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# Oklahoma Ethics Rules

Prepared by the Oklahoma Ethics Commission

Effective May 23, 2014.

Operational as indicated in the History of each Rule.

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**Rule 1  
Administration**

**Rule 1.1. Purpose of Ethics Rules.**

The purpose of these Rules is to fulfill the duties of the Oklahoma Ethics Commission as provided by Article XXIX, Sections 3, 4 and 5 of the Constitution of the State of Oklahoma.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 1.2. Purpose of Rule 1.**

The purpose of Rule 1 is to set forth the administrative operations necessary to implement these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 1.3. Definition.**

As used in Rule 1, "Commission" shall mean the Oklahoma Ethics Commission.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 1.4. Determination of Timely Filing.**

Documents filed electronically with the Commission under these Rules shall be timely filed if filed at any time on the day specified. All other documents filed with the Commission under these Rules shall be timely filed if filed no later than 4:30 p.m. on the day specified. When the day that a document is required to be filed falls on a day other than a business day, that document shall be timely filed if filed on the next succeeding business day. As used in this section, "business day" shall mean any day on which the Commission is open to conduct business, and "filed" means actually received by the Commission.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 1.5. Political Activity of Ethics Commissioners.**

(A) No member of the Commission, while serving as a member of the Commission, shall:

- (1) be a candidate for elected office or hold any other public office;
- (2) be employed by any state agency; or
- (3) engage in any political activity, except to register and vote, to privately express opinions on political subjects or candidates, to participate in activities of a civic, community, social, labor, religious or professional organization and to engage in activities that further purposes of the Commission.

(B) As used in this section, "political activity" shall mean any activity to support or oppose (1) the election of a candidate for office; (2) a particular political party; or (3) initiative, referenda or state question.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 1.6. Ethics Commissioners Disqualification.**

A member of the Commission shall disqualify or shall be disqualified by a majority vote of the other members of the Commission, in any matter in which the member's impartiality might reasonably be questioned.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 1.7. Advisory Opinions.**

The Commission may issue official advisory opinions interpreting these Rules as provided by Article XXIX, Section 5 of the Constitution of the State of Oklahoma and as requested by specific individuals. The Commission shall provide notice of at least thirty (30) days of a hearing on an advisory opinion. At least five (5)

days before the hearing, comments and/or draft advisory opinions by Commission employees shall be made available to the public for comment. The Commission shall accept both written and oral comments about the draft advisory opinions and/or comments. Official advisory opinions shall be binding on the Commission. Failure of an individual to request an advisory opinion shall have no relevance in any subsequent proceeding involving that individual. The Commission shall not consider an advisory opinion on an issue that is pending before a court of law or before another agency of the State of Oklahoma. Any person with knowledge of such pending matter shall disclose such pending matter to the Commission.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 1.8. Ethics Commission Publications.**

The Executive Director of the Commission shall prescribe forms, including software or other electronic forms, as required by these Rules and shall prescribe such other publications, including publications in an electronic format, as the Executive Director deems appropriate to facilitate implementation of and compliance with these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 1.9. Section Headings.**

Section headings in these Rules are intended only for convenience; they are not part of the Rules and shall not be interpreted as modifying or changing the meaning of the Rules themselves.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Rule 2  
Campaign Finance

Rule 2.1. Purpose of Rule 2.

The purpose of Rule 2 is to establish rules of ethical conduct for campaigns for elective state office and for campaigns for state initiatives and referenda.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Rule 2.2. Definitions.

As used in Rule 2:

1. "Campaign" means all activities for or against the election of a candidate for elective state office or for or against a state question;

2. "Candidate" means an individual who has filed or should have filed a statement of organization for a candidate committee for state office with the Commission as required by these Rules. A candidate committee shall include committees for candidates for partisan elective offices, for nonpartisan judicial offices and for judicial retention offices;

3. "Candidate committee" means the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate's campaign, including the campaign of a judicial retention candidate;

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

5. "Commission" means the Oklahoma Ethics Commission;

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

7. "Electioneering communication" means any communication or series of communications that is sent by Internet advertising, direct mail, broadcast by radio, television, cable or satellite, or appears in a newspaper or magazine that (a) refers to a clearly identified candidate for state office, (b) is made within sixty (60)

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

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

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

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

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

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

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

14. "Officeholder expenses" means ordinary and necessary

expenses incurred in connection with a candidate's duties as the holder of a state elective office, provided that the expenses are not otherwise reimbursed or paid for by the state. "Ordinary and necessary expenses" are those that would not exist but for the fact that the candidate was elected to and holds a state elective office;

15. "Political action committee" means a limited or unlimited committee that has filed or should have filed a statement of organization with the Commission as required by these Rules;

16. "Political party" means a political party recognized under laws of this state;

17. "Political party committee" means a committee authorized by the political party to accept contributions or make expenditures on behalf of the political party. A political party committee may include a state committee, a Congressional District committee, a county committee, a precinct committee or any other committee or entity of the party officially recognized in the party's bylaws or similar governing document;

18. "State question" means an initiative or referendum petition for which the Governor has issued a proclamation setting the date on which an election shall be held or a legislative referendum referred by the Legislature for a vote of the people; and

19. "Unlimited committee" means an independent judicial retention committee, a political action committee organized exclusively for the purpose of making independent expenditures or electioneering communications or a political action committee organized exclusively for the purpose of advocating the approval or defeat of a state question.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Use of Public Funds, Property, Time

#### **Rule 2.3. Prohibited Uses of Public Funds for Political Fund-Raising.**

No state officer or employee shall use or authorize the use of public funds, property or time to solicit, receive or accept funds for a political party, a political action committee, a candidate or a state question campaign, except as permitted by law or these Rules. Any unsolicited funds tendered in violation of this section shall not be accepted by the intended recipient and shall be returned to the sender as soon as possible.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.4. Prohibited Uses of Public Funds to Influence Elections.**

No person shall use or authorize the use of public funds, property or time to engage in activities designed to influence the results of an election for state office or a state question, except as permitted by law or these Rules. This section shall not prohibit an elected state officer from expressing his or her opinion or position on any issue.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.5. Elective Officer Prohibited From Soliciting Contributions from Employees.**

No elected state officer shall knowingly solicit, directly or indirectly, a contribution to his or her campaign from any state officer or employee employed by the elected state officer's agency or any person who works for the elected state officer's agency through a third-party contract.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.6. Political Fund-Raising Prohibited on State Property.**

No person shall solicit a contribution for a political party, a political action committee, a candidate or a state question campaign in any building or other property owned, leased or occupied by the State of Oklahoma.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.7. Prohibition on Distribution of Campaign Materials on State Property.**

No materials designed to influence the results of an election for state office or a state question shall be posted or distributed in any building or other property owned, leased or occupied by the State of Oklahoma, except as permitted by law or these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.8. Use of Public Property for Political Purposes.**

Public meeting rooms, auditoriums or similar spaces may be used for political purposes other than fund-raising provided (1) if a fee is customarily charged for use of the facility, that fee will be charged for use of the facility for political activities and (2) the facility will be made available upon request to all political parties, to all political action committees, to all candidates for the same state office or to all supporters or opponents of a state question, respectively, all in the order in which the requests were received. Nothing herein shall require that any public facility be made available for political purposes. Nothing herein shall prohibit the use for political purposes of a traditional public forum or other forum required by the United States Constitution or Oklahoma Constitution to be used for such purposes.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.9. Prohibitions on Activities of State Officers and Employees Designed to Influence Elections.**

No state officer or employee shall engage in activities designed to influence the results of an election for state office or a state question during hours in which the state officer or employee is in official work status or at any time while wearing a uniform or wearing identification that identifies that person as a state officer or employee. This prohibition shall not apply to elected state officers.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.10. Use of Public Facilities for Voter Registration.**

Voter registration activities may be conducted in public facilities, provided those activities are not used in any way to encourage registration in or support of the candidates of a particular political party or to encourage voting for or against any particular candidate or for or against any state question.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.11. Newsletters and Informational Materials by Elected State Officers.**

If otherwise permitted by law, elected state officers may use public funds, property or time to electronically or otherwise produce and distribute newsletters or similar informational materials to constituents and others, provided those materials do not advocate the election or defeat of a clearly identified candidate or candidates for any elective office or offices or a vote for or against a state question or other question to be voted upon at an election. Permitted uses shall not include recognition of holidays, birthdays, births or similar greetings in the absence of substantial informational materials related to public issues.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.12. Posting of Material by Elected State Officers Indicating Positions on Issues.**

If otherwise permitted by law, elected state officers, other than judicial officers, may use public funds, property or time to post materials in their offices to indicate their opinions or positions on issues, provided these materials do not advocate the election or defeat of a clearly identified candidate for any elective office or a vote for or against a state question or any other question to be voted upon at an election. Mere display of a photograph or similar depiction of a current or former elected

**federal or state officer, including autographed photographs or similar depictions, shall not be a violation of this section.**

**History**

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.13. State Employees Maintaining Schedule for Elected Officers.**

**State employees whose regular duties include scheduling meetings, activities and events for elected state officers shall not be considered to have violated these Rules if, while on duty, they engage in scheduling political activities or events for an elected state officer.**

**History**

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.14. Prohibition on Use of State Owned Equipment and Resources for Campaigns.**

**No state officer or employee shall use a state-owned telephone, state electronic mail or other state equipment, property or services to advocate the election or defeat of a clearly identified candidate for any elective office or a vote for or against a state question or any other question to be voted upon at an election.**

**History**

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.15. Prohibition on Use of State Owned Equipment to Make a Campaign Contribution.**

**No state officer or employee shall use a state-owned telephone, state electronic mail or other state equipment, property or services to make a contribution to a political party, a political action committee, a candidate or a state question campaign.**

**History**

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.16. Use of Social Media Account by State Officer.**

No Internet social-media account maintained in the name of a state officer as a state officer or state agency may be (1) used to solicit, receive or accept funds for a political party, a political action committee, a candidate or a state question campaign; (2) used to advocate the election or defeat of a clearly identified candidate for any elective office or a vote for or against a state question or any other question to be voted upon at an election or (3) converted to use by a political party, a political action committee, a candidate or a state question campaign.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Contributions

**Rule 2.17. General Rule for Contributions.**

Unless otherwise prohibited or limited by law or these Rules, a contribution to a political party, a political action committee or a candidate committee may be made by any individual or other person or entity. A child under the age of eighteen (18) may make a contribution only if the contribution is attributed to his or her parent (or equally between two parents) or guardian.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.18. Contribution in Name of Another.**

No contribution shall be made in the name of another.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.19. Cash Contributions.**

No contribution of more than Fifty Dollars (\$50.00) in cash in the aggregate may be made or accepted by a political party committee, a political action committee or a candidate committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.20. Anonymous Contributions.**

No anonymous contribution of more than Fifty Dollars (\$50.00) may be made or accepted by a political party committee, a political action committee or a candidate committee. Any anonymous contribution of more than Fifty Dollars (\$50.00) received by a committee shall be deposited in the general revenue fund of the state to the extent that the contribution exceeds Fifty Dollars (\$50.00).

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.21. Contribution Deemed Accepted if Not Returned.**

A contribution shall be deemed to have been accepted by a political party committee, a political action committee or a candidate committee if it is not returned within ten (10) business days after it has been received by the committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.22. Deposit of Contributions.**

A contribution shall be deposited in the account of a political party committee, a political action committee or a candidate committee within ten (10) business days after it has been received by the committee. If a contribution has not been deposited within ten (10) business days after it has been received by the committee, the contribution shall be returned to the contributor and shall be reported as having been accepted and refunded.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.23. Corporate and Labor Union Contributions Prohibited.**

No corporation or labor union may make a contribution to a political party, a political action committee or a candidate committee, and no political party, political action committee or candidate committee may accept a contribution from a corporation or labor union, except as permitted by law or these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.24. Contributions by Limited Liability Companies.**

No limited liability company that has one or more incorporated members may make a contribution to a political party, a political action committee or a candidate committee, except as permitted by law or these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.25. Contributions by Partnerships.**

No partnership that has one or more incorporated partners may make a contribution to a political party, a political action committee or a candidate committee, except as permitted by law or these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.26. Use of Corporate Funds for Political Action Committees.**

A corporation may use its funds to pay for the establishment of, administration of and solicitation of contributions to, one (1) political action committee affiliated with the corporation. For

purposes of this section, "corporation" shall mean a corporation, its parent, subsidiary, branch, division, department or local unit of such corporation.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.27. Use of Labor Union Funds for Political Action Committees.**

A labor union may use its funds to pay for the establishment of, administration of and solicitation of contributions to, one (1) political action committee affiliated with the labor union.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.28. Payroll Deduction.**

If a corporation or labor union uses payroll deduction or similar method to obtain contributions from its employees or members, funds equal to the amount of those contributions but drawn on the corporation or labor union's account shall not be considered contributions by the corporation or labor union but shall be considered as contributions by the individuals from whose compensation the funds were withheld and shall be reported accordingly. When such funds are drawn on a corporation or labor union account, the payment shall be accompanied by all the information required for contributions to be reported as required by these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.29. Corporate and Labor Union Communications Not Considered as Contributions.**

A communication by a corporation intended to be received only by its stockholders, directors, officers or employees and their spouses, or a communication by a labor union intended to be received only by its members and their spouses shall not be considered a contribution.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.30. Candidate Committee Prohibited from Receiving Federal Candidate Committee Contributions.**

A candidate committee shall not accept a contribution from the authorized committee of a candidate for federal office.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Political Party Contribution Limits

**Rule 2.31. Contributions to Political Party.**

No person shall make, and no political party shall accept, a contribution to any political party committee in excess of Ten Thousand Dollars (\$10,000.00) in any calendar year, except as otherwise permitted by law or these Rules. For purposes of this limitation, "contribution" shall include multiple contributions, the amounts of which shall be aggregated. For purposes of this limitation, contributions to a state committee, a Congressional District committee, a county committee, a precinct committee or any other committee or entity of the party officially recognized in the party's bylaws or similar governing document shall be aggregated. Funds to be used for federal election activity, as defined in 2 U.S.C. Section 431(20) and subject to requirements of 2 U.S.C. Section 441i, commonly referred to as "Levin Funds", shall not be aggregated with other contributions to a political party committee. A contribution to a political party committee that is designated directly or indirectly to be used for the benefit of a particular candidate or candidates shall be considered a contribution by the contributor to the candidate or candidates.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Rule 2.32. Contributions by Political Party Committee.

No political party committee shall make, and no candidate shall accept, a contribution in excess of Twenty-five Thousand Dollars (\$25,000.00) to any candidate for statewide office or in excess of Ten Thousand Dollars (\$10,000.00) to any candidate for other state elective office prior to any general election for that office. No political party shall make, and no candidate shall accept, a contribution to any candidate for judicial office. For purposes of this limitation, "contribution" shall include multiple contributions, the amounts of which shall be aggregated. For purposes of this limitation, contributions by a state committee, a Congressional District committee, a county committee, a precinct committee or any other committee or entity of the party officially recognized in the party's bylaws or similar governing document shall be aggregated.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Political Action Committee Contribution Limits

Rule 2.33. Contributions to and by Limited Committee.

(A) No person shall make, and no limited committee shall accept, a contribution to any limited committee in excess of Five Thousand Dollars (\$5,000.00) in any calendar year, except as otherwise permitted by law or these Rules. A contribution to a limited committee that is designated directly or indirectly to be used for the benefit of a particular candidate or candidates shall be considered a contribution by the contributor to the candidate or candidates.

(B) No limited committee shall make, and no political party committee shall accept, a contribution to the political party committee in excess of Ten Thousand Dollars (\$10,000.00) in any calendar year.

(C) No limited committee shall make, and no other limited committee shall accept, a contribution to another limited committee in excess of Five Thousand Dollars (\$5,000.00) in any calendar year.

(D) No limited committee shall make, and no candidate committee shall accept, a contribution to any candidate committee in excess of Five Thousand Dollars (\$5,000.00) prior to a primary election.

(E) No limited committee shall make, and no candidate committee shall accept, a contribution to any candidate committee of a candidate whose name will appear on the ballot for a runoff primary

election in excess of Five Thousand Dollars (\$5,000.00) prior to a runoff primary election. Provided, however, after the primary election a limited committee that has made a contribution of Five Thousand Dollars (\$5,000.00) or less to the candidate committee prior to the primary election may make an additional contribution of no more than Five Thousand Dollars (\$5,000.00) to the candidate committee prior to the runoff primary election.

(F) No limited committee shall make, and no candidate committee shall accept, a contribution to any candidate committee prior to a general election in excess of Five Thousand Dollars (\$5,000.00). Provided, however, after the primary election or runoff primary election, whichever is the last for determining a political party's nominee, a limited committee that has made a contribution of Five Thousand Dollars (\$5,000.00) or less to the candidate committee prior to the primary election or runoff primary election, or both, may make an additional contribution of no more than Five Thousand Dollars (\$5,000.00) to the candidate committee prior to the general election.

