosure Statement or who knowingly omits required information from the Financial Disclosure Statement shall be guilty of a misdemeanor. Each violation shall be a separate offense.

~~B. In addition to any penalty imposed pursuant to the provisions of subsection A of this section, the person shall not be permitted to perform the duties conferred upon him by law until the statement is properly filed.~~

§ 323. Certain persons prohibited from having ownership interest in certain governmental securities

No person who is a public official, director, officer or trustee of a governmental entity shall own any direct or indirect interest in any bond, obligation or security issued by or in the name of such governmental entity.

§ 324. Representation by county officers and county employees

- A. No county officer or county employee shall:
1. Represent another person as an attorney in any matter before the Commission; or
 2. Represent another person before the governmental entity the officer or employee serves.
- B. The restrictions in subsection A shall not apply to:
1. Purely ministerial matters which do not require discretion on the part of the entity;
 2. Representation by the officer or employee in the course of the officer's or employee's official duties;
 3. Representation of the officer or employee in the officer's or employee's personal capacity; or
 4. Representation of the officer or employee in matters arising out of or rules promulgated pursuant to the Oklahoma Personnel Act.
- C. A county officer or county employee shall promptly disqualify himself or herself prior to recommending or taking any official action in a matter affecting a person with whom the officer or employee is negotiating for employment.
- D. The restrictions set forth in this section do not apply if the officer or employee is testifying under oath to facts that are within the individual's knowledge, or as an expert witness who does not accept compensation other than regularly provided for by law or rule for subpoenaed witnesses.

§ 325. Exemptions from compliance with act

- A. Notwithstanding any other provision of the Political Subdivisions Ethics Act, no candidate or committee shall be required to file any reports, statements, registrations or other documents pursuant to the Political Subdivisions Ethics Act until such time as the candidate or committee accepts contributions or makes expenditures exceeding Five Hundred Dollars (\$500.00) in the aggregate during a campaign, for candidates or candidate committees, or during a calendar year, for other committees.
- B. The provisions of the Political Subdivisions Ethics Act shall not apply to:
1. State officers or employees or state candidates, campaigns or committees; or
 2. Public officers, public employees, candidates, campaigns or committees subject to the rules of the Ethics Commission.

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SECTION _____. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.