

1 **Rule 5.2. Definitions**

2 As used in Rule 5:

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

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

18 3. **"Executive lobbying"** means any oral or written
19 communication with a state officer or employee of an agency,
20 excluding the Governor or a member of the Legislature or with an
21 employee of the Governor or the Legislature, on behalf of a
22 lobbyist principal with regard to the passage, defeat,
23 formulation, modification, interpretation, amendment, adoption,
24 approval or veto of any legislation, rule, rate, regulation,

1 executive order or any other program, policy or position of
2 state government. However, "executive lobbying" shall not mean
3 testimony given at, or submitted in writing to, a public hearing
4 of the agency, nor a speech, article, publication or other
5 material that is widely distributed, published in newspapers,
6 magazines or similar publications or broadcast on radio or
7 television;

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

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

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

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

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

1 6. "Indirect lobbying" means any communication or series of
2 communications that advocate support or opposition of
3 legislative bills or resolutions pending at the Oklahoma
4 legislature made:

5 a. through a paid advertisement to broadcast media such as
6 radio, telephone, internet, or cable, or to print media such as
7 a magazine, newspaper, direct mail, or other printed medium;

8 b. through the efforts of an individual or individuals
9 employed or retained by another to engage in such advocacy; or

10 c. by a person who receives funds or services valued in
11 excess of Five Hundred (\$500.00) or who has made or will make
12 expenditures in excess of Five Hundred (\$500.00) during any
13 calendar year for the purpose of advocating support or
14 opposition of legislation pending at the Oklahoma legislature.

15 However, "indirect lobbying" shall not mean:

16 a. testimony given before, or submitted in writing to, a
17 committee or subcommittee of the Oklahoma legislature;

18 b. the publishing or broadcasting of news items, editorial
19 comments, or paid advertisements which advocate the support or
20 opposition of pending legislation by a news medium or its
21 employees or agents; or

22 c. internal communications made by an organization with its
23 members indicating the organization's position on legislation so

1 long as the communications do not encourage its members to
2 advocate for or against pending legislation;

3 7. "Indirect lobbyist" means a person funding indirect
4 lobbying, or a person who organizes, directs, or otherwise
5 coordinates the efforts of others to engage in indirect
6 lobbying. However, indirect lobbyist shall not mean an officer
7 or employee of a state or the federal government acting in his
8 or her official capacity and shall not include the governmental
9 entity served by the officer or employee;

10 ¶ 8. **"Legislative liaison"** means any state officer or employee
11 whose duties in fact include legislative lobbying, regardless of
12 the state officer or employee's title and regardless of whether
13 or not legislative lobbying is included within the state officer
14 or state employee's job description other than an individual
15 whose lobbying activities are only incidental to, and are not a
16 significant part of, the services provided by such individual to
17 the agency. Each agency shall have at least one (1) legislative
18 liaison, unless all officers and employees of the agency provide
19 information to the Governor or a legislator only at the request
20 of the Governor or a legislator or an employee of the Governor
21 or the Legislature or as required by law, and provided further
22 that no officer or employee of the agency has requested
23 legislation, other than an appropriation for the agency, or
24 other legislative action, or unless the agency has a contract

1 with a legislative lobbyist to provide legislative lobbying
2 services;

3 ~~7~~ 9. **"Legislative lobbying"** means any oral or written
4 communication with the Governor or with a member of the
5 Legislature or with an employee of the Governor or the
6 Legislature on behalf of a lobbyist principal with regard to the
7 passage, defeat, formulation, modification, interpretation,
8 amendment, adoption, approval or veto of any legislation, rule,
9 regulation, executive order or any other program, policy or
10 position of state government. As used in this Rule, "employee
11 of the Governor or the Legislature" includes any state officer
12 or employee who advises the Governor, a legislator or the
13 Legislature on legislation other than legislation that affects
14 only his or her agency. However, "legislative lobbying" shall
15 not mean testimony given before, or submitted in writing to, a
16 committee or subcommittee of the Legislature, nor a speech,
17 article, publication or other material that is widely
18 distributed, published in newspapers, magazines or similar
19 publications or broadcast on radio or television;

20 ~~8~~ 10. **"Legislative lobbyist"** means any individual who is
21 employed or retained by another for financial or other
22 compensation to perform services that include legislative
23 lobbying, other than an individual whose lobbying activities are
24 only incidental to, and are not a significant part of, the

1 services provided by such individual to the client, except the
2 following individuals shall not be considered lobbyists:

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

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

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

12 9 **11. "Lobbyist principal"** means any person or entity, including
13 an agency, who employs or retains another person for financial
14 or other compensation to conduct executive or legislative
15 lobbying activities on behalf of the lobbyist principal;
16 provided, however, it shall not mean any individual members,
17 partners, officers or shareholders of an agency, a corporation,
18 association, firm, joint venture, joint stock company,
19 syndicate, business trust, estate, trust, company, partnership,
20 limited partnership, organization, committee or club, or a group
21 of persons who are voluntarily acting in concert;