(G) After the general election, a limited committee that has made no contribution to a candidate under the provisions of subsections (D), (E) or (F) may make a contribution of no more than Five Thousand Dollars (\$5,000.00) to that candidate committee.

(H) No limited committee shall make a total contribution to a candidate in excess of the aggregate contribution limits of subsections (D), (E) and (F) or in excess of Five Thousand Dollars (\$5,000.00) to the candidate committee of a candidate who is unopposed for election.

(I) For purposes of this section, "contribution" shall include multiple contributions, the amounts of which shall be aggregated.

(J) A limited committee may make contributions to candidates for county, municipal or school district office as permitted by law.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.34. Contributions by Limited Committees Registered for Less than One Year or Fewer than Twenty-Five Contributors.**

(A) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make, and no political party committee shall accept, a contribution to the political party committee in excess of Five Thousand Dollars (\$5,000.00) in any calendar year.

(B) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make a contribution to another limited committee.

(C) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make, and no candidate committee shall accept, a contribution to any candidate committee in excess of Two Thousand Five Hundred Dollars (\$2,500.00) prior to a primary election.

(D) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make, and no candidate committee shall accept, a contribution to any candidate committee of a candidate whose name will appear on the ballot for a runoff primary election in excess of Two Thousand Five Hundred Dollars (\$2,500.00) prior to a runoff primary election. Provided, however, after the primary election a limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors that has made a contribution of Two Thousand Five Hundred Dollars (\$2,500.00) or less to the candidate committee prior to the primary election may make an additional contribution of no more than Two Thousand Five Hundred Dollars (\$2,500.00) to the candidate committee prior to the runoff primary election.

(E) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make, and no candidate committee shall accept, a contribution to any candidate committee prior to a general election in excess of Two Thousand Five Hundred Dollars (\$2,500.00). Provided, however, after the primary election or runoff primary election, whichever is the last for determining a political party's nominee, a limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors that has made a contribution of Two Thousand Five Hundred Dollars (\$2,500.00) or less to the candidate committee prior to the primary election or runoff primary election, or both, may make an additional contribution of no more than Two Thousand Five Hundred Dollars (\$2,500.00) to the candidate committee prior to the general election.

(F) After the general election, a limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors that has made no contribution to a candidate committee under the provisions of subsections (C), (D) or (E) may make a

contribution of no more than Two Thousand Five Hundred Dollars (\$2,500.00) to that candidate committee.

(G) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make a total contribution to a candidate in excess of the aggregate contribution limits of subsections (C), (D) and (E) or in excess of Two Thousand Five Hundred Dollars (\$2,500.00) to the candidate committee of a candidate who is unopposed for election.

(H) For purposes of this section, "contribution" shall include multiple contributions, the amounts of which shall be aggregated.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.35. Contributions to and by Unlimited Committee.**

Any person not otherwise prohibited by law, including but not limited to individuals, partnerships, limited liability companies, corporations and labor unions, may make contributions in any amount to an unlimited committee organized exclusively for the purpose of making independent expenditures or electioneering communications. An unlimited committee organized exclusively for the purpose of making independent expenditures or electioneering communications may make contributions in any amount to another unlimited committee organized exclusively for the purpose of making independent expenditures or electioneering communications.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.36. Contributions to State Question Committee.**

Any person not otherwise prohibited by law, including but not limited to individuals, partnerships, limited liability companies, corporations and labor unions, may make contributions in any amount to an unlimited committee organized exclusively for the purpose of advocating the approval or defeat of a state question.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Candidate Committee Contribution Limits

Rule 2.37. Individual Contributions to Candidate Committees.

(A) No person shall make a contribution in excess of Two Thousand Six Hundred Dollars (\$2,600.00) to any candidate committee prior to a primary election.

(B) No person shall make a contribution in excess of Two Thousand Six Hundred Dollars (\$2,600.00) prior to a runoff primary election to any candidate committee of a candidate whose name will appear on the ballot for a runoff primary election. Provided, however, after the primary election a person who has made a contribution of Two Thousand Six Hundred Dollars (\$2,600.00) or less to the candidate committee prior to the primary election may make an additional contribution of no more than Two Thousand Six Hundred Dollars (\$2,600.00) to the candidate committee prior to the runoff primary election.

(C) No person shall make a contribution in excess of Two Thousand Six Hundred Dollars (\$2,600.00) to any candidate committee prior to a general election. Provided, however, after the primary election or runoff primary election, whichever is the last for determining a political party's nominee, a person who has made a contribution of Two Thousand Six Hundred Dollars (\$2,600.00) or less prior to the primary election or runoff primary election, or both, may make an additional contribution of no more than Two Thousand Six Hundred Dollars (\$2,600.00) to a candidate committee of a candidate whose name will appear on the general election ballot.

(D) After the general election, a person who has made no contribution or a contribution of less than Two Thousand Six Hundred Dollars (\$2,600.00) in the aggregate under the provisions of subsections (A), (B) or (C) may make an additional contribution or contributions to a candidate committee in an amount or amounts that, aggregated with any prior contributions, do not exceed Two Thousand Six Hundred Dollars (\$2,600.00). If a candidate committee, following the general election for which it was organized, accepts one or more contributions and the candidate thereafter files a statement of organization for the same office or another state office in a subsequent general election, any contributions accepted by the first candidate committee after the general election and within six (6) months prior to the filing of the second statement of organization shall be aggregated with contributions to the second candidate committee for purposes of maximum contribution limits for the second primary election.

(E) No person shall make a total contribution to a candidate committee in excess of the aggregate contribution limits of subsections (A), (B) and (C) or in excess of Two Thousand Six

Hundred Dollars (\$2,600.00) to the candidate committee of a candidate who is unopposed for election.

(F) No candidate committee shall make to another candidate committee, and the receiving candidate committee shall not accept, a total contribution in excess of Two Thousand Six Hundred Dollars (\$2,600.00) in the aggregate for all three elections or for the benefit of a candidate who is unopposed for election.

(G) For purposes of this section, "contribution" shall include multiple contributions, the amounts of which shall be aggregated.

(H) Beginning no earlier than January 1, 2015, and no later than July 1, 2015, and every two years thereafter, the limitations in subsections (A), (B), (C), (D), (E) and (F) of this section shall be increased by the percent difference between the price index for the twelve (12) months preceding the beginning of the calendar year during which the adjustment is made and the price index for 2014. If the adjusted limitation amount is not a multiple of One Hundred Dollars (\$100.00), the limitation shall be rounded to the nearest multiple of One Hundred Dollars (\$100.00). For purposes of this section, "price index" shall mean the average over a calendar year of the Consumer Price Index (all items - United States city average) published monthly by the Bureau of Labor Statistics. The adjusted limitations shall be published on the Commission's Internet website and shall be otherwise communicated as the Commission determines appropriate. The adjusted limitations shall apply to the primary, runoff primary and general elections in 2016 and every two (2) years thereafter as well as to any special primary, runoff primary or general elections that occur after the limitations are adjusted but before the regular primary, runoff primary or general elections.

(I) If a candidate files a statement of organization for a candidate committee with the Commission for one state office and accepts one or more contributions for that candidate committee, then files a statement of organization for a candidate committee for a different state office prior to the filing period for that office, contributions to the two committees shall be aggregated for purposes of maximum contribution amounts for the second candidate committee.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.38. Candidate Contributions to Own Committee.**

No candidate or candidate committee shall receive contributions from a political party, political action committee or other person in excess of the limits provided in this Rule. Provided, however, a candidate may contribute an unlimited amount to his or her candidate

committee from his or her personal funds or from joint funds of the candidate and the candidate's spouse. A gift or gifts to a candidate or a candidate's spouse that are nontaxable under the United States Internal Revenue Code shall be considered contributions to the candidate's candidate committee to the extent that the gift or gifts exceeds gifts from the same donor in three (3) of the preceding five (5) calendar years.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### Expenditures

##### Rule 2.39. Personal Use of Contributions Prohibited.

No contributions accepted by a political party committee, a political action committee or a candidate committee may be converted by any person to personal use. "Personal use" includes any use of funds to fulfill a commitment, obligation or expense of any person that would exist irrespective of a political party's activities, a political action committee's activities or a candidate's campaign or responsibilities as holder of a state elective office, as the case may be. "Personal use" by a candidate includes, but is not limited to, food purchased for daily consumption in the candidate's home or supplies needed to maintain the household; clothing (excluding campaign clothing of low monetary value such as T-shirts or caps); mortgage, rent or utility payments for the candidate's personal residence, even if part of the residence is being used for the campaign; use of a motor vehicle for noncampaign purposes or non-officeholder expenses; interest on a loan made by the candidate or the candidate's spouse to the campaign; costs of a vacation or other trip not related to the campaign or officeholder expenses; admission to athletic events, concerts, theater or other forms of entertainment (except for events that are part of the campaign); dues in country clubs, health clubs, recreational facilities or other nonpolitical organizations and earnings from investment of contributions other than as permitted by these Rules.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.40. Political Party Expenditures.**

Contributions to a political party committee may be used to make expenditures for ordinary and necessary campaign expenses, for operating expenses of the political party and for other purposes not otherwise prohibited by law or these Rules that further purposes of the committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.41. Limited Committee Expenditures.**

Contributions to a limited political action committee may be used to make expenditures for contributions to candidate committees, for independent expenditures or electioneering communications, for operating expenses of the limited committee and for other purposes not otherwise prohibited by law or these Rules that further purposes of the committee. "Purposes of the committee" shall mean purposes expressed in the committee's bylaws, articles of organization or similar document or, if there is no such document, in the committee's statement of organization as those purposes are stated prior to the making of an expenditure.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.42. Unlimited Committee Expenditures.**

Contributions to an unlimited political action committee may be used to make expenditures for independent expenditures or electioneering communications, for contributions to another unlimited political action committee organized exclusively for the purpose of making independent expenditures or electioneering communications, for operating expenses of the unlimited committee or for other purposes not otherwise prohibited by law or these Rules that further purposes of the committee. "Purposes of the committee" shall mean purposes expressed in the committee's bylaws, articles of organization or similar document or, if there is no such document, in the committee's statement of organization as those purposes are stated prior to the making of an expenditure.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.43. Candidate Committee Expenditures.**

Contributions to a candidate committee may be used to make expenditures for ordinary and necessary campaign expenses, for contributions to another candidate committee, for operating expenses of the committee or for other purposes not otherwise prohibited by law or these Rules. "Ordinary and necessary campaign expenses" as used in this section are those that would not exist but for the candidate's campaign, including but not limited to staff salaries, campaign consulting fees, rent (other than for the candidate's residence or part of a residence), travel, advertising, telephones, office supplies and equipment, fundraising, individual memberships in political organizations, individual memberships in civic or charitable organizations, legal fees for the campaign, payment for campaign accounting or bookkeeping services or campaign finance reporting services and repayment of the principal and interest on a loan as permitted by these Rules. Expenditures made to a family member of the candidate for services provided to the campaign shall be no more than customary compensation for those services.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.44. Officeholder Expenses.**

Contributions to a candidate committee of a candidate who is elected to the office for which the contributions were accepted may be used to make expenditures for officeholder expenses until the expiration of the term, resignation or other vacation of the office. When an officeholder dissolves one (1) candidate committee as provided in these Rules and contemporaneously files a Statement of Organization for a different candidate committee prior to the expiration of the term for which he or she has been elected and transfers funds from the first committee to the second committee, the officeholder may pay officeholder expenses until the expiration of the term not to exceed the amount transferred.

History

**Rule 2.45. Calculation of Travel Expenditures.**

Expenditures for travel shall be calculated as provided in this section.

(A) Expenditures may be made for all expenses associated with the purchase or lease and operation of a motor vehicle only if the motor vehicle is used exclusively for purposes of the campaign or for ordinary and necessary expenses incurred in connection with the candidate's duties as the holder of a state elective office and for no other purpose at any time. If campaign contributions are used for the purchase or lease of a motor vehicle, the motor vehicle must be purchased or leased from a dealer licensed by the Oklahoma Motor Vehicle Commission or the Oklahoma Used Motor Vehicle and Parts Commission, or their successor agencies, on commercially reasonable terms and cannot be purchased from the committee by the candidate or a family member of the candidate.

(B) If a motor vehicle is used both for the purposes identified in subsection (A) and for any other purpose, expenditures may be made only for mileage reimbursement at the rate authorized for use of privately owned motor vehicles by the State Travel Reimbursement Act or its successor statutes, or less.

(C) Expenditures for the rental of a motor vehicle or for the fares of taxicabs, buses or similar modes of transportation shall be permitted for the actual cost of the rental or fare, provided that the rental or fare is at the rate normally charged for others.

(D) Expenditures for air travel on an air carrier shall be permitted for the actual cost of the fare; provided, if air travel is first class, business class or equivalent class, the expenditure shall be permitted only for any lower fare available on the same flight.

(E) Expenditures for air travel on an aircraft operated by a commercial carrier shall be permitted for the usual charter fare or rental charge.

(F) Expenditures for air travel on an aircraft operated by a private individual shall be permitted for the usual charter fare or rental charge of a commercial carrier.

(G) Expenditures for air travel on an aircraft operated by the candidate or a family member of the candidate shall be contributions by the candidate to the campaign and shall be calculated on the same basis as the usual charter fare or rental charge of a commercial carrier, unless the aircraft is rented, in which case the contribution shall be the cost of the rental.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Surplus Funds

**Rule 2.46. Political Party Committee Surplus Funds.**

Surplus funds of a political party committee are funds not otherwise obligated when a political party ceases to be recognized under the laws of the state. Such surplus funds may (1) be returned to any contributor, as long as the amount returned does not exceed the contributor's contribution during the last calendar year in which the contributor made a contribution or (2) be contributed to a charitable organization as described in Section 501(c)(3) of Title 26 of the United States Code as it currently exists or as it may be amended. Surplus funds remaining under the political party committee's control ninety (90) days after the political party ceases to be recognized shall be deposited in the general revenue fund of the state.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.47. Political Action Committee Surplus Funds.**

Surplus funds of a political action committee are funds not otherwise obligated when a political action committee is dissolved. Such surplus funds shall be deposited in the general revenue fund of the state.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.48. Candidate Committee Surplus Funds.**

Surplus funds of a candidate committee are those funds not otherwise obligated following the election at which the office for which the candidate committee was formed has been determined which, in the candidate's discretion, are not required to be used for campaign expenses or officeholder expenses. Such surplus funds may be:

(A) Retained in any amount for use in a future campaign for the next succeeding term for the same office;

(B) Retained for a future campaign for a different state elective office, excluding a judicial office;

(C) Donated to a charitable organization as described in Section 501(c)(3) of Title 26 of the United States Code as it currently exists or as it may be amended;

(D) Returned to any contributor, as long as the amount returned does not exceed the contributor's aggregate contribution during the immediately preceding primary, runoff primary and general elections; or

(E) Contributed to a political party committee in any amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

Any surplus funds remaining in the candidate committee's possession within ninety (90) days after the expiration of the term to which the candidate was elected or, for candidates who were not elected, within ninety (90) days after the second year following the general election, shall be deposited in the general revenue fund of the state.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Independent Expenditures

#### **Rule 2.49. Candidate Committee Prohibition on Independent Expenditures.**

A candidate committee shall not make an independent expenditure.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.50. Unlimited Independent Expenditures.**

An independent expenditure may be made in any amount by a political party committee, by a political action committee or by any other entity not otherwise prohibited by law or these Rules from making an independent expenditure.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Electioneering Communications

#### **Rule 2.51. Electioneering Communications by Candidate Committees.**

A candidate committee shall not make an electioneering communication for a campaign other than the candidate's own campaign. If an electioneering communication is made by a candidate committee in the candidate's own campaign, it shall be reported as an expenditure or expenditures.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.52. Unlimited Electioneering Communications.**

An electioneering communication may be made in any amount by a political party committee, by a political action committee or by any other entity not otherwise prohibited by law or these Rules from making an electioneering communication.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Identification of Funding and Authorizing Sources

#### **Rule 2.53. Political Party Electronic Advertisement Disclosure Requirements.**

Whenever a political party committee makes an expenditure for the purpose of a communication through any Internet advertising, or video, radio, television, cable or satellite broadcast, the communication shall state, either orally or in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: "Authorized and paid for by NAME OF POLITICAL PARTY COMMITTEE".

