

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
24 (including stepchildren), mother, father, sister or brother;

1 6. "Indirect lobbying" means communications made through
2 radio, telephone, internet, cable, or other broadcast media, or
3 communications in print indicating support or opposition of
4 pending legislation made for the purpose of influencing a vote
5 on pending legislation. However, "indirect lobbying" shall not
6 mean:

7 (a) testimony given before, or submitted in writing to, a
8 committee or subcommittee of the Legislature;

9 (b) communications made exclusively to one or more
10 legislators, the governor, or the staff of the legislature or
11 governor;

12 (c) news or feature reporting activities and editorial
13 comment by working members of the press, radio, or television
14 and the publication or dissemination thereof by a newspaper,
15 book publisher, regularly published periodical, radio station,
16 or television station;

17 7. "Indirect lobbyist" means a person funding indirect
18 lobbying, or a person who organizes, directs, or otherwise
19 coordinates the efforts of other persons to engage in lobbying
20 for specifically identified legislation. "Indirect lobbyist"
21 shall not include an organization communicating solely with its
22 members.

23 6 8. "Legislative liaison" means any state officer or
24 employee whose duties in fact include legislative lobbying,

1 regardless of the state officer or employee's title and
2 regardless of whether or not legislative lobbying is included
3 within the state officer or state employee's job description
4 other than an individual whose lobbying activities are only
5 incidental to, and are not a significant part of, the services
6 provided by such individual to the agency. Each agency shall
7 have at least one (1) legislative liaison, unless all officers
8 and employees of the agency provide information to the Governor
9 or a legislator only at the request of the Governor or a
10 legislator or an employee of the Governor or the Legislature or
11 as required by law, and provided further that no officer or
12 employee of the agency has requested legislation, other than an
13 appropriation for the agency, or other legislative action, or
14 unless the agency has a contract with a legislative lobbyist to
15 provide legislative lobbying services;

16 7 9. **"Legislative lobbying"** means any oral or written
17 communication with the Governor or with a member of the
18 Legislature or with an employee of the Governor or the
19 Legislature on behalf of a lobbyist principal with regard to the
20 passage, defeat, formulation, modification, interpretation,
21 amendment, adoption, approval or veto of any legislation, rule,
22 regulation, executive order or any other program, policy or
23 position of state government. As used in this Rule, "employee
24 of the Governor or the Legislature" includes any state officer

1 or employee who advises the Governor, a legislator or the
2 Legislature on legislation other than legislation that affects
3 only his or her agency. However, "legislative lobbying" shall
4 not mean testimony given before, or submitted in writing to, a
5 committee or subcommittee of the Legislature, nor a speech,
6 article, publication or other material that is widely
7 distributed, published in newspapers, magazines or similar
8 publications or broadcast on radio or television;

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

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

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

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

1 9 11. **"Lobbyist principal"** means any person or entity,
2 including an agency, who employs or retains another person for
3 financial or other compensation to conduct executive or
4 legislative lobbying activities on behalf of the lobbyist
5 principal; provided, however, it shall not mean any individual
6 members, partners, officers or shareholders of an agency, a
7 corporation, association, firm, joint venture, joint stock
8 company, syndicate, business trust, estate, trust, company,
9 partnership, limited partnership, organization, committee or
10 club, or a group of persons who are voluntarily acting in
11 concert.

12 **Rule 5.3. Annual Registration for Legislative Liaison and**
13 **Legislative Lobbyist.**

14 A. Each legislative liaison or legislative lobbyist shall be
15 required to register with the Ethics Commission each year that
16 the legislative liaison or legislative lobbyist engages in
17 lobbying. Each legislative liaison or legislative lobbyist
18 shall register or renew his or her registration with the
19 Commission and pay any applicable fees no earlier than December
20 1 of each year nor later than January 15 of the following year
21 for the calendar year beginning January 1 or within five (5)
22 days after engaging in lobbying on behalf of one or more
23 lobbyist principals. Registration by legislative liaisons or
24 legislative lobbyists shall be filed electronically, unless

1 otherwise ordered by the Commission or the Executive Director of
2 the Commission. Information on the registration shall include
3 the legislative liaison or legislative lobbyist's name, business
4 address, including electronic mail address and business
5 telephone numbers, the name and address of each lobbyist
6 principal by whom the liaison or lobbyist is employed or
7 retained and the date of the registration.