22 **Rule 5.3. Annual Registration for Legislative Liaison and**
23 **Legislative Lobbyist.**

1 A. Each legislative liaison or legislative lobbyist shall be
2 required to register with the Ethics Commission each year that
3 the legislative liaison or legislative lobbyist engages in
4 lobbying. Each legislative liaison or legislative lobbyist
5 shall register or renew his or her registration with the
6 Commission and pay any applicable fees no earlier than December
7 1 of each year nor later than January 15 of the following year
8 for the calendar year beginning January 1 or within five (5)
9 days after engaging in lobbying on behalf of one or more
10 lobbyist principals. Registration by legislative liaisons or
11 legislative lobbyists shall be filed electronically, unless
12 otherwise ordered by the Commission or the Executive Director of
13 the Commission. Information on the registration shall include
14 the legislative liaison or legislative lobbyist's name, business
15 address, including electronic mail address and business
16 telephone numbers, the name and address of each lobbyist
17 principal by whom the liaison or lobbyist is employed or
18 retained and the date of the registration.

19 B. Indirect lobbyists shall not be required to register with the
20 Commission unless otherwise required to register as a
21 legislative lobbyist or executive lobbyist. However, all
22 communications qualifying as indirect lobbying must include
23 either orally or in writing of sufficient size and contrast to

1 be clearly readable to the recipient of the communication one of
2 the following disclosures:

3 1. "Lobbyist communication authorized by" to be followed by the
4 name of the indirect lobbyist and must include the information
5 in one of the provisions below:

6 a. the indirect lobbyist's permanent street address, and
7 phone number;

8 b. a website address to a page on the indirect lobbyist's
9 website which complies with the provisions of (3) below; or

10 c. "See report at <http://guardian.ok.gov>" but only if a
11 report will be filed prior to publication of the communication.

12 2. For printed communications on the internet where the
13 disclosure statement required in (1) would be impractical due to
14 length, the phrase "Lobbyist Communication" must be included and
15 the phrase "Lobbyist Communication" must hyperlink to a page in
16 accordance with the provisions of (3) below.

17 3. The website address referenced in (1) or the webpage
18 hyperlinked to "Lobbyist Communication" in (2) must contain only
19 "Lobbying communication authorized by" followed by the indirect
20 lobbyist's name, permanent street address, phone number, and
21 must include either a picture of or link to any reports filed
22 with the Ethics Commission. If a report has not been filed with
23 the Ethics Commission, the following information must be
24 included: the names of any contributors required to be disclosed

1 under these Rules, the amount of the indirect lobbying required
2 to be disclosed under these Rules, the number(s) of the
3 legislative bill(s) or resolution number(s) assigned by the
4 Oklahoma legislature that are supported or opposed, and whether
5 such bill or resolution is supported or opposed.

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

8 A. Each legislative liaison and legislative lobbyist shall file
9 a Legislative Lobbyist Report on the following dates for the
10 following time periods:

11 1. Before the sixteenth day of January for the period
12 beginning July 1 and ending December 31 of the preceding year.

13 2. Before the sixth day of February, March, April, May
14 and June and before the sixteenth day of July for the preceding
15 month.

16 B. Reports detailing indirect lobbying shall be required to be
17 filed with the Commission as follows:

18 1. the first report will be due within twenty-four hours of
19 exceeding Five Thousand Dollars (\$5,000) for indirect lobbying;
20 and

21 2. subsequent reports will be required within twenty-four
22 hours of each additional cost.

23 C. Except for good cause shown, any legislative liaison or
24 legislative lobbyist who, during a calendar year, files more

1 than one Legislative Lobbyist Report or Indirect Lobbying Report
2 after the date it is due shall be deemed to have intentionally
3 failed to file the report in violation of these Rules.

4 **Rule 5.21. Legislative Lobbyist Report Required Information.**

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

9 1. The cost of each meal provided during the reporting
10 period for the Governor, for any legislator or for any employee
11 of the Governor or the Legislature and the date on which the
12 meal was provided. The cost shall include the price, plus any
13 applicable tax but shall not include a gratuity. In calculating
14 the price of the meal, items such as appetizers or hors d'oeuvre
15 or beverages may be apportioned by dividing the total cost of
16 the item equally by the number of participants, where the
17 individual cost per participant is difficult or impossible to
18 ascertain; provided, however, the individual price of other
19 items, such as salads, entrees, or individual beverages shall be
20 attributed to individual participants. Any food and beverages
21 provided other than as part of a meal and valued at more than
22 Ten Dollars (\$10.00) in the aggregate during a calendar year
23 shall be reported separately.

1 2. The aggregate total number and cost of items reported
2 in subsection 1 of this Rule, including any during this
3 reporting period for the Governor, for any legislator or for any
4 employee of the Governor or the Legislature.

5 3. The date, location and cost of food and beverage paid
6 by a lobbyist principal of the legislative liaison or
7 legislative lobbyist for any event to which all members of the
8 Legislature were invited and the percentage of the total cost of
9 food and beverage provided by the lobbyist principal for the
10 event if less than one hundred percent (100%).