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon

Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.54. Political Party Printed Advertisement Disclosure Requirements.**

Whenever a political party committee makes an expenditure for the purpose of a communication through Internet advertising, direct mail, magazine advertisement, newspaper advertisement or any other printed medium, the communication shall state in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: "Authorized and paid for by NAME OF POLITICAL PARTY COMMITTEE". This provision shall not apply to bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements of such a nature that inclusion of a disclaimer would be impractical.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.55. Candidate Committee Electronic Advertisement Disclosure Requirements.**

Whenever a candidate committee makes an expenditure for the purpose of a communication through any Internet advertising, or video, radio, television, cable or satellite broadcast, the communication shall state, either orally or in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: "Authorized and paid for by NAME OF COMMITTEE".

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.56. Candidate Committee Printed Advertisements Disclosure Requirements.**

Whenever a candidate committee makes an expenditure for the purpose of a communication through Internet advertising, or direct mail, magazine advertisement, newspaper advertisement or any other printed medium, the communication shall state in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: "Authorized and paid for by NAME OF COMMITTEE". This provision shall not apply to bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements of such a nature that inclusion of a disclaimer would be impractical.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.57. Independent Expenditure and Electioneering Communication Electronic Advertisement Disclosure Requirements.**

Whenever an independent expenditure or electioneering communication is made for the purpose of communication through any Internet advertising, or video, radio, television, cable or satellite broadcast, the communication shall state, either orally or in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: "Not authorized by any candidate or candidate committee. Authorized and paid for by" to be followed by the name of the person who paid for the communication, the person's permanent street address and telephone number.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.58. Independent Expenditure and Electioneering Communication Printed Advertisement Disclosure Requirements.**

Whenever an independent expenditure or electioneering communication is made for the purpose of a communication through Internet advertising, direct mail, magazine advertisement, newspaper advertisement or any other printed medium, the communication shall state in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: "Not authorized by any candidate or candidate committee. Authorized and paid for by" to be followed by the name of the person who paid for the

communication, the person's permanent street address and telephone number. This provision shall not apply to bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements of such a nature that inclusion of a disclaimer would be impractical.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Fund-raising Events

**Rule 2.59. Joint Candidate Fund-raising.**

Two or more candidates for state office, except judicial office, may participate in a joint fund-raising event, provided each candidate is given approximately equal status in any formal solicitation for contributions and each candidate committee pays an equal share of the costs. Contributions to candidates or candidate committees may not be commingled under any circumstances. Each contribution must be made to an individual candidate or candidate committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.60. Hosting Fundraisers in Residence.**

An individual who holds a fund-raising event for a political party committee, political action committee or candidate committee in his or her home may expend personal funds for costs related to the fund-raising event. This expenditure shall be considered an in-kind contribution to the political party committee, political action committee or candidate committee to the extent that costs exceed One Thousand Dollars (\$1,000.00). The exclusion of One Thousand Dollars (\$1,000.00) shall apply no more than once per year for a political party committee or a political action committee and no more than once per campaign for a candidate committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.61.    Hosting Fund-Raising Events in Non-Residential Buildings.**

An individual who holds a fund-raising event for a political party committee, political action committee or candidate committee in an office or other nonresidential building may expend personal funds for costs related to the fund-raising event, provided the office or other building is owned or exclusively leased or rented by the individual. This expenditure shall be considered an in-kind contribution to the political party committee, political action committee or candidate committee to the extent that costs exceed One Thousand Dollars (\$1,000.00). The exclusion of One Thousand Dollars (\$1,000.00) shall apply no more than once per year for a political party committee or a political action committee and no more than once per campaign for a candidate committee. If the office or other nonresidential building is owned by any person other than the individual, use of the space and any other costs associated with the fund-raising event shall be considered an in-kind contribution unless the political party committee, political action committee or candidate committee pays the costs associated with the fund-raising event, including fair market value for use of the space. This section shall not be construed to permit a corporation to make an in-kind contribution to a political party committee, political action committee or candidate committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.62.    Golf Fund-Raising Events.**

Any goods or services donated to a golfing fund-raising event by a political party committee, political action committee or candidate committee shall be considered as contributions based on the fair market value of the goods or services, regardless of how the goods or services are used. Any fee paid to participate in such a golfing fund-raising event shall be considered as a contribution, regardless of whether the person paying the fee receives value in exchange for the fee. No goods or services may be donated, nor a fee paid, by any corporation.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.63. Fund-Raising Auctions or Sales Events.**

Any goods or services donated to an auction or other sales event held by a political party committee, political action committee or candidate committee shall be considered as contributions based on the fair market value of the goods or services. Any money paid for goods or services at such an event shall be considered as contributions. No goods or services may be donated or purchased for such an event by a corporation.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.64. Free Campaign Related Goods or Services and Sale of Campaign Related Goods or Services.**

Campaign-related goods of modest value such as coffee mugs, t-shirts, caps and similar items may be provided free by a political party, political action committee or candidate committee to volunteers and contributors and shall be considered as expenditures by the committee. If a political party, political action committee or candidate committee sells goods or services, the price paid for the goods or services shall be a contribution to the committee and the cost of the goods or services shall be an expenditure by the committee. The sale of such goods or services shall be subject to all applicable licenses and taxes required by law.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Loans

**Rule 2.65. Loans to Committees by Commercial Financial Institutions.**

A loan made to a political party committee, a political action committee or a candidate committee shall not be considered a contribution if the loan is made by a commercial financial institution normally engaged in the business of making loans and if the loan is made in the regular course of business on the same terms ordinarily available to members of the public.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.66. Loans to Political Party or Political Action Committees by Non-Financial Entities; Prohibited Loans.**

A loan by any person other than a commercial financial institution to a political party committee or a political action committee shall be considered a contribution by the lender, guarantor or endorser in the amount of the balance of the loan that has not been repaid. A political action committee shall not make a loan to a candidate committee or another political action committee. A candidate committee shall not make a loan to a political action committee or another candidate committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.67. Loans to Candidate Committees by Candidate and Other Non-Financial Entities.**

A loan by any person other than a commercial financial institution to a candidate committee shall be considered a contribution from the lender, guarantor or endorser in the amount of the balance of the loan that has not been repaid. Provided, however, a candidate may make a loan to his or her candidate committee from his or her personal funds or from joint funds of the candidate and the candidate's spouse. If a candidate makes such a loan to his or her candidate committee, the terms of the loan must be in writing in a document executed contemporaneously with the transfer of funds into the candidate committee's account. The document must be signed and dated by all parties involved. Such a loan may be repaid from contributions received by the candidate committee, but the candidate committee shall not be permitted to pay any interest on the loan. If a candidate transfers his or her personal funds or joint funds of the candidate and the candidate's spouse to the candidate committee without a written loan document, the candidate committee cannot repay the candidate for the transfer. A candidate who makes expenditures from personal funds or joint funds of the candidate and the candidate's spouse that are not transferred to the candidate committee's account shall not have made a loan to the committee; such expenditures, however, shall be reported as contributions to and expenditures by the candidate committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Candidate Committees

**Rule 2.68. Designation of Candidate Committee.**

A candidate for state office shall designate one (1) candidate committee by filing a Statement of Organization with the Commission. If two or more candidates have the same name, use of a candidate's name in the name of a candidate committee that is the same as that of another candidate committee shall not violate these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.69. One Candidate Committee at Any Time.**

A candidate may have no more than one (1) candidate committee for any state office at any time. A candidate who dissolves one (1) candidate committee as provided in these Rules may contemporaneously file a Statement of Organization for a different candidate committee. In such case, funds or debt, or both, may be transferred from the first committee to the second committee as permitted by law and these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.70. When to File a Candidate Committee Statement of Organization.**

A Statement of Organization for a candidate committee shall be filed with the Commission at any earlier time but no later than ten (10) days after the candidate has accepted or expended more than One Thousand Dollars (\$1,000.00) for his or her campaign.

History

Promulgated by Ethics Commission January 10, 2014; effective upon

Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.71. Candidate Committee Officers.**

A candidate committee shall have a Chair and a Treasurer, who may be the same person and who shall serve at the pleasure of the candidate. The candidate may be either the Chair or Treasurer of his or her candidate committee, or both, but a candidate may not be an officer of any other committee. A candidate committee may designate a Deputy Treasurer, who may perform the duties of the Treasurer in the Treasurer's absence and who also shall serve at the candidate's pleasure. The candidate may be the Deputy Treasurer of his or her committee. The Treasurer and Deputy Treasurer shall be residents of Oklahoma.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.72. Vacancy in Treasurer Office--Prohibition on Activity.**

A candidate committee cannot accept or expend funds at any time there is a vacancy in the offices of both the Treasurer and Deputy Treasurer.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.73. Candidate Committee Treasurer Responsibilities.**

The Treasurer shall be responsible for keeping the candidate committee's financial records and accounts, including but not limited to all contributions accepted; all deposit slips or other evidence of acceptance of contributions; all expenditures made; all receipts, canceled checks or other evidence of payment of expenditures and all other documents necessary to file Reports of Contributions and Expenditures. All such documents shall be maintained for at least four (4) years and shall be made available to the Commission upon request of the Commission. The Treasurer shall be responsible for timely and accurately filing all Reports of Contributions and Expenditures for the committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon

Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.74. Filling Candidate Committee Officer Vacancy.**

Any vacancy in the office of Chair, Treasurer or Deputy Treasurer shall be filled within thirty (30) days, and an Amended Statement of Organization identifying the new Chair, Treasurer or Deputy Treasurer shall be filed with the Commission within five (5) days after the vacancy is filled.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.75. Candidate Committee Statement of Organization Requirements.**

The Statement of Organization for a candidate committee shall include, but shall not be limited to, the following information: (1) The name of the candidate as it will appear on the ballot; (2) the names of the Chair, Treasurer and, if applicable, Deputy Treasurer of the committee; (3) the name of the committee, which shall include at least the full name, first name, middle name or last name of the candidate and the year of the general election or special general election for the office being sought; (4) the official and complete name of the state elective office to which the candidate seeks election; (5) the candidate's party affiliation, if any; (6) the mailing address and, if applicable, residence address, electronic mailing address, telephone numbers and Internet website, if applicable, of the candidate committee, the candidate, the Chair, Treasurer and, if applicable, Deputy Treasurer and (7) the full name and address of each depository in which the committee will maintain an account. The candidate shall be responsible for notifying the Commission of any change in information provided on the Statement of Organization by filing an Amended Statement of Organization within ten (10) days of a change being made. An Amended Statement of Organization shall contain the same information as the Statement of Organization.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.76. Executive Director Authority to Require Additional Information.**

The Executive Director shall be authorized to require additional information on the Statements of Organization and Amended Statements of Organization that is consistent with the intent and purposes of these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Judicial Candidate Committees

**Rule 2.77. Judicial Candidates Exclusively Responsible for Compliance with Rules.**

Candidates for elective judicial offices, including judicial offices subject to retention, shall be subject to these Rules as they apply to all other candidates for state office; provided, that a judicial candidate shall be responsible exclusively for compliance with these Rules by his or her candidate committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Exploratory Activities

**Rule 2.78. Exploratory Activities.**

An individual may conduct exploratory activities, such as polling and other techniques designed exclusively to assist the individual in making a decision as to whether to seek any state office or offices. The individual may accept contributions, subject to the limits in these Rules, and make expenditures limited to exploratory activities without designating a candidate committee; provided, however, the individual shall keep or cause to be kept all records required of a candidate committee. Provided further, once an individual has accepted or expended more than Twenty-five Thousand Dollars (\$25,000.00) for exploratory activities for a statewide office or Ten Thousand Dollars (\$10,000.00) for any other state office, the individual either shall become a candidate and file a Statement of Organization as required by these Rules, or cease all exploratory activities. If the individual becomes a candidate and forms a candidate committee, all contributions

received and expenditures made for exploratory activities shall be subject to maximum contribution limits and shall be included in the committee's first Report of Contributions and Expenditures. No individual may conduct exploratory activities for a state office or offices as provided in this section more than one time between regular general elections for state offices.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Political Action Committees

#### **Rule 2.79. Political Action Committee Definition.**

A political action committee is any group of two or more persons that receives contributions or makes expenditures for any of the following purposes: (1) Making contributions to candidates or candidate committees; (2) making contributions to other political action committees; (3) making independent expenditures; (4) making electioneering communications or (5) advocating the approval or defeat of a state question. Unless they choose to be considered as such, family members, as defined by these Rules, or members of the same household shall not be considered a political action committee.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.80. When to File a Political Action Committee Statement of Organization.**

A political action committee shall file a Statement of Organization with the Commission at any earlier time but no later than ten (10) days after the committee receives contributions in excess of One Thousand Dollars (\$1,000.00) or makes expenditures in excess of One Thousand Dollars (\$1,000.00).

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.81. Political Action Committee Officers.**

A political action committee shall have a Chair and a Treasurer, who may be the same person. No candidate shall be an officer of a political action committee. A political action committee may designate a Deputy Treasurer, who may perform the duties of the Treasurer in the Treasurer's absence. The Treasurer and Deputy Treasurer shall be residents of Oklahoma.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.82. Vacancy in Treasurer Office--Prohibition on Activity.**

A political action committee cannot accept or expend funds at any time there is a vacancy in the offices of both the Treasurer and Deputy Treasurer.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.83. Political Action Committee Treasurer Responsibilities.**

The Treasurer shall be responsible for keeping the political action committee's financial records and accounts, including but not limited to all contributions accepted; all deposit slips or other evidence of acceptance of contributions; all expenditures made; all receipts, canceled checks or other evidence of payment of expenditures and all other documents necessary to file Reports of Contributions and Expenditures. All such documents shall be maintained for at least four (4) years and shall be made available to the Commission upon request of the Commission. The Treasurer shall be responsible for timely and accurately filing all Reports of Contributions and Expenditures for the committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.84. Filling Political Action Committee Office Vacancy.**

Any vacancy in the office of Chair, Treasurer or Deputy Treasurer shall be filled within thirty (30) days, and an Amended Statement of Organization identifying the new Chair, Treasurer or

Deputy Treasurer shall be filed with the Commission within five (5) days after the vacancy is filled.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.85. Political Action Committee Statement of Organization Requirements.**

The Statement of Organization for a political action committee shall include, but shall not be limited to, the following information: (1) The names of the Chair, Treasurer and, if applicable, Deputy Treasurer of the committee; (2) the full name of the committee, which shall not be an acronym and which shall not be the same as any other political action committee or sufficiently similar to the name of any other political action committee so that the two could be easily confused; (3) the name and address of any affiliated corporation or labor union; (4) the purpose or purposes of the committee, including but not limited to an indication of whether the committee is a limited committee or unlimited committee; (5) the mailing address and, if applicable, residence address, electronic mailing address, telephone numbers and Internet website, if applicable, of the committee, the Chair, Treasurer and, if applicable, Deputy Treasurer and (6) the full name and address of each depository in which the committee will maintain an account. The committee may also list an acronym, which shall not be the same as any other political action committee or sufficiently similar to the name of any other political action committee so that the two could be easily confused. The Treasurer shall be responsible for notifying the Commission of any change in information provided on the Statement of Organization by filing an Amended Statement of Organization within ten (10) days of a change being made. An Amended Statement of Organization shall contain the same information as the Statement of Organization.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.86. Political Action Committee Statement of Organization Additional Requirements for Affiliated Entities.**

In addition to other information required on the Statement of Organization, a Statement of Organization for a limited committee

that is affiliated with a corporation or labor union shall include, but not be limited to, the name, mailing address, street address, electronic mailing address, main telephone number and Internet website, if applicable, of the corporation or labor union with which the limited committee is affiliated. "Affiliated", as used in this section, means a corporation or labor union that may lawfully use its funds to pay for the establishment of, administration of and solicitation of contributions to the limited committee.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.87. Limitations on Solicitations by Political Action Committee Affiliated with Corporation.**

A limited committee affiliated with a corporation may solicit contributions to the committee only from the corporation's shareholders, directors, executive and administrative personnel and their families. For purposes of this section, "executive and administrative personnel" means an individual employed by a corporation who is paid on a salary, rather than hourly, basis and who has policymaking, managerial, professional or supervisory responsibilities.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.88. Limitation on Solicitation by Political Action Committee Affiliated with Membership Organization.**

A limited committee affiliated with an incorporated not-for-profit membership organization (other than a labor union) may solicit contributions from the membership organization's directors and executive and administrative personnel and their families and from its non-corporate members and their families. Such a membership organization may solicit dues and contributions to the limited committee in a single solicitation, provided the dues and contributions to the limited committee are placed in segregated accounts. Such a membership organization that has corporate members may solicit contributions to the limited committee from the shareholders, directors, executive and administrative personnel and their families of member corporations, provided the member

corporation gives its consent in writing. Such consent shall be of continuing duration until revoked by the member corporation.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.89. Limitations on Solicitations by Political Action Committee Affiliated with Labor Union.**