8 B. Indirect lobbyists shall not be required to register with the
9 Commission unless otherwise required to register as a
10 legislative lobbyist or executive lobbyist. However, all
11 communications qualifying as indirect lobbying must include
12 either orally or in writing of sufficient size and contrast to
13 be clearly readable to the recipient of the communication one of
14 the following disclosures:

15 1. "Lobbying communication authorized by" to be followed by the
16 name of the indirect lobbyist and must include the information
17 in one of the provisions below:

18 a. the indirect lobbyist's permanent street address, and phone
19 number;

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

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

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

6 3. The website address referenced in (1) or the webpage
7 hyperlinked to "Lobbyist Communication" in (2) must contain only
8 "Lobbying communication authorized by" followed by the indirect
9 lobbyist's name, permanent street address, phone number, and
10 must include either a picture of or link to any reports filed
11 with the Ethics Commission. If a report has not been filed with
12 the Ethics Commission, the following information must be
13 included: the names of any contributors required to be disclosed
14 under these Rules, the amount of the indirect lobbying, the bill
15 or resolution number supported or opposed, and whether the bill
16 or resolution is supported or opposed.

17 **Rule 5.19. Legislative Liaison and Legislative Lobbyist**

18 **Report Deadlines.**

19 A. Each legislative liaison and legislative lobbyist shall file
20 a Legislative Lobbyist Report on the following dates for the
21 following time periods:

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

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

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

6 1. the first report will be due within twenty-four hours of
7 exceeding \$XXXXXXX for indirect lobbying;

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

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

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

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

20 1. The cost of each meal provided during the reporting
21 period for the Governor, for any legislator or for any employee
22 of the Governor or the Legislature and the date on which the
23 meal was provided. The cost shall include the price, plus any
24 applicable tax but shall not include a gratuity. In calculating

1 the price of the meal, items such as appetizers or hors d'oeuvre
2 or beverages may be apportioned by dividing the total cost of
3 the item equally by the number of participants, where the
4 individual cost per participant is difficult or impossible to
5 ascertain; provided, however, the individual price of other
6 items, such as salads, entrees, or individual beverages shall be
7 attributed to individual participants. Any food and beverages
8 provided other than as part of a meal and valued at more than
9 Ten Dollars (\$10.00) in the aggregate during a calendar year
10 shall be reported separately.

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

15 3. The date, location and cost of food and beverage paid
16 by a lobbyist principal of the legislative liaison or
17 legislative lobbyist for any event to which all members of the
18 Legislature were invited and the percentage of the total cost of
19 food and beverage provided by the lobbyist principal for the
20 event if less than one hundred percent (100%).

21 4. The date, location and cost of food and beverage paid
22 by a lobbyist principal of the legislative liaison or
23 legislative lobbyist for a meeting of a political caucus of
24 either House of the Legislature and the percentage of the total

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

3 5. The date, location and cost of food and beverage paid
4 by a lobbyist principal of the legislative liaison or
5 legislative lobbyist for a meeting of a committee or
6 subcommittee of either House of the Legislature identified in
7 the Rules or Journal of the respective House to which all
8 members of the committee or subcommittee were invited and which
9 a majority of members attended and the percentage of the total
10 cost of food and beverage for the meeting if less than one
11 hundred percent (100%).

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

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

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

3 2. the name, address, phone number, and email address of
4 the person filing the report;

5 3. the amount, date, brief description of the indirect
6 lobbying, legislative bill or resolution number supported or
7 opposed, including whether the bill or resolution was supported
8 or opposed;

9 4. the date, amount, and aggregate total of each
10 contribution received by an indirect lobbyist for indirect
11 lobbying, including the following contributor information:

12 a. the name, address, occupation and employer of an
13 individual; provided however, any contribution(s) received from
14 an individual contributor that does not exceed fifty dollars in
15 the aggregate are shown on the report by the total of all
16 contributions accepted from contributors of fifty dollars or
17 less and number of contributions received;

18 b. the name, address, and principal business activity for a
19 corporation; or

20 c. the name, address, and committee identification number
21 assigned by the Commission, Federal Election Commission, or
22 other state for a political action committee or political party
23 committee;

1 C. Nominal costs of transportation by private motor vehicle or
 2 similar public transportation such as a taxi provided by a
 3 legislative liaison or legislative lobbyist to and from the
 4 location of a meal or event within the State of Oklahoma or
 5 within the vicinity of the meal if outside the geographical
 6 boundaries of the State of Oklahoma shall be permitted but shall
 7 not be reported.

8 D. Reports by legislative liaisons, ~~or~~ legislative lobbyists, or
 9 indirect lobbyists shall be filed electronically, unless
 10 otherwise ordered by the Commission or the Executive Director of
 11 the Commission.

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

21 **Rule 5.23. Legislative Liaison, Legislative Lobbyist,**
 22 **Executive Lobbyist Amended Reports.**

23 A legislative liaison, ~~or~~ legislative lobbyist, or executive
 24 lobbyist may file an Amended ~~Legislative~~ Lobbyist or Liaison

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