11 4. The date, location and cost of food and beverage paid
12 by a lobbyist principal of the legislative liaison or
13 legislative lobbyist for a meeting of a political caucus of
14 either House of the Legislature and the percentage of the total
15 cost of food and beverage provided by the lobbyist principal for
16 the meeting if less than one hundred percent (100%).

17 5. The date, location and cost of food and beverage paid
18 by a lobbyist principal of the legislative liaison or
19 legislative lobbyist for a meeting of a committee or
20 subcommittee of either House of the Legislature identified in
21 the Rules or Journal of the respective House to which all
22 members of the committee or subcommittee were invited and which
23 a majority of members attended and the percentage of the total

1 cost of food and beverage for the meeting if less than one
2 hundred percent (100%).

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

14 B. Indirect Lobbying Report. Each report shall include:

15 1. the name and address of the person engaged in indirect
16 lobbying;

17 2. the name, address, phone number, and email address of
18 the person filing the report;

19 3. the amount, date, brief description of the indirect
20 lobbying, legislative bill or resolution number supported or
21 opposed, including whether the bill or resolution was supported
22 or opposed;

23 4. the date, amount, and aggregate total of each
24 contribution received by an indirect lobbyist for the purpose of

1 engaging in indirect lobbying, including the following

2 contributor information:

3 a. the name, address, occupation and employer of an
4 individual; provided however, any contribution(s) received from
5 an individual contributor that does not exceed fifty dollars in
6 the aggregate are shown on the report by the total of all
7 contributions accepted from contributors of fifty dollars or
8 less and number of contributions received;

9 b. the name, address, and principal business activity for a
10 corporation; or

11 c. the name, address, and committee identification number
12 assigned by the Commission, Federal Election Commission, or
13 other state for a political action committee or political party
14 committee;

15 5. As used in section (B), "for the purpose of" means that
16 the funds are either (1) received by a person in response to a
17 solicitation specifically requesting funds to pay for indirect
18 lobbying or (2) specifically designated for indirect lobbying by
19 the contributor.

20 C. Nominal costs of transportation by private motor vehicle or
21 similar public transportation such as a taxi provided by a
22 legislative liaison or legislative lobbyist to and from the
23 location of a meal or event within the State of Oklahoma or
24 within the vicinity of the meal if outside the geographical

1 boundaries of the State of Oklahoma shall be permitted but shall
2 not be reported.

3 D. Reports by legislative liaisons, ~~or~~ legislative lobbyists, or
4 indirect lobbyists shall be filed electronically, unless
5 otherwise ordered by the Commission or the Executive Director of
6 the Commission.

7 E. Expenditures made by a lobbyist principal that is represented
8 by more than one legislative liaison or legislative lobbyist
9 shall be reported on only one Legislative Lobbyist Report by a
10 legislative liaison or legislative lobbyist; any other
11 legislative liaison or legislative lobbyist representing the
12 same lobbyist principal shall indicate on the Legislative
13 Lobbyist Report the name of the legislative liaison or
14 legislative lobbyist reporting the expenditure on behalf of the
15 lobbyist principal.

16 **Rule 5.23. Legislative Liaison, Legislative Lobbyist,**
17 **Executive Lobbyist Amended Reports.**

18 A legislative liaison, ~~or~~ legislative lobbyist, or executive
19 lobbyist may file an Amended Legislative Lobbyist or Liaison
20 Expenditure Report, and an indirect lobbyist may file an Amended
21 Indirect Lobbyist Report, ~~and an executive lobbyist may file an~~
22 ~~Amended Executive Lobbyist Report~~ at any time to correct a bona
23 fide oversight or error in the previously filed Legislative
24 Lobbyist or Liaison Expenditure Report or Indirect Lobbyist

1 ~~Report or Executive Lobbyist Report~~, provided the legislative
2 liaison, legislative lobbyist, ~~or~~ executive lobbyist, or
3 indirect lobbyist certifies that the filing of an Amended
4 ~~Legislative Lobbyist~~ or Liaison Expenditure Report or Indirect
5 Lobbyist Report ~~or Amended Executive Lobbyist Report~~ is not made
6 for the purpose of reporting information that was intentionally
7 omitted or misstated on the previously filed ~~Legislative~~
8 ~~Lobbyist~~ or Liaison Expenditure Report or Indirect Lobbyist
9 Report ~~or Executive Lobbyist Report~~. If a legislative liaison,
10 legislative lobbyist or executive lobbyist files a certified
11 Amended ~~Legislative Lobbyist~~ or Liaison Expenditure Report or
12 Indirect Lobbyist Report, ~~or Amended Executive Lobbyist Report~~
13 that is not in fact made for the purpose of reporting
14 information that was intentionally omitted or misstated, the
15 legislative liaison, legislative lobbyist, indirect lobbyist, or
16 executive lobbyist shall not be deemed to have violated these
17 Rules by having made an erroneous prior filing.

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