A limited committee affiliated with a labor union may solicit contributions to the committee only from the labor union's members.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.90. Solicitations by Non-Affiliated Limited Committee.**

Unless otherwise prohibited or limited by law or these Rules, a limited committee that is not affiliated with a corporation or labor union may solicit contributions from any individual or entity. Costs of establishment of, administration of and solicitation of contributions to the limited committee shall be made from contributions accepted by the committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.91. Contributions to Be Voluntary.**

A political party committee, political action committee or candidate committee shall not accept a contribution or make an expenditure (1) by using anything of value secured by physical force, job discrimination, financial reprisals or threats of the same or (2) in exchange for any advantage or promise of an advantage conditioned upon making a contribution, or reprisal or threat of reprisal related to the failure to make a contribution. In soliciting contributions, a political action committee shall make clear that a contribution is purely voluntary and that the person being solicited will not be given any advantage or disadvantage based on whether or not a contribution is made or the amount of a contribution.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.92. Registration Requirements for Out of State Political Action Committee.**

A political action committee that is not registered with the Federal Election Commission but that is registered in another state shall be required to file with the Commission written proof of its registration in another state before making contributions to a candidate or candidates for state office. A certified copy of its registration document from another state shall be sufficient to meet the requirements of this section.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.93. Executive Director Authority to Require Additional Information.**

The Executive Director shall be authorized to require additional information on the Statements of Organization and Amended Statements of Organization that is consistent with the intent and purposes of these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Campaign Depositories and Accounts**

**Rule 2.94. Campaign Depository in Financial Institution.**

Every candidate committee, political action committee and political party committee shall establish one or more campaign depositories in a financial institution or financial institutions that ordinarily conduct business within the state.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.95. Campaign Depository Account Requirements.**

Every candidate committee, political action committee and political party committee shall maintain a campaign account in each campaign depository in the name of the committee as it is registered with the Commission. All contributions to a committee except in-kind contributions, including contributions by a candidate to his or her candidate committee, shall be deposited in a campaign account. All expenditures made by a committee shall be made on a check or by debit card, signed by the candidate, Treasurer or Deputy Treasurer of a candidate committee and by the Treasurer or Deputy Treasurer of a political action committee. Checks for a political action committee shall include the identification number of the committee assigned by the Commission. A campaign account may earn interest paid by the financial institution in which the account is maintained, but campaign funds shall not be invested in any other way. Contributions from corporations, labor unions, a limited liability company that has one or more corporate members or a partnership that has one or more corporate partners shall not be commingled with other contributions made to a candidate committee, a limited committee or a political party committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.96. Political Action Committee Registered with Federal Election Commission.**

A political action committee registered with the Federal Election Commission or registered in another state that makes a contribution or contributions to a political party committee, political action committee or candidate committee shall not be required to have a campaign depository in this state.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.97. Payment of Costs of Affiliated Limited Committee.**

Payment of costs for the establishment of, administration of and solicitation of contributions to a limited committee shall be made directly from funds of the corporation or the labor union, as the case may be, but such funds shall not be deposited in a campaign depository of the committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Reports of Contributions and Expenditures

**Rule 2.98. Reports for Political Action Committee Registered with Federal Election Committee.**

A political action committee registered with the Federal Election Commission that makes a contribution or contributions to a candidate or candidates for state office shall not be required to register or to file a Report of Contributions and Expenditures with the Commission, provided the contribution or contributions are reported to the Federal Election Commission and are available to the public.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.99. Reports for Out of State Political Action Committees.**

A political action committee registered in another state that makes a contribution or contributions to a candidate or candidates for state office shall file a Report of Contributions and Expenditures for Non-Oklahoma Committees.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.100. Quarterly Reports for Oklahoma Committees.**

Each political party committee, political action committee and candidate committee shall file a quarterly Report of Contributions and Expenditures:

(1) no earlier than January 1 nor later than January 31 for the period beginning October 1 and ending December 31 of the immediately preceding year;

(2) no earlier than April 1 nor later than April 30 for the period beginning January 1 and ending March 31 of the same year;

(3) no earlier than July 1 nor later than July 31 for the period beginning April 1 and ending June 30 of the same year and

(4) no earlier than October 1 nor later than October 31 for the period beginning July 1 and ending September 30 of the same year.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.101. Reports for Candidate Committee in Election Year.**

Each candidate committee for a candidate who has filed a declaration of candidacy with the State Election Board for an office to be filled at the general election shall not be required to file quarterly reports after April 30 of the year in which the declaration of candidacy is filed but shall file a pre-election Report of Contributions and Expenditures:

(1) no earlier than fourteen (14) days nor later than eight (8) days before the primary election for the period beginning April 1 and ending fifteen (15) days before the primary election;

(2) no earlier than fourteen (14) days nor later than eight (8) days before the runoff primary election for the period beginning fifteen (15) days before the primary election and ending fifteen (15) days before the runoff primary election;

(3) no earlier than fourteen (14) days nor later than eight (8) days before the general election for the period beginning fifteen (15) days before the runoff primary election and ending fifteen (15) days before the general election.

Such candidate committee shall file a Report of Contributions and Expenditures no earlier than January 1 nor later than January 31 of the year following the general election for the period beginning the day after the last day of the general election pre-election reporting period and ending December 31 of the immediately preceding year.

Each candidate committee for a candidate in a special primary, runoff primary or general election shall file a pre-election Report of Contributions and Expenditures for the special primary, runoff primary or general election on the same dates and for the same periods as provided in this section. If there is no special runoff primary election scheduled, the period covered by the pre-election report for the general election shall begin fifteen (15) days before the primary election and end fifteen (15) days before the general election. Following the special general election, each candidate committee shall file a Report of Contributions and Expenditures required for the next quarterly report following the special general election. That quarterly report shall be for a period beginning the day after the last day of the general election pre-election reporting period and ending on the same day as the last day of the

regular quarterly report. Thereafter, the committee shall file reports as otherwise required by these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.102. Continuing Reports by Candidate Committee Between Pre-Election Report and Election Day.**

Each candidate committee shall file a Continuing Report of Contributions for any contributions accepted from any person in excess of One Thousand Dollars (\$1,000.00) in the aggregate:

(1) after the last day of the primary election pre-election reporting period and ending two (2) days before the primary election;

(2) after the last day of the runoff primary election pre-election reporting period and ending two (2) days before the runoff primary election and

(3) after the last day of the general election pre-election reporting period and ending two (2) days before the general election.

For purposes of this section, "accepted" means that a contribution has been placed in a campaign depository or that an in-kind contribution has been used in the campaign. A Continuing Report of Contributions shall be filed with the Commission within twenty-four (24) hours after the contribution is accepted and shall contain the name, address and occupation and employer of any person other than a political action committee making a contribution, the amount of the contribution and the date it was made and the name of a political action committee making a contribution, the amount of the contribution and the date it was made. The candidate committee of a candidate whose name does not appear on the ballot at the next following election shall not be required to file a Continuing Report of Contributions.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.103. First Report for Candidate Committee or Political Action Committee.**

The first Report of Contributions and Expenditures by a candidate committee or political action committee shall be filed at the same time as required for the quarterly or pre-election Report

of Contributions and Expenditures following the filing of a statement of organization by the committee for the period beginning on the date the first contribution was accepted or expenditure made and ending on the same ending date for the quarterly or pre-election period.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### Rule 2.104. Report Requirements for Political Party Committee.

A Report of Contributions and Expenditures by a political party committee shall include, but not be limited to, the following information:

- A. (1) the name of the committee and the time period covered by the report;
- (2) the total of all monetary contributions accepted during the time period covered by the report, and the aggregate total of all monetary contributions accepted during the calendar year of the time period covered by the report;
- (3) the total of all monetary contributions from political action committees accepted during the time period covered by the report, and the aggregate total of all monetary contributions from political action committees accepted during the calendar year of the time period covered by the report;
- (4) the total of all other funds accepted during the time period covered by the report, including transfers from a federal, state, district, county or precinct party committee, and the aggregate total of all such other funds accepted during the calendar year of the time period covered by the report;
- (5) the total of all monetary contributions or funds accepted from any source during the time period covered by the report, and the aggregate total of all monetary contributions or funds accepted during the calendar year of the time period covered by the report;
- (6) the total value of all in-kind contributions accepted during the time period covered by the report, and the aggregate total value of all in-kind contributions accepted during the calendar year of the time period covered by the report;
- (7) the total of all expenditures made during the time period covered by the report, and the aggregate total of all expenditures made during the calendar year of the time period covered by the report;
- (8) the total of all refunds made during the time period covered by the report, and the aggregate total of all refunds

made during the calendar year of the time period covered by the report;

(9) the total of all transfers made to a federal, state, district, county or precinct party committee during the time period covered by the report and the date of each transfer, and the aggregate total of all such transfers made during the calendar year of the time period covered by the report;

(10) the beginning balance of the committee account for the reporting period, and the closing balance of the committee account at the end of the reporting period;

B. (1) The name, address, occupation and employer of any person other than a political action committee making a contribution or contributions exceeding Fifty Dollars (\$50.00) in value in the aggregate; the date and amount of any monetary or in-kind contributions made during the time period covered by the report; and the aggregate total of all contributions accepted from the person during the calendar year of the time period covered by the report;

(2) the total of all contributions accepted during the time period covered by the report from contributors making contributions of no more than Fifty Dollars (\$50.00) in the aggregate, and the aggregate total of all such contributions during the calendar year of the time period covered by the report;

(3) the name and Commission identification number of a political action committee or candidate committee making a contribution or contributions, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the political action committee during the calendar year of the time period covered by the report;

(4) the name, address, occupation and employer, if applicable, of a contributor to whom a refund was made during the time period covered by the report; the date and amount of the refund; and the aggregate total of all contributions refunded to the contributor during the calendar year of the time period covered by the report;

(5) loans made to the committee during the time period covered by the report, including loans by commercial financial institutions; the name, address and, if applicable, occupation and employer, of the person making the loan; the amount of the loan, the date the loan was made, the interest rate for the loan, the repayment terms for the loan and the total of all loans made to the committee; any payments on loans during the time period covered by the report, the amount of the payment, the date the payment was made and the remaining balance of the

loan following the payment; and the total of all payments made on all loans to the committee and the remaining balance on all loans to the committee during the calendar year of the time period covered by the report;

(6) the name and address of any person or entity to whom an expenditure of more than Two Hundred Dollars (\$200.00) in the aggregate was made during the time period covered by the report, a description of the goods or services purchased with the expenditure, and the aggregate total of all expenditures made to the person or entity during the calendar year of the time period covered by the report. Split purchasing for the purpose of evading reporting an expenditure shall be prohibited. Expenditures made to compensate political consultants and similar consultants shall be reported by identifying the type of services provided to the campaign by the consultants. Expenditures made by political consultants and other third parties on behalf of the committee shall be reported as if the expenditures were made by the committee. Expenditures made by using a credit card shall be reported by itemizing each individual expenditure of more than Two Hundred Dollars (\$200.00).

Contributions accepted from a limited liability company shall be reported as contributions from the individual members of the limited liability company in proportions equal to their ownership interest in the limited liability company. Contributions accepted from a partnership shall be reported as contributions from the individual partners of the partnership in proportions equal to their ownership interest in the partnership. Transfers between a federal, state, district, county or precinct party committee shall not be considered as contributions or expenditures.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.105. Report Requirements for Political Action Committee.**

A Report of Contributions and Expenditures by a political action committee shall include, but not be limited to, the following information:

- A. (1) the name of the committee and the time period covered by the report;
- (2) the total of all monetary contributions accepted during the time period covered by the report, and the aggregate total of all monetary contributions accepted during the calendar year of the time period covered by the report;

(3) the total of all monetary contributions from other political action committees accepted during the time period covered by the report, and the aggregate total of all monetary contributions from other political action committees accepted during the calendar year of the time period covered by the report;

(4) the total of all other funds accepted during the time period covered by the report, including transfers from an associated political action committee, and the aggregate total of all such other funds accepted during the calendar year of the time period covered by the report;

(5) the total of all monetary contributions or funds accepted from any source during the time period covered by the report, and the aggregate total of all monetary contributions or funds accepted during the calendar year of the time period covered by the report;

(6) the total value of all in-kind contributions accepted during the time period covered by the report, and the aggregate total value of all in-kind contributions accepted during the calendar year of the time period covered by the report;

(7) the total of all expenditures (other than contributions to candidate committees, independent expenditures or electioneering communications) made during the time period covered by the report, and the aggregate total of all such expenditures made during the calendar year of the time period covered by the report;

(8) the total of all refunds made during the time period covered by the report, and the aggregate total of all refunds made during the calendar year of the time period covered by the report;

(9) the total of all transfers made to or received from an associated political action committee during the time period covered by the report and the date of each transfer, and the aggregate total of all such transfers made during the calendar year of the time period covered by the report;

(10) the total amount of all contributions made by the committee to a candidate committee during the time period covered by the report, and the aggregate total of all such contributions made during the calendar year of the time period covered by the report;

(11) the total amount of all independent expenditures made by the committee during the time period covered by the report, and the aggregate total of all such independent expenditures made during the calendar year of the time period covered by the report;

(12) the total amount of funds spent on electioneering communications made by the committee during the time period

covered by the report, and the aggregate total of funds spent on electioneering communications made during the calendar year of the time period covered by the report;

(13) the beginning balance of the committee account for the reporting period, and the closing balance of the committee account at the end of the reporting period;

(14) for limited committees affiliated with a corporation or labor union, the total amount of funds spent by the corporation or labor union during the time period covered by the report for the costs of establishment of, administration of and solicitation of contributions to the committee; and the aggregate total of funds spent on the costs of establishment of, administration of and solicitation of contributions to the committee made during the calendar year.

B. (1) The name, address, occupation and employer of any person other than a political action committee making a contribution or contributions exceeding Fifty Dollars (\$50.00) in value in the aggregate, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the person during the calendar year of the time period covered by the report;

(2) the total of all contributions accepted during the time period covered by the report from contributors making contributions of no more than Fifty Dollars (\$50.00) in the aggregate, and the aggregate total of all such contributions during the calendar year of the time period covered by the report;

(3) the name and Commission identification number of a political action committee making a contribution or contributions, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the political action committee during the calendar year of the time period covered by the report;

(4) the name, address, occupation and employer, if applicable, of a contributor to whom a refund was made during the time period covered by the report, the date and amount of the refund, and the aggregate total of all contributions refunded to the contributor during the calendar year of the time period covered by the report;

(5) loans made to the committee during the time period covered by the report, including loans by commercial financial institutions; the name, address and, if applicable, occupation and employer, of the person making the loan; the amount of the loan, the date the loan was made, the interest rate for the loan, the repayment terms for the loan and the total of all

loans made to the committee; any payments on loans during the time period covered by the report, the amount of the payment, the date the payment was made and the remaining balance of the loan following the payment; and the total of all payments made on all loans to the committee and the remaining balance on all loans to the committee during the calendar year of the time period covered by the report;

(6) the name and address of any person or entity to whom an expenditure of more than Two Hundred Dollars (\$200.00) in the aggregate was made during the time period covered by the report, a description of the goods or services purchased with the expenditure, and the aggregate total of all expenditures made to the person or entity during the calendar year of the time period covered by the report. Split purchasing for the purpose of evading reporting an expenditure shall be prohibited. Expenditures made to compensate political consultants and similar consultants shall be reported by identifying the type of services provided to the campaign by the consultants. Expenditures made by political consultants and other third parties on behalf of the committee shall be reported as if the expenditures were made by the committee. Expenditures made by using a credit card shall be reported by itemizing each individual expenditure of more than Two Hundred Dollars (\$200.00).

Contributions accepted from a limited liability company shall be reported as contributions from the individual members of the limited liability company in proportions equal to their ownership interest in the limited liability company. Contributions accepted from a partnership shall be reported as contributions from the individual partners of the partnership in proportions equal to their ownership interest in the partnership. As used in this section, "associated political action committee" shall mean a political action committee registered with the Federal Election Commission when the connected or affiliated entities of the two committees share a formal business relationship such as the national and state organizations of a professional or business organization or labor union. Transfers between a political action committee and an associated political action committee shall not be considered as contributions or expenditures.

C. The Report of Contributions and Expenditures for Non-Oklahoma Committees shall include, but not be limited to, the following information:

- (1) the name of the committee and the time period covered by the report;
- (2) the total amount of all contributions made by the committee to an Oklahoma state candidate committee during the time period covered by the report, and the aggregate total of

all such contributions made during the calendar year of the time period covered by the report;

(3) the total amount of all independent expenditures made by the committee during the time period covered by the report, and the aggregate total of all such independent expenditures made during the calendar year of the time period covered by the report;

(4) the total amount of funds spent on electioneering communications made by the committee during the time period covered by the report, and the aggregate total of funds spent on electioneering communications made during the calendar year of the time period covered by the report;

(5) The name, address, occupation and employer of any Oklahoma resident making a contribution or contributions exceeding Fifty Dollars (\$50.00) in value in the aggregate, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the person during the calendar year of the time period covered by the report.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.106. Report Requirements for Candidate Committee.**

A Report of Contributions and Expenditures by a candidate committee shall include, but not be limited to, the following information:

A. (1) the candidate's name, the name of the committee and the time period covered by the report;

(2) the total of any surplus funds transferred from a candidate committee for a previous campaign of the same candidate;

(3) the total of all monetary contributions accepted during the time period covered by the report, and the aggregate total of all monetary contributions accepted;

(4) the total of all monetary contributions from political action committees accepted during the time period covered by the report, and the aggregate total of all monetary contributions from political action committees accepted;

(5) the total of all other funds accepted during the time period covered by the report, and the aggregate total of all other funds accepted;

(6) the total of all monetary contributions or funds accepted from any source during the time period covered by the report, and the aggregate total of all monetary contributions or funds accepted;

(7) the total value of all in-kind contributions accepted during the time period covered by the report, and the aggregate total value of all in-kind contributions accepted;

(8) the total of all expenditures made during the time period covered by the report, and the aggregate total of all expenditures made;

(9) the total of all refunds made during the time period covered by the report, and the aggregate total of all refunds made;

(10) the beginning balance of the campaign account for the reporting period, and the closing balance of the campaign account at the end of the reporting period.

B. (1) The name, address, occupation and employer of any person other than a political action committee making a contribution or contributions exceeding Fifty Dollars (\$50.00) in value in the aggregate, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the person;

(2) the total of all contributions accepted during the time period covered by the report from contributors making contributions of no more than Fifty Dollars (\$50.00) in the aggregate, and the aggregate total of all such contributions;

(3) the name and Commission identification number of a political action committee or candidate committee making a contribution or contributions, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the political action committee;

(4) the name, address, occupation and employer, if applicable, of a contributor to whom a refund was made during the time period covered by the report, the date and amount of the refund, and the aggregate total of all contributions refunded to the contributor;

(5) loans made to the committee during the time period covered by the report, including loans by the candidate and by commercial financial institutions; the name, address and, if applicable, occupation and employer, of the person making the loan; the amount of the loan, the date the loan was made, the interest rate for the loan, the repayment terms for the loan and the total of all loans made to the committee; any payments on loans during the time period covered by the report, the amount of the payment, the date the payment was made and the remaining balance of the loan following the payment, and the total of all payments made on all loans to the committee and the remaining balance on all loans to the committee;

(6) the name and address of any person or entity to whom an expenditure of more than Two Hundred Dollars (\$200.00) in the aggregate was made during the time period covered by the report, a description of the goods or services purchased with the expenditure, and the aggregate total of all expenditures made to the person or entity. Split purchasing for the purpose of evading reporting an expenditure shall be prohibited. Expenditures made to compensate consultants and similar individuals or organizations shall be reported by identifying the type of services provided to the campaign by the consultants. Expenditures made by political consultants and other third parties on behalf of the committee shall be reported as if the expenditures were made by the committee. Expenditures made by using a credit card shall be reported by itemizing each individual expenditure of more than Two Hundred Dollars (\$200.00).

Contributions accepted from a limited liability company shall be reported as contributions from the individual members of the limited liability company in proportions equal to their ownership interest in the limited liability company. Contributions accepted from a partnership shall be reported as contributions from the individual partners of the partnership in proportions equal to their ownership interest in the partnership.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Reports of Independent Expenditures

#### Rule 2.107. Time and Requirements for Independent Expenditure Reports.

(A) Any person other than an individual, including a political action committee, that makes an independent expenditure of Five Thousand Dollars (\$5,000.00) or more in the aggregate at least fifteen (15) days prior to any election shall be required to file a report with the Commission at the same time that candidate committees are required to file pre-election reports for the applicable election.

(B) Any person other than an individual, including a political action committee, that makes an independent expenditure of Five Thousand Dollars (\$5,000.00) or more in the aggregate during the period beginning no more than fourteen (14) days prior to any

election and ending on the day of the election shall make a report to the Commission no later than the business day following the day the expenditure is made.

(C) Each report filed by a person other than a political action committee shall include the name and address of the person making the independent expenditure and the name, street address, telephone number, and office or title of the individual filing the report.

(D) Each report filed shall include the name of the political action committee or the person making the independent expenditure; the amount, date and a brief description or statement of each independent expenditure; and the name and office of the candidate supported or opposed, indicating whether the candidate was supported or opposed.

(E) If the person making the independent expenditure, other than a political action committee, received funds from any other person for the purpose of making an independent expenditure or expenditures, the report shall include the name, address and principal business activity of each person contributing funds in excess of Fifty Dollars (\$50.00) in the aggregate and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all contributions made by each person since the first report was filed for the election for which the independent expenditure is being made. As used in this section, "for the purpose of" means that the funds are either (1) received by an organization or corporation in response to a solicitation specifically requesting funds to pay for an independent expenditure or (2) specifically designated for independent expenditures by the donor.

(F) Reports required by this section shall not relieve the person making the report from filing other reports required by these Rules.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Reports of Electioneering Communications

**Rule 2.108. Time and Requirements for Electioneering Communication Report.**

(A) Any person other than an individual, including a political action committee, that makes an electioneering communication of Five Thousand Dollars (\$5,000.00) or more in the aggregate at least fifteen (15) days prior to any election shall be required to file a report with the Commission at the same time that candidate

committees are required to file pre-election reports for the applicable election.

(B) Any person other than an individual, including a political action committee, that makes an electioneering communication of Five Thousand Dollars (\$5,000.00) or more in the aggregate during the period beginning no more than fourteen (14) days prior to any election and ending on the day of the election shall make a report to the Commission no later than the business day following the day the electioneering communication is made.

(C) Each report filed by a person other than a political action committee shall include the name and address of the person making the electioneering communication and the name, street address, telephone number, and office or title of the individual filing the report.

(D) Each report filed shall include the name of the political action committee or the person making the electioneering communication; the amount, date and a brief description or statement of each electioneering communication, and the name and office of the candidate supported or opposed, indicating whether the candidate was supported or opposed.

(E) If the person making the electioneering communication, other than a political action committee, received funds from any other person for the purpose of making an electioneering communication or communications, the report shall include the name, address and principal business activity of each person contributing funds in excess of Fifty Dollars (\$50.00) in the aggregate and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all contributions made by each person since the first report was filed for the election for which the electioneering communication is being made. As used in this section, "for the purpose of" means that the funds are either: (1) received by an organization or corporation in response to a solicitation specifically requesting funds to pay for an electioneering communication or (2) specifically designated for electioneering communications by the donor.

(F) Reports required by this section shall not relieve the person making the report from filing other reports required by these Rules.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### Use of Electronic Media

Rule 2.109. Campaign Communications Received on State Equipment by

State Officer or Employee.

When an unsolicited campaign communication is received on a state-owned telephone, state electronic mail or other state equipment or services, the state officer or employee who receives the communication may either (1) not respond, (2) unsubscribe, if that option is available or (3) send a reply that substantially states: "Your message has been sent to a (telephone, electronic mail, etc.) that is the property of the State of Oklahoma. This is a request for you to immediately terminate any such communications."

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.110. Use of Personal Resources for Volunteer Campaign Communications.**

Use by an individual of personal telephone, electronic mail, Internet social media or similar electronic devices or services for campaign communications shall be considered volunteer services and not contributions.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.111. Use of Commercial Resources for Campaign Communications.**

Use by a commercial entity, including corporations, of telephone, electronic mail, Internet social media or similar electronic devices or services for campaign communications shall be considered as in-kind contributions to a political party committee, political action committee or candidate committee unless the political party committee, political action committee or candidate committee has made an expenditure to pay for the communications.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.112. Website Development, Internet Advertising, Other Electronic Services.**

Expenditures for development of Internet websites, Internet advertising, electronic mail lists and similar electronic communications services shall be considered ordinary expenditures by a political party committee, political action committee or candidate committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Dissolution

**Rule 2.113. Dissolution of Political Party Committee.**

A political party committee may dissolve when the political party ceases to be recognized under the laws of the state. The committee shall file a Final Report of Contributions and Expenditures that shows no funds remaining in the committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.114. Dissolution of Political Action Committee.**

A political action committee may dissolve at any time by filing a Final Report of Contributions and Expenditures that shows no funds remaining in the committee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.115. Dissolution of Candidate Committee.**

A candidate committee may dissolve at any time by filing a Final Report of Contributions and Expenditures that shows no funds remaining in the committee. A candidate committee shall dissolve no later than two (2) years after the general election for an office with a two-year term, no later than four (4) years after the general election for an office with a four-year term, and no later than six (6) years after the general election for an office with a six-year term, if not required to dissolve sooner by law or these Rules.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.116. Resolution of Committee Debt.**

If a political party committee, political action committee or candidate committee has debt at the time of dissolution, the Final Report of Contributions and Expenditures shall describe in detail the resolution of the debt. Resolution of debt shall be made in a commercially reasonable manner. Resolution of debt to a corporation or to any other person for the purpose of evading prohibitions or limitations of these Rules shall be considered a contribution to the committee in the amount of the forgiven debt.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 2.117. Final Report of Contributions and Expenditures.**

A Final Report of Contributions and Expenditures shall include, but not be limited to, the same information that is included on a Report of Contributions and Expenditures and shall cover a period beginning after the last day of the immediately preceding reporting period and ending on the day before the Final Report of Contributions and Expenditures is filed. Provided, however, the Final Report of Contributions and Expenditures shall include information about the resolution of debt, if any, by the committee.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### Other Funds

#### **Rule 2.118. Special Committees for Inaugural and Similar Events.**

When an elected state officer solicits or authorizes the solicitation of monetary or in-kind contributions for an event such as an inaugural event associated with the officer's office, the officer shall create a special committee for that purpose. The committee shall register and make one report of contributions

received and expenditures made within one hundred eighty (180) days after the event is held. Any person not otherwise prohibited by law, including but not limited to individuals, partnerships, limited liability companies, corporations and labor unions, may make contributions in any amount to such committees.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.119. Litigation Funds.**

When an elected state officer solicits or authorizes the solicitation of monetary or in-kind contributions to pay for the costs of defending the officer in a criminal prosecution or when an elected state officer solicits or authorizes the solicitation of monetary or in-kind contributions to pay for the costs of prosecuting or defending a civil lawsuit, the officer shall create a special committee for that purpose. The committee shall register and make reports of contributions received and expenditures made at the same time and for the same time period as is required for political action committees under these Rules. The committee may be dissolved the same as a political action committee is dissolved under these Rules. Any person not otherwise prohibited by law, including but not limited to individuals, partnerships, limited liability companies, corporations and labor unions, may make contributions in any amount to such committees.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 2.120. Special Committee Reports.**

The Executive Director of the Commission shall devise Statements of Organization and Reports of Contributions and Expenditures forms for these special committees that include the same information as those forms for political action committees to the extent determined by the Executive Director to be practical.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

## Electronic Filing

### Rule 2.121. Electronic Filing.

All documents required to be filed with the Commission under these Rules shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

## Rule 3 Financial Disclosure

### Rule 3.1. Purpose of Rule 3.

The purpose of Rule 3 is to establish rules of ethical conduct for state officers and employees by requiring financial disclosure that reveals potential conflicts between their public duties and private economic interests.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### Rule 3.2. Definitions.

As used in Rule 3:

1. "Agency" means any entity of state government created by the Constitution or laws of the State of Oklahoma and supported in whole or in part by state funds or entrusted with the expending of state funds or administering of state property or otherwise exercising the sovereign power of the State of Oklahoma, including but not limited to all such offices, departments, institutions, boards, bureaus, commissions, agencies, authorities and instrumentalities of the State of Oklahoma. "Agency" shall not mean any city, county, rural electric cooperative or tribal housing authority created under the Oklahoma Housing Authorities Act nor any state entity that performs only advisory functions and that cannot independently exercise the sovereign power of the State of Oklahoma;
2. "Candidate" shall mean an individual who has filed a statement of organization for a candidate committee as required by these Rules;
3. "Commission" shall mean the Oklahoma Ethics Commission;
4. "Dependent" shall mean an individual claimed as a dependent on the filer's federal or state income tax return;
5. "Filer" shall mean an individual required to file a Financial Disclosure Statement as required by these Rules; and
6. "Material financial interest" shall mean:
  - (a) an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of a filer's ownership or interest in a business entity, or as a result of a filer's salary, gratuity or other compensation or remuneration; or
  - (b) an ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the filer or the filer's spouse or dependents is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the filer or the filer's spouse or dependent owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Five Thousand Dollars (\$5,000.00) or more at any point during the preceding calendar year; or
  - (c) an ownership interest of five percent (5%) or more in a publicly held corporation by a filer or the filer's spouse; or

- (d) an ownership interest in a publicly held corporation from which dividends of Fifty Thousand Dollars (\$50,000.00) or more were derived during the preceding calendar year by the filer or the filer's spouse or dependents; or
  - (e) an ownership interest in a Subchapter S corporation or partnership from which income of Fifty Thousand Dollars (\$50,000.00) or more was derived; or
  - (f) an interest that arises as a result of the filer's or the filer's spouse or dependents' service as a director, officer, representative, agent or employee of a publicly held corporation during the preceding calendar year.
- "Material financial interest" shall not mean (1) an interest in a mutual fund or other community investment vehicle in which the filer or the filer's spouse or dependents exercises no control over the acquisition or sale of particular holdings, or (2) an interest in a pension plan, 401k, individual retirement account or other retirement investment vehicle that makes diversified investments over which the filer or the filer's spouse or dependents exercises no control over the acquisition or sale of particular holdings.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Rule 3.3. Persons Required to File Financial Disclosures.

The following persons are required to file Financial Disclosure Statements:

- (1) All elected state executive, legislative and judicial officers;
- (2) All state judicial officers subject to retention;
- (3) All candidates for state elective executive, legislative and judicial offices;
- (4) All chief administrative officers and first assistant administrative officers of each agency;
- (5) All state officers and employees who make policy decisions;
- (6) All state officers and employees who are engaged in purchasing decisions; and
- (7) All members of boards, commissions, authorities and similar public bodies of state agencies.

As used in this section, "state officers and employees who make policy decisions" shall mean state officers and employees (a) who determine policies or (b) who vote on policies, provided the policies are not internal policies used only for operation of the

state entity affected. As used in this section, "state officers and employees who are engaged in purchasing decisions" shall mean state officers and employees who perform functions in the purchasing process for purchases in excess of Fifty Thousand Dollars (\$50,000.00), including but not limited to participation (a) in preparation of requests for proposals, bid specifications or similar documents, or (b) in review and evaluation of proposals, bids or similar responses, or (c) in recommendations for selection of successful proposals or bids or other similar awards, or (d) in approval of requisitions for purchase. It shall not apply to persons performing only nondiscretionary or clerical functions.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 3.4. Generally One Financial Disclosure Per Year.**

No individual shall be required to file a Financial Disclosure Statement more than one time during any calendar year, except in the case of a Final Disclosure Statement as provided in this Rule.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 3.5. Filing Deadline for State Officers and Employees.**

Except as provided in Rules 3.6 and 3.8, all Financial Disclosure Statements shall be filed no later than May 15 of each calendar year; provided, however, an individual who becomes an officer or employee required to file a Financial Disclosure Statement later than May 1 of any calendar year shall file a Financial Disclosure Statement within thirty (30) days thereafter. An extension of no more than thirty (30) days shall be granted upon an application in writing filed with the Commission within the ten (10) days prior to the last day for filing the Financial Disclosure Statement.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 3.6. Filing Deadline for Candidates.**

A candidate shall file a Financial Disclosure Statement at the same time he or she files a statement of organization for a candidate committee and shall file a Financial Disclosure Statement as required by Rule 3.5 as long as he or she is a candidate.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 3.7. Amended Financial Disclosure Statements.**

A filer may file an Amended Financial Disclosure Statement at any time to correct a bona fide oversight or error in the Financial Disclosure Statement previously filed, provided the filer certifies that the filing of an Amended Financial Disclosure Statement is not made for the purpose of reporting information that was intentionally omitted or misstated on the previously-filed Financial Disclosure Statement. If the filer files a certified Amended Financial Disclosure Statement that is not in fact made for the purpose of reporting information that was intentionally omitted or misstated, the filer shall not be deemed to have violated these Rules by having made an erroneous prior filing.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 3.8. Final Financial Disclosure Statements Required.**

An individual who is required to file a Financial Disclosure Statement whose service to, or employment by, the State of Oklahoma ends for any reason other than death, disability or involuntary termination shall file a Final Financial Disclosure Statement at any time during the last thirty (30) days of his or her service to the state. A Final Financial Disclosure Statement shall be supplemented if any information provided therein changes in a material way prior to the filer's last day of service to, or employment by, the State of Oklahoma.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### Rule 3.9. Agency Liaisons.

Each agency shall designate one (1) individual, hereafter designated as "Agency Liaison". Each Cabinet Secretary shall appoint an Agency Liaison who shall perform the duties of Agency Liaison for all agencies within the Secretary's Cabinet that have five (5) or fewer full-time equivalent employees. The Chief Administrative Officer of any agency shall serve as the Agency Liaison in the event there is a vacancy in the position. The Agency Liaison shall submit to the Commission during the month of December of each year a list of all officers and employees of the agency and all members of boards, commissions, authorities and similar public bodies of the agency required to file Financial Disclosure Statements under these Rules for the following calendar year. The list shall be submitted electronically and shall contain information prescribed by the Executive Director of the Commission. The Agency Liaison shall supplement the list at any time during the year with the names of newly elected, appointed or employed persons required to file Financial Disclosure Statements as soon as practical after such election, appointment or employment. When appropriate, the supplementary notice shall identify the individual being replaced. The Agency Liaison shall also supplement the list at any time during the year with the names of state officers or employees whose status is changed in such a way that they are required to make policy decisions or to be engaged in purchasing decisions as soon as practical after the status is changed. Only individuals whose names appear on the list shall be required to file Financial Disclosure Statements, unless the Commission determines that the names of others should be included on the list under these Rules. In such case, those individuals shall be required to file a Financial Disclosure Statement within thirty (30) days after the Commission's determination. The intentional or inadvertent omission of the name of an individual shall not subject the individual whose name is omitted to any liability resulting from the omission, unless that individual engaged in a conspiracy to cause the omission. The intentional omission of the name of an individual whose name the Agency Liaison knows or should know should have been placed on the list shall be a violation of these Rules by the Agency Liaison.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative December 1, 2014.

**Rule 3.10. Electronic Filing.**

Financial Disclosure Statements shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 3.11. Financial Disclosure Required Information.**

The following information shall appear on the Financial Disclosure Statement:

1. Name, mailing address, work place telephone number and electronic mail address of the filer;
2. If applicable, an indication that there has been no change in any of the information required from the Financial Disclosure Statement filed by the filer in the preceding calendar year;
3. Name of state office held or sought by filer or name of agency and position, whichever is applicable;
4. Expiration of term of office, if applicable;
5. Date of appointment, employment or election, as applicable;
6. Appointing authority, if applicable;
7. If applicable, the name, mailing address and category of business, profession or industry of the filer's private employer; or, if the filer is self-employed, the name, mailing address and category of business, profession or industry of the filer's self-employment; or, if the filer is retired, the name, mailing address and category of the filer's last employment, including self-employment;
8. The name of any agency providing salary or similar compensation in the amount of Five Thousand Dollars (\$5,000.00) or more received during the preceding calendar year by the filer or the filer's spouse or dependents indicating whether the income was realized by the filer or another named family member;
9. A list, by category of business, profession or industry, of any other entity providing income of any kind which the filer or the filer's spouse or dependents received in the amount of Five Thousand Dollars (\$5,000.00) during the preceding calendar year;

10. A list, by category of business, profession or industry, of entities, including mutual funds or similar securities, in which the filer held securities valued at Five Thousand Dollars (\$5,000.00) or more at any time during the preceding calendar year;
11. Any business or professional relationships with registered lobbyists that resulted in income in any amount to the filer or the filer's spouse or dependents during the preceding calendar year, stating with specificity the nature of the relationship;
12. Every office, directorship, trusteeship or similar position held by the filer in an entity doing business with any agency during the preceding calendar year and the agency with which the entity was doing business;
13. Professional or occupational permits or licenses held by the filer;
14. Contracts (other than a contract of employment) between an agency and the filer or the filer's spouse or dependents or any entity in which the filer or the filer's spouse or dependents has a material financial interest;
15. Whether the filer, the filer's spouse or dependents or an entity in which the filer or the filer's spouse or dependents has a material financial interest is regulated or licensed by the agency identified in subsection 3 of this Rule, or if the employer of the filer or filer's spouse or dependents is regulated or licensed by the agency and, if so, the name and mailing address of the individual or entity so regulated or licensed.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### **Rule 3.12. Final Financial Disclosure Statement Required Information.**

A Final Financial Disclosure Statement shall include all of the information required in a Financial Disclosure Statement and shall be for the period beginning January 1 of the year in which the statement is filed and ending on the last day of the filer's service as a state officer or state employee. For a filer whose service as a state officer or state employee ends during the first thirty (30) days in January of any year, the Final Financial Disclosure Statement shall be for the period beginning January 1 of the preceding year and ending on the last day of the filer's service as a state officer or employee.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

## Rule 4 Conflicts of Interest

### Rule 4.1. Purpose of Rule 4.

The purpose of Rule 4 is to establish rules of ethical conduct for state officers and employees by prohibiting conflicts between their public duties and private economic interests.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

### Rule 4.2. Definitions.

As used in Rule 4:

1. "Agency" means any entity of state government created by the Constitution or laws of the State of Oklahoma and supported in whole or in part by state funds or entrusted with the expending of state funds or administering of state property or otherwise exercising the sovereign power of the State of Oklahoma, including but not limited to all such offices, departments, institutions, boards, bureaus, commissions, agencies, authorities and instrumentalities of the State of Oklahoma. "Agency" shall not mean any city, county, rural electric cooperative or tribal housing authority created under the Oklahoma Housing Authorities Act nor any state entity that performs only advisory functions and that cannot independently exercise the sovereign power of the State of Oklahoma;

2. "Charitable organization" is one described in Section 501(c)(3) of Title 26 of the United States Code as it currently exists or as it may be amended;

3. "Commission" shall mean the Oklahoma Ethics Commission;

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

5. "Gift" means property transferred to or service provided for another without compensation of equal value;

6. "Material financial interest" shall mean:

(a) an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of a filer's ownership

or interest in a business entity, or as a result of a filer's salary, gratuity or other compensation or remuneration; or

(b) an ownership interest in a private business, including but not limited to a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the filer or the filer's spouse or dependents is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the filer or the filer's spouse or dependents owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Five Thousand Dollars (\$5,000.00) or more at any point during the preceding calendar year; or

(c) an ownership interest of five percent (5%) or more in a publicly held corporation by a filer or the filer's spouse; or

(d) an ownership interest in a publicly held corporation from which dividends of Fifty Thousand Dollars (\$50,000.00) or more were derived during the preceding calendar year by the filer or the filer's spouse or dependents, or

(e) an ownership interest in a Subchapter S corporation or partnership from which income of Fifty Thousand Dollars (\$50,000.00) or more was derived; or

(f) an interest that arises as a result of the filer's or the filer's spouse or dependents' service as a director, officer, representative, agent or employee of a publicly held corporation during the preceding calendar year.

"Material financial interest" shall not mean (1) an interest in a mutual fund or other community investment vehicle in which the filer or the filer's spouse or dependents exercises no control over the acquisition or sale of particular holdings or (2) an interest in a pension plan, 401k, individual retirement account or other retirement investment vehicle that makes diversified investments over which the filer or the filer's spouse or dependents exercises no control over the acquisition or sale of particular holdings;

7. "Vendor" means any seller or prospective seller of any property or service to the State of Oklahoma; and

8. "Vendor's agent" means a representative of a vendor.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 4.3. Rules or Policies More Restrictive than Ethics Rules.**

In addition to these Rules, a state officer or employee shall comply with any more restrictive rules or policies established by

his or her employing agency and with any more restrictive provisions of the statutes of the State of Oklahoma; provided, the Commission shall not be responsible for enforcement of Rules other than these Rules unless otherwise required by law.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.4. Misuse of Office.**

Except as permitted by law or these Rules, a state officer or employee shall not use his or her State office (1) for his or her own private gain, (2) for the endorsement of any product, service or enterprise, (3) for the private gain of a family member or persons with whom the state officer or employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the state officer or employee is an officer or member, or (4) for the private gain of persons with whom the state officer or employee seeks employment or business relations. These prohibitions shall not apply to any act or endorsement if the act or endorsement is customary for the state officer or employee's position or is authorized or permitted by the state officer or employee's contract of employment or if otherwise permitted or authorized by the Constitution or statutes or by these Rules. A state officer or employee may promote or solicit funds for civic, community or charitable organizations, including those promoting businesses or industries, or civic, community or charitable fund-raising events provided the state officer or state employee receives nothing for doing so except the costs associated with the state officer or state employee's participation in a fund-raising promotion or event paid for from funds of a charitable organization. No individual or other entity may pay for, or reimburse the charitable organization for, any such costs and gratuities; provided, however, nothing shall prevent individuals or other entities from making customary donations or paying sponsorship fees to the charitable organization.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.5. Misuse of Authority.**

A state officer or employee shall not use or permit the use of his or her office or title or any authority associated with his or

her state office, or a state office to which he or she has been elected, in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or herself or to his or her family members or persons with whom the state officer or employee is affiliated in a nongovernmental capacity, except to the extent otherwise permitted or authorized by the Constitution or statutes or by these Rules.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 4.6. State Officer or Employee Emergency Relief Efforts.**

A state officer or employee participating in emergency rescue or relief efforts may accept goods or services that are provided generally to others participating in emergency rescue or relief efforts.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 4.7. State Officer Impartiality.**

In the event a state officer or employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the material financial interests (1) of the state officer or employee or (2) of his or her family member, or (3) if the state officer or employee knows that a person with whom he or she has a business relationship other than a routine consumer transaction is a party to or represents a party to such matter, and where the state officer or employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his or her impartiality in the matter, the state officer or employee shall not participate in the matter unless he or she is required to do so by law or permitted to do so by these Rules. This provision shall not apply when the effect of the matter applies equally to all members of a profession, occupation or large class. In considering whether a relationship would cause a reasonable person to question his or her impartiality, the state officer or employee may seek the advice of the Commission. The Commission may exercise discretion in determining whether or not to provide such advice or may delegate responsibility to the Executive Director to provide such advice. Such advice, if given by

the Commission or the Executive Director, shall bind the Commission. Failure to seek such advice shall have no relevance in any subsequent proceeding involving that individual. A particular matter will have a direct and predictable effect on a material financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the material financial interest, even though the effect is not immediate. It shall not apply to a chain of causation if it is attenuated or is contingent on the occurrence of events that are speculative or that are independent of, and unrelated to, the matter.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 4.8. Gifts from Vendors to Persons Engaged in Purchasing Decisions.**

No state officer or employee shall accept any gift for himself or herself or for his or her family member from any vendor or vendor's agent that is selling or attempting to sell goods or services to the state officer or employee's agency if the state officer or employee is engaged in purchasing decisions designed to determine the vendor that will sell the goods or services to the agency. As used in this section, "engaged in purchasing decisions" shall mean performing functions in the purchasing process for purchases in excess of Fifty Thousand Dollars (\$50,000.00), including but not limited to participation (a) in preparation of requests for proposals, bid specifications or similar documents, or (b) in review and evaluation of proposals, bids or similar responses, or (c) in recommendations for selection of successful proposals or bids or other similar awards or (d) in approval of requisitions for purchase. It shall not apply to persons performing only nondiscretionary or clerical functions. This prohibition shall not apply to the state officer or employee's family member if the gift is given for a bona fide reason unrelated to the state officer or state employee's status as a state officer or employee and the state officer or employee receives no direct benefit from the gift.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Rule 4.9. Gifts from Successful Vendors.

No state officer or state employee shall accept any gift for himself or herself or his or her family member from any vendor or vendor's agent at any time the vendor is doing business with the state officer or state employee's agency through a contract involving property or services, subject to the following exceptions:

1. A state officer or employee may accept meals having an aggregate market value of Twenty Dollars (\$20.00) or less per occasion, provided that the aggregate market value of individual gifts received from any individual or other entity does not exceed Fifty Dollars (\$50.00) during any calendar year. Where the market value of a meal exceeds Twenty Dollars (\$20.00) on a single occasion, the state officer or employee may not pay the excess value over Twenty Dollars (\$20.00) in order to accept that portion of the gift worth Twenty Dollars (\$20.00). The value of a meal shall include its price, plus any applicable tax but shall not include a gratuity.
2. A state officer or employee may accept a gift given under circumstances that make it clear that the gift is motivated by a family relationship or a personal relationship rather than the state officer or employee's status as a state officer or employee. Relevant factors in making such a determination include, but are not limited to, the history and nature of the relationship and whether the family member or friend personally pays for the gift.
3. A state officer or employee may accept a gift given to all state employees or to all employees of his or her agency provided the gifts are customary within the industry and the costs of the gifts do not significantly exceed amounts that are customary within the industry.
4. A state officer or employee may accept a book, written materials, audio tapes, videotapes and other informational or promotional material related to the performance of the state officer or employee's official duties.
5. A state officer or employee may accept opportunities and benefits available to the public generally and on the same terms available to the public.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

Rule 4.10. Gifts to State Officers or Employees from Regulated and

## **Licensed Entities.**

Except as permitted by these Rules, no state officer or employee shall accept any gift for himself or herself or for his or her family member from any person or entity or agent of any person or entity that is regulated or licensed by the state officer or employee's agency; provided, however, this prohibition shall not apply to gifts that are made by the employer of the state officer or employee or his or her family member under circumstances that make it clear that the gift is not motivated by the state officer or employee's status as a state officer or employee.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

## **Rule 4.11. Gratuities Offered at Seminars, Conferences or Similar Events.**

A state officer or employee attending a conference, seminar or similar event related to the performance of his or her official duties may accept gratuities and hospitality made available to all participants in the event.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

## **Rule 4.12. Modest Items of Food and Refreshments**

A state officer or employee occasionally may accept modest items of food and refreshments, excluding beverages containing alcohol, from vendors or persons regulated or licensed by the state officer or employee's agency when offered other than as part of a meal.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

## **Rule 4.13. Acceptance of Meals, Lodging, Transportation and Other Benefits as a Result of Spouse's Business Activities.**

A state officer or employee may accept meals, lodging, transportation and other benefits resulting from the business or

employment activities of the state officer or employee's spouse when it is clear that such benefits have not been offered or enhanced because of the state officer or employee's status as a state officer or employee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.14. Acceptance of Meals, Lodging, Transportation and Other Benefits as a Result of Private Business Activities.**

A state officer or employee may accept meals, lodging, transportation and other benefits resulting from his or her private business or employment activities when such benefits have not been offered or enhanced because of the state officer or employee's status as a state officer or employee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.15. Acceptance of Meals and Other Benefits for Conference Presentations.**

A state officer or employee approved by the chief administrative officer of the agency to participate as a speaker or panel participant or otherwise to present information on behalf of the agency at a conference or other event may accept free attendance at the event on the day of his or her presentation when the free attendance is provided by the sponsor of the event. Free attendance may include meals, refreshments, entertainment, instruction and materials made available to other participants. The sponsor of the event may also provide transportation and lodging to the state officer or employee if transportation and lodging are made available to others participating as speakers, panel participants or presenters. The state officer or employee's spouse may also accept free attendance and participation in the event. The state officer or employee's spouse may also accept lodging but not transportation. The state officer or employee or the state officer or employee's spouse may not accept meals, refreshments, entertainment, transportation or lodging that are collateral to the event or that are not paid for by the sponsor of the event that would otherwise be prohibited by these Rules. No vendor or vendor's agent may pay for, or reimburse the sponsor of the event for, any gifts to the state

officer or employee or the state officer or employee's spouse that are part of the free attendance and participation provided to the state officer or employee or the state officer or employee's spouse. However, membership dues or sponsorships customarily and historically paid by a vendor or vendor's agent to a sponsoring organization shall not be considered payment for, or reimbursement for, such costs.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 4.16. Acceptance of Meals for Professional, Civic or Community Events; Acceptance of Meals at Political Events.**

Any elected state officer or any state officer or employee approved by the chief administrative officer of the agency to represent the agency at a professional, civic or community event may accept a meal at the event provided by the sponsoring organization. A professional, civic or community event shall not include political events. An employee for an elected state officer may accept a meal at a political event he or she attends with the elected state officer as long as he or she is not on state time.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 4.17. Gifts to Superiors by State Officers or Employees.**

A state officer or employee may not directly or indirectly give a gift or make a donation toward a gift for an official superior in an agency's chain of command or solicit a contribution from another employee for a gift to either his or her own or the other employee's official superior, nor may any state officer or employee receive directly or indirectly a gift from an employee receiving less compensation from the state than himself or herself, subject to the following exceptions:

1. A state officer or employee may make or receive such a gift if there exists a personal relationship between the two that would justify the gift.

2. A state officer or employee may make or receive such a gift on an occasional basis, including an occasion on which gifts are traditionally given or exchanged, provided the gift, which may not be in cash, has an aggregate market value of Twenty Dollars (\$20.00) or less per occasion.

3. A state officer or employee may make or receive such a gift when items such as food or refreshments are to be shared in the agency among several employees.

4. A state officer or employee may make or receive such a gift involving personal hospitality provided at a residence which is of a type and value customarily provided by the state officer or employee to personal friends, or when the gifts consist of items given in connection with the receipt of personal hospitality of a type and value customarily given on such occasions.

5. A state officer or employee may make or receive such a gift appropriate to the occasion in recognition of infrequently occurring occasions of personal significance such as marriage, illness, birth or adoption of a child, retirement, resignation or transfer.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.18. State Officer or Employee Representation of Others in Transactions Involving the State.**

No state officer or employee shall receive or agree to receive compensation to represent or assist another individual or other entity in any transaction involving the state or to represent another individual or other entity before any state agency, unless authorized by law. The prohibitions in this section shall not apply to the practice of law before any court, nor shall they apply to members of boards, commissions, authorities and similar public bodies of state agencies for representation before state agencies other than the agency the member serves.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.19. State Officer or Employee Representation of Others Before Employing Agency.**

No state officer or employee shall represent another individual or other entity as an attorney in any matter before the Commission, nor shall any state officer or employee represent another individual or other entity in any matter before the agency that employs the state officer or employee, unless authorized by law.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.20. Acceptance of Things of Value When Representing the State in an Official Capacity.**

The Governor, Lieutenant Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives, or their designees, may accept transportation, lodging, meals and other things of value related to the purpose of an event when representing the State of Oklahoma in an official capacity at the event, whether within or outside the geographical boundaries of the State of Oklahoma, provided they receive no other personal benefits.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.21. Representation of Constituents by Governor and Legislature.**

Neither the Governor nor any member of the Legislature, nor any employee of the Governor acting at the direction of and on behalf of the Governor or any employee of the Legislature acting at the direction of and on behalf of a member of the Legislature shall be in violation of these Rules by engaging in activities inherent in representing constituents, gathering information or advocating policy positions, provided none of these activities include illegal threats, intimidation, coercion or promises of actions inconsistent with the Constitution or statutes of the State of Oklahoma or with these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.22. Waiver for Preexisting Relationship.**

A state officer or employee may apply to the Commission for a waiver of a Rule based on a preexisting relationship between the state officer or employee and a person whose status restricts or prohibits certain activities under these Rules. The Commission shall have exclusive authority and discretion to grant a waiver on a case-by-case basis, based upon the totality of circumstances and a finding that the purposes of these Rules will not be impeded or hindered by the waiver. A waiver shall have only prospective

application. The Commission may request whatever information it deems appropriate from an applicant, including but not limited to verified statements by the applicant and/or the person with whom a preexisting relationship is claimed.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 4.23. State Officer or Employee Violation of Rules through Indirect Action.**

In no event may a state officer or state employee do indirectly, through a third party or through other indirect means, anything that is prohibited by these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5  
Lobbyist Registration and Reporting**

**Rule 5.1. Purpose of Rule 5.**

The purpose of Rule 5 is to establish rules for lobbyist registration and reporting of expenditures for state officers and employees.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.2. Definitions**

As used in Rule 5:

1. "Agency" means any entity in the executive branch of state government created by the Constitution or laws of the State of Oklahoma and supported in whole or in part by state funds or entrusted with the expending of state funds or administering of state property or otherwise exercising the sovereign power of the State of Oklahoma, including but not limited to all such offices, departments, institutions, boards, bureaus, commissions, agencies, authorities and instrumentalities of the State of Oklahoma.

"Agency" shall not mean any city, county, rural electric cooperative or tribal housing authority created under the Oklahoma Housing Authorities Act nor any state entity that performs only advisory functions and that cannot independently exercise the sovereign power of the State of Oklahoma;

2. "Commission" shall mean the Oklahoma Ethics Commission;

3. "Executive lobbying" means any oral or written communication with a state officer or employee of an agency, excluding the Governor or a member of the Legislature or with an employee of the Governor or the Legislature, on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rule, rate, regulation, executive order or any other program, policy or position of state government. However, "executive lobbying" shall not mean testimony given at, or submitted in writing to, a public hearing of the agency, nor a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television;

4. "Executive lobbyist" means any individual who is employed or retained by another for financial or other compensation to perform services that include executive lobbying, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client, except the following individuals shall not be considered lobbyists:

a. an individual appearing before a state officer or employee of an agency who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further lobbying;

b. a federal official acting in his or her official capacity;

c. any person exercising his or her constitutional right to petition the government who receives no compensation or anything of value for lobbying;

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

6. "Legislative liaison" means any state officer or employee whose duties in fact include legislative lobbying, regardless of the state officer or employee's title and regardless of whether or not legislative lobbying is included within the state officer or state employee's job description other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the agency. Each agency shall have at least one (1) legislative liaison, unless all officers and employees of the agency provide information to the Governor or a legislator only at the request of the Governor or a

legislator or an employee of the Governor or the Legislature or as required by law, and provided further that no officer or employee of the agency has requested legislation, other than an appropriation for the agency, or other legislative action, or unless the agency has a contract with a legislative lobbyist to provide legislative lobbying services;

7. "Legislative lobbying" means any oral or written communication with the Governor or with a member of the Legislature or with an employee of the Governor or the Legislature on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rule, regulation, executive order or any other program, policy or position of state government. As used in this Rule, "employee of the Governor or the Legislature" includes any state officer or employee who advises the Governor, a legislator or the Legislature on legislation other than legislation that affects only his or her agency. However, "legislative lobbying" shall not mean testimony given before, or submitted in writing to, a committee or subcommittee of the Legislature, nor a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television;

8. "Legislative lobbyist" means any individual who is employed or retained by another for financial or other compensation to perform services that include legislative lobbying, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client, except the following individuals shall not be considered lobbyists:

a. an individual appearing before the Governor or a meeting of a legislative body who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further lobbying;

b. a federal official acting in his or her official capacity;

c. any person exercising his or her constitutional right to petition the government who receives no compensation or anything of value for lobbying;

9. "Lobbyist principal" means any person or entity, including an agency, who employs or retains another person for financial or other compensation to conduct executive or legislative lobbying activities on behalf of the lobbyist principal; provided, however, it shall not mean any individual members, partners, officers or shareholders of an agency, a corporation, association, firm, joint venture, joint stock company, syndicate, business trust, estate, trust, company, partnership, limited partnership, organization, committee or club, or a group of persons who are voluntarily acting in concert.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative December 1, 2014.

#### **Rule 5.3. Annual Registration for Legislative Liaison and Legislative Lobbyist.**

Each legislative liaison or legislative lobbyist shall be required to register with the Ethics Commission each year that the legislative liaison or legislative lobbyist engages in lobbying. Each legislative liaison or legislative lobbyist shall register or renew his or her registration with the Commission no earlier than December 1 nor later than December 31 of each year for the calendar year beginning the following January 1 or within five (5) days after engaging in lobbying on behalf of one or more lobbyist principals and pay a registration fee of One Hundred Dollars (\$100.00) and an additional processing fee for using a credit card. Each legislative liaison or legislative lobbyist may be reimbursed for the registration fee and service fee by a lobbyist principal. Registration by legislative liaisons or legislative lobbyists shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission. Information on the registration shall include the legislative liaison or legislative lobbyist's name, business address, including electronic mail address and business telephone numbers, the name and address of each lobbyist principal by whom the liaison or lobbyist is employed or retained and the date of the registration.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative December 1, 2014.

#### **Rule 5.4. Expiration or Termination of Registration for Legislative Liaison and Legislative Lobbyist.**

The registration of each legislative liaison or legislative lobbyist shall expire on December 31 of each year unless renewed for the following year as required by Rule 5.3. A legislative liaison or legislative lobbyist may terminate his or her registration sooner than December 31 by electronically filing a notice of termination on a form provided by the Commission and filing a final Legislative Lobbyist Report.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative December 1, 2014.

#### **Rule 5.5. Annual Registration and Termination of Registration for Executive Lobbyist.**

Each executive lobbyist shall be required to register with the Ethics Commission. An executive lobbyist may register no earlier than December 1 nor later than December 31 of each year for the calendar year beginning the following January 1 or within five (5) days after engaging in lobbying on behalf of one or more lobbyist principals. Registration by executive lobbyists shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission. Information on the registration shall include the executive lobbyist's name, business address, including electronic mail address and business telephone numbers, the name and address of each lobbyist principal by whom the lobbyist is employed or retained, the agency or agencies before which the lobbyist is lobbying and the date of the registration. The executive lobbyist may terminate his or her registration at any time by electronically filing a notice of termination on a form provided by the Commission and filing a final Executive Lobbyist Report. An executive lobbyist whose registration has not been terminated by November 30 of any year shall be required to register no earlier than December 1 nor later than December 31 of that year to continue his or her registration through December and for the calendar year beginning the following January 1. Until terminated, the registration shall remain effective, and the executive lobbyist shall be required to file Executive Lobbyist Reports as provided by these Rules.

### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative December 1, 2014.

#### **Rule 5.6. Prohibition on Things of Value Provided to or Accepted by Governor, Legislative Officers and Employees.**

Except as provided in these Rules, a legislative liaison, a legislative lobbyist or a lobbyist principal by whom the legislative liaison or legislative lobbyist is employed or retained shall provide nothing of value to the Governor, a legislator or any employee of the Governor or the Legislature. The Governor, a

legislator or any employee of the Governor or the Legislature shall not knowingly accept anything of value from a legislative liaison, a legislative lobbyist or a lobbyist principal by whom the legislative liaison or legislative lobbyist is employed or retained except as permitted by these Rules. Except as provided in these Rules, an executive lobbyist or a lobbyist principal by whom the executive lobbyist is employed or retained shall provide nothing of value to any officer or employee of an agency that is the subject of the executive lobbyist's lobbying activities. No officer or employee of an agency that is subject to an executive lobbyist's lobbying activities shall knowingly accept anything of value from an executive lobbyist or a lobbyist principal by whom an executive lobbyist is employed except as permitted by these Rules. In no event shall a legislative liaison, a legislative lobbyist, an executive lobbyist or a lobbyist principal indirectly provide anything of value to any state officer or employee by providing a thing of value to a family member of the state officer or employee, other than as permitted by these Rules. In no event shall the costs of a thing of value provided by a legislative liaison or legislative lobbyist to the Governor, a legislator or any employee of the Governor or the Legislature permitted by these Rules be divided or shared with other legislative liaisons or legislative lobbyists in filing a report required by these Rules unless otherwise provided by these Rules.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 5.7. Meal Limits for Legislative Liaisons or Legislative Lobbyist.**

A legislative liaison or a legislative lobbyist shall pay no more than Five Hundred Dollars (\$500.00) per calendar year for meals for the Governor, for any individual legislator or for any individual employee of the Governor or the Legislature, regardless of the source of funds used for payment.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.8. Gift Limits for Legislative Liaison or Legislative Lobbyist.**

A legislative liaison or a legislative lobbyist may make a gift to the Governor or any legislator or any employee of the Governor or the Legislature in recognition of infrequently occurring occasions of personal significance. Such gifts may be made to a family member of the Governor or any legislator or any employee of the Governor or the Legislature, provided such family member is a party to a marriage, serious illness, birth or adoption of a child or retirement. Such gifts to any individual recipient may not exceed Two Hundred Dollars (\$200.00) in the aggregate in any calendar year from any legislative liaison or legislative lobbyist. Any such gifts shall be aggregated with meals, and the aggregate total of meals and other gifts provided to an individual recipient by a legislative liaison or legislative lobbyist may not exceed Five Hundred Dollars (\$500.00).

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.9. Meals Provided by Non-Lobbyist Employee of Lobbyist Principal.**

An employee of a lobbyist principal who is not a legislative liaison, a legislative lobbyist or an executive lobbyist may provide a meal no more than twice a year to a legislator at the expense of the lobbyist principal, provided (1) the employee is not acting at the direction of a legislative liaison, a legislative lobbyist or an executive lobbyist, (2) the employee is not engaging in lobbying of any kind, (3) the employee is a constituent of the legislator or is engaged in providing goods or business services for the lobbyist principal within the legislator's district and (4) the employee typically engages in similar activities with other public officials in a geographical area within which the goods or business services are provided.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.10. Meal Limits for Executive Lobbyist.**

An executive lobbyist shall pay no more than Five Hundred Dollars (\$500.00) per calendar year for meals for an individual

state officer or employee of an agency for which he or she is registered or should be registered as an executive lobbyist, regardless of the source of funds used for payment.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.11. Gift Limits for Executive Lobbyist.**

An executive lobbyist may make a gift to a state officer or employee of an agency for which he or she is registered or should be registered as an executive lobbyist in recognition of infrequently occurring occasions of personal significance. Such gifts may be made to a family member of a state officer or employee of an agency for which he or she is registered or should be registered as an executive lobbyist, provided such family member is a party to a marriage, serious illness, birth or adoption of a child or retirement. Such gifts to any individual recipient may not exceed Two Hundred Dollars (\$200.00) in the aggregate in any calendar year from any executive lobbyist. Any such gifts shall be aggregated with meals, and the aggregate total of meals and other gifts provided to an individual recipient by an executive lobbyist may not exceed Five Hundred Dollars (\$500.00).

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.12. Modest Items of Food and Refreshments.**

A legislative liaison, legislative lobbyist, executive lobbyist or lobbyist principal may provide modest items of food and refreshments to any state officer or employee when offered other than as part of a meal.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.13. Gifts Worth No More than Ten Dollars (\$10.00) to State Officer or Employee.**

A legislative liaison, legislative lobbyist, executive lobbyist or lobbyist principal may provide a gift of any single item with a

fair market value not exceeding Ten Dollars (\$10.00) to any state officer or employee, provided that a legislative liaison, legislative lobbyist, executive lobbyist or lobbyist principal shall not make more than one such gift during any calendar year to any state officer or employee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.14. Food and Beverage Provided by a Lobbyist Principal to an Event to Which All Members of Legislature are Invited.**

A lobbyist principal that employs or retains a legislative liaison or legislative lobbyist may provide food and beverage for any event to which all members of the Legislature are invited no more than once per calendar year, provided the event is reported as provided by these Rules. More than one lobbyist principal may provide food and beverage for such an event, but no lobbyist principal shall participate in more than one such event per calendar year.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.15. Food and Beverage Provided by a Lobbyist Principal to a Political Caucus.**

A lobbyist principal that employs or retains a legislative liaison or legislative lobbyist may provide food and beverage for a meeting of a political caucus of either House of the Legislature no more than once per calendar year, provided the event is reported as provided by these Rules. More than one lobbyist principal may provide food and beverage for such an event, but no lobbyist principal shall participate in more than one such event per calendar year for any caucus. As used in this section, "political caucus" shall mean only a caucus of legislators of a political party recognized under the laws of this state.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.16. Food and Beverage Provided by a Lobbyist Principal to a**

**Legislative Committee or Subcommittee.**

A lobbyist principal that employs or retains a legislative liaison or legislative lobbyist may provide food and beverage for any event held within the Capitol building to which all members of a committee or subcommittee of either House of the Legislature identified in the Rules or Journal of the respective House are invited and which is attended by a majority of members of the committee or subcommittee no more than once per calendar year for any such committee or subcommittee, provided the event is reported as provided by these Rules. More than one lobbyist principal may provide food and beverage for such an event, but no lobbyist principal shall participate in more than one such event per calendar year for any committee or subcommittee.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.17. Food and Beverage Provided by a Lobbyist Principal for Out of State Events.**

A lobbyist principal that employs or retains a legislative liaison or legislative lobbyist may provide food and beverage for any event at a professional conference, seminar or other similar meeting conducted outside the geographical boundaries of the State of Oklahoma to which only Oklahoma state officers or employees participating in the event are invited, provided a minimum of five state officers or employees participate and provided the event is reported as provided by these Rules. More than one lobbyist principal may provide food and beverage for such an event, but no lobbyist principal shall participate in more than one such event per calendar year.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.18. Lobbyist Principal Purchase of Tickets or Sponsorship of Bona Fide Community, Civic, or Charitable Event.**

A lobbyist principal may purchase tickets for or otherwise provide sponsorship for a bona fide community, civic or charitable reception, breakfast, luncheon or dinner attended by state officers and employees who are guests of the sponsoring organization, provided the lobbyist principal may not designate state officers or

employees to be guests and provided the purchase or sponsorship is customary for the lobbyist principal and other similar entities.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.19. Legislative Liaison and Legislative Lobbyist Report Deadlines.**

Each legislative liaison and legislative lobbyist shall file a Legislative Lobbyist Report on the following dates for the following time periods:

1. Before the sixth day of January for the period beginning July 1 and ending December 31 of the preceding year.
2. Before the sixth day of February, March, April, May, June and July for the preceding month.

Except for good cause shown, any legislative liaison or legislative lobbyist who, during a calendar year, files more than one Legislative Lobbyist Report after the date it is due shall be deemed to have intentionally failed to file the report in violation of these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative February 1, 2015.

**Rule 5.20. Executive Lobbyist Report Deadlines.**

Each executive lobbyist shall file an Executive Lobbyist Report before the sixth day of January, April, July and October for the preceding calendar quarter. Except for good cause shown, any executive lobbyist who, during a calendar year, files more than one Executive Lobbyist Report after the date it is due shall be deemed to have intentionally failed to file the report in violation of these Rules. An executive lobbyist who also is registered as a legislative lobbyist may choose to file reports as an executive lobbyist on the same dates that he or she files reports as a legislative lobbyist.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative February 1, 2015.

Rule 5.21. Legislative Lobbyist Report Required Information.

Each Legislative Lobbyist Report shall include, but not be limited to, information contained on the registration of the legislative liaison or legislative lobbyist and the following information:

1. The cost of each meal provided during the reporting period for the Governor, for any legislator or for any employee of the Governor or the Legislature and the date on which the meal was provided. The cost shall include the price, plus any applicable tax but shall not include a gratuity. In calculating the price of the meal, items such as appetizers or hors d'oeuvre or beverages may be apportioned by dividing the total cost of the item equally by the number of participants, where the individual cost per participant is difficult or impossible to ascertain; provided, however, the individual price of other items, such as salads, entrees, or individual beverages shall be attributed to individual participants. Any food and beverages provided other than as part of a meal and valued at more than Ten Dollars (\$10.00) in the aggregate during a calendar year shall be reported separately.
2. The aggregate total number and cost of items reported in subsection 1 of this Rule, including any during this reporting period for the Governor, for any legislator or for any employee of the Governor or the Legislature.
3. The date, location and cost of food and beverage paid by a lobbyist principal of the legislative liaison or legislative lobbyist for any event to which all members of the Legislature were invited and the percentage of the total cost of food and beverage provided by the lobbyist principal for the event if less than one hundred percent (100%).
4. The date, location and cost of food and beverage paid by a lobbyist principal of the legislative liaison or legislative lobbyist for a meeting of a political caucus of either House of the Legislature and the percentage of the total cost of food and beverage provided by the lobbyist principal for the meeting if less than one hundred percent (100%).
5. The date, location and cost of food and beverage paid by a lobbyist principal of the legislative liaison or legislative lobbyist for a meeting of a committee or subcommittee of either House of the Legislature identified in the Rules or Journal of the respective House to which all members of the committee or subcommittee were invited and which a majority of members attended and the percentage of the total cost of food and beverage for the meeting if less than one hundred percent (100%).

6. The cost of food and beverage paid by a lobbyist principal of the legislative liaison or legislative lobbyist for an event at a bona fide national or multistate regional professional conference, seminar or other similar meeting conducted outside the geographical boundaries of the State of Oklahoma to which only Oklahoma state officers or employees participating in the event are invited, provided a minimum of five state officers and employees participate, a description of the event, the date of the event and the percentage of the total cost of food and beverage for the meeting if less than one hundred percent (100%).

Nominal costs of transportation by private motor vehicle or similar public transportation such as a taxi provided by a legislative liaison or legislative lobbyist to and from the location of a meal or event within the State of Oklahoma or within the vicinity of the meal if outside the geographical boundaries of the State of Oklahoma shall be permitted but shall not be reported. Reports by legislative liaisons or legislative lobbyists shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission. Expenditures made by a lobbyist principal that is represented by more than one legislative liaison or legislative lobbyist shall be reported on only one Legislative Lobbyist Report by a legislative liaison or legislative lobbyist; any other legislative liaison or legislative lobbyist representing the same lobbyist principal shall indicate on the Legislative Lobbyist Report the name of the legislative liaison or legislative lobbyist reporting the expenditure on behalf of the lobbyist principal.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 5.22. Executive Lobbyist Report Required Information.**

Each Executive Lobbyist Report shall include, but not be limited to, the following information:

1. The cost of each meal provided during the reporting period for a state officer or employee of an agency for which he or she is registered and the date on which the meal was provided. The cost shall include the price, plus any applicable tax but shall not include a gratuity. In calculating the price of the meal, items such as appetizers or hors d'oeuvre or beverages may be apportioned by dividing the total cost of the item equally by the number of participants, where the individual cost per participant is difficult or impossible to ascertain;

provided, however, the individual price of other items, such as salads, entrees or individual beverages shall be attributed to individual participants. Any food and beverages provided other than as part of a meal and valued at more than Ten Dollars (\$10.00) in the aggregate during a calendar year shall be reported separately.

2. The aggregate total number and cost of items reported in subsection 1 of this Rule, including any during this reporting period, for a state officer or employee of an agency for which he or she is registered.

Nominal costs of transportation by private motor vehicle or similar public transportation such as a taxi provided by an executive lobbyist to and from the location of a meal or event shall be permitted but shall not be reported. Reports by executive lobbyists shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission.

Expenditures made by a lobbyist principal that is represented by more than one executive lobbyist shall be reported on only one Executive Lobbyist Report by an executive lobbyist; any other executive lobbyist representing the same lobbyist principal shall indicate on the Executive Lobbyist Report the name of the executive lobbyist reporting the expenditure on behalf of the lobbyist principal.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 5.23. Legislative Liaison, Legislative Lobbyist, Executive Lobbyist Amended Reports.**

A legislative liaison or legislative lobbyist may file an Amended Legislative Lobbyist Report and an executive lobbyist may file an Amended Executive Lobbyist Report at any time to correct a bona fide oversight or error in the previously filed Legislative Lobbyist Report or Executive Lobbyist Report, provided the legislative liaison, legislative lobbyist or executive lobbyist certifies that the filing of an Amended Legislative Lobbyist Report or Amended Executive Lobbyist Report is not made for the purpose of reporting information that was intentionally omitted or misstated on the previously filed Legislative Lobbyist Report or Executive Lobbyist Report. If a legislative liaison, legislative lobbyist or executive lobbyist files a certified Amended Legislative Lobbyist Report or Amended Executive Lobbyist Report that is not in fact made for the purpose of reporting information that was intentionally omitted or misstated, the legislative liaison, legislative lobbyist

or executive lobbyist shall not be deemed to have violated these Rules by having made an erroneous prior filing.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.24. Executive Director Authority to Require Additional Information.**

The Executive Director of the Commission shall be authorized to require additional information on the Legislative Lobbyist Report and Executive Lobbyist Report consistent with the intention of the Commission to provide disclosure of expenditures identified in these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.25. Waiver for Preexisting Relationship.**

A state officer or employee may apply to the Commission for a waiver of a Rule based on a preexisting relationship between the state officer or employee and a legislative liaison, legislative lobbyist or executive lobbyist. The Commission shall have exclusive authority and discretion to grant a waiver on a case-by-case basis, based upon the totality of circumstances and a finding that the purposes of these Rules will not be impeded or hindered by the waiver. A waiver shall have only prospective application. The Commission may request whatever information it deems appropriate from an applicant, including but not limited to verified statements by the applicant and/or the legislative liaison, legislative lobbyist or executive lobbyist with whom a preexisting relationship is claimed.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.26. Legislative Liaison, Legislative Lobbyist or Executive Lobbyist Required to Retain Records.**

A legislative liaison, legislative lobbyist or executive lobbyist shall be required to retain records necessary to

substantiate any registrations or reports or other requirements of these Rules for a period of not less than four (4) years.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.27. Lobbying Activity Disclosure Requirements.**

When engaged in lobbying activities, either orally or in writing, any legislative liaison, legislative lobbyist or executive lobbyist shall identify the lobbyist principal or lobbyist principals on whose behalf the lobbying activities are being conducted. Any state officer or state employee who is being lobbied may request such information from the person engaged in lobbying activities.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.28. State Officer or Employee Prohibition on Legislative or Executive Lobbying.**

No state officer or employee, including members of boards, commissions, authorities and similar public bodies of state agencies, shall be either a legislative lobbyist or an executive lobbyist.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 5.29. Lobbyist or Legislative Liaison Violation of Rules through Indirect Action**

In no event may a legislative liaison, a legislative lobbyist, an executive lobbyist or a lobbyist principal do indirectly, through a third party or through other indirect means, anything that is prohibited by these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6**  
**Investigations, Prosecutions and Penalties**

**Rule 6.1. Purpose of Rule 6**

The purpose of Rule 6 is to set forth the procedures for investigating and prosecuting alleged violations of these Rules and prescribing penalties for violations of these Rules, as provided by Article XXIX, Section 4 of the Constitution of the State of Oklahoma.

**History**

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.2. Definitions**

As used in Rule 6:

1. "Commission" shall mean the Oklahoma Ethics Commission; and
2. "Complaint" shall mean an allegation of a violation of these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.3. Complaints.**

A member of the Commission or an employee of the Commission may accept a complaint from any source; provided, however, no complaint shall be accepted from an anonymous source.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.4. Blackout Period.**

The Commission shall not accept a complaint from any person alleging a violation of these Rules by a candidate or candidate committee during a period beginning the first day that the State Election Board may accept Declarations of Candidacy for the office sought by the candidate or candidates and ending on the day of the General Election during the same year. However, this section shall not prohibit acceptance of a complaint from a member or employee of the Commission.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.5. Preliminary Investigation of Complaint.**

The Executive Director may conduct or authorize any Commission employee to conduct a preliminary inquiry into any allegations contained in a complaint for the purpose of assisting the Commission in determining whether to begin a formal investigation. All documents relating to complaints shall be confidential records unless released by the Commission as provided hereafter.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.6. Commission Review of Complaint or Investigation.**

The Executive Director shall advise or authorize the General Counsel or other employees to advise the Commission, in executive session, of any complaints received together with the results of any preliminary inquiry. In addition, the Executive Director may advise or authorize any Commission employee to advise the Commission of any alleged violations of these Rules based on a review by Commission employees of registrations, reports and statements required to be filed under these Rules or based upon independent research or inquiry by Commission employees.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.7. Formal Investigation.**

The Commission, upon determining that there is reasonable cause to believe that the person or persons named in the complaint have violated these Rules, may authorize a formal investigation. The Executive Director shall cause a unique number to be assigned to identify each formal investigation. The unique identifying number shall be followed by reference to the specific Rule or Rules alleged to have been violated and language to indicate whether the Rule is a campaign finance, financial disclosure, conflict of interest or lobbying Rule.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.8. Subpoena Power.**

When the Commission authorizes a formal investigation, the Executive Director is authorized or may authorize any Commission employee to exercise subpoena power as provided by Article XXIX, Section 4 of the Constitution of the State of Oklahoma and pay witness fees as provided by law.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.9. Confidentiality of Complaint or Investigation.**

Unless the Commission determines that a complaint or a formal investigation should be made public, all complaints and formal investigations, including documents and discussions in executive session, shall remain confidential and shall not be disclosed by a Commissioner, by the Commission or by its employees except to the extent necessary to facilitate or conduct a preliminary inquiry or a formal investigation. However, the Executive Director may confirm or deny the existence of a complaint or formal investigation alleging a violation of these Rules by any individual upon the written request of that individual. A settlement agreement executed under these Rules shall be public record. The Commission may make a complaint or formal investigation and any documents relating thereto public at any time it deems release of that information to be in the public interest.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.10. Commission Action During Formal Investigation.**

At any time during a formal investigation or at the conclusion of a formal investigation, the Commission may:

- (1) Terminate the investigation and take no further action;
- (2) Authorize the Executive Director to cause the individual or individuals or entity alleged to have violated these Rules to be prosecuted in the District Court of the county where the violation of these Rules is alleged to have occurred by filing a civil petition as provided by the Constitution and laws of the State of Oklahoma; or
- (3) Offer a settlement agreement as provided by Article XXIX, Section 4 of the Constitution of the State of Oklahoma. Should a settlement agreement not be consummated, the Commission may authorize a prosecution to be commenced as provided in Subsection (2) of this Rule.

If a prosecution or a settlement agreement is authorized prior to conclusion of a formal investigation, the Commission may continue

the investigation. Termination of a formal investigation as provided in Subsection (1) of this Rule shall not bar reopening the same investigation based upon newly discovered evidence or other good cause. In no event shall the Commission authorize the prosecution of a civil lawsuit in the District Court until any person who is alleged to have violated these Rules has had an opportunity to respond in writing to allegations of any violation. Such person shall be given notice of the allegations in writing and shall have twenty (20) days in which to file a written response. Upon application, such person shall be granted no more than one extension of twenty (20) additional days in which to file a response. Any additional response shall be granted at the exclusive discretion of the Commission. Failure to respond shall be deemed an admission of the allegations. Such person and/or an attorney representing such person also shall be granted an opportunity to personally appear before the Commission to make an oral response, provided such response is within the time frame provided for a written response.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 6.11. Commission Transmittal of Information to Appropriate Authorities.**

The Commission may at any time transmit to appropriate civil or criminal law enforcement authorities any information received by the Commission or its employees as the result of a complaint or a formal investigation.

#### History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

#### **Rule 6.12. Civil Lawsuits for Violation of Rules.**

If authorized by the Commission as provided in Rule 6.10(2) of these Rules, a civil lawsuit shall be filed in the District Court no more than four (4) years after the date the violation of these Rules is alleged to have occurred. Provided, however, that a civil lawsuit shall be filed in the District Court no more than four (4) years from the date any document required to be filed with the Commission was required or the date the document was in fact filed, whichever period expires later. Provided further, there shall be no

time limitation if fraud or concealment prevents discovery of the alleged violation.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.13. Civil Penalties for Violation of Rules.**

Monetary penalties that may be assessed by the District Court for violation of these Rules include the following:

- (1) Not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00) for a single violation;
- (2) Not less than Ten Thousand Dollars (\$10,000.00) nor more than Fifty Thousand Dollars (\$50,000.00) for multiple violations in one lawsuit; and
- (3) Not less than Twenty-five Thousand Dollars (\$25,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00) for a subsequent violation of any Rule after having been determined by a Court or a settlement agreement to have previously violated any Rule.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.14. Other Remedies.**

In addition to the monetary penalties provided in Rule 6.13, the District Court may, where the Court deems appropriate, require restitution, disgorgement of things of value received as a result of a violation of the Rules and an additional monetary penalty of up to three times the amount of an unlawful campaign contribution. Additionally, the Court shall order the payment of the Commission's attorney fees, costs and other expenses of litigation from any individual or individuals or entity found to have violated any Rule or statute over which the Commission has jurisdiction.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.15. Monetary Liability for Violation of Rules.**

Liability for payment of a monetary penalty, fees, costs and other expenses of litigation assessed for violation of a campaign finance Rule, other than late filing fees, shall be as follows:

- (1) A monetary penalty, fees, costs and other expenses of litigation assessed against a political party committee shall be paid from the political party committee's funds or by the political party committee's officers, or by both, as determined by the District Court.
- (2) A monetary penalty, fees, costs and other expenses of litigation assessed against an affiliated political action committee shall be paid by the entity with which the political action committee is affiliated or by officers of the political action committee, or both, as determined by the District Court.
- (3) A monetary penalty, fees, costs and other expenses of litigation assessed against an unaffiliated political action committee shall be paid from political action committee funds or by officers of the political action committee, or both, as determined by the District Court.
- (4) A monetary penalty, fees, costs and other expenses of litigation assessed against a candidate or a candidate committee shall be paid from campaign funds of the candidate or candidate committee, by officers of the candidate committee or by the candidate from funds other than campaign funds, or any combination thereof, as determined by the District Court.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.16. Monetary Liability Assessed by District Court.**

Liability for payment of a monetary penalty, fees, costs and other expenses of litigation assessed for violation of a financial disclosure, conflict of interest or lobbying Rule shall be determined by the District Court.

History

Promulgated by Ethics Commission January 10, 2014; effective upon

Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.17. Separate Liability Assessed by District Court.**

In the event the District Court finds more than one person liable for a violation of these Rules, those persons shall be separately assessed monetary penalties.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.18. Settlement Agreements.**

Irrespective of any penalties provided in these Rules, any monetary penalties, fees, costs or other penalties provided in a settlement agreement shall be in amounts and from sources to be agreed upon by the parties.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.

**Rule 6.19. Late Filing Fees.**

Late filing fees authorized by statute or these Rules shall not be a part of or affected by any monetary penalties, fees, costs, other expenses of litigation or other penalties provided by these Rules.

History

Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015.