

## CHAPTER 10.

### CAMPAIGN REPORTING

#### **257:10-1-1. General purpose and authority** *[Effective through December 31, 2014]*

The rules of this chapter have been adopted for the purpose of complying with the provisions of the Oklahoma Constitution, Article XXIX, Section 3 (A). The purpose of this chapter is to set standards for ethical conduct for campaigns for elective state office and for campaigns for initiatives and referenda. The Commission recognizes the importance of immediate public access to publicly disclosed information. Accordingly, the Commission has implemented a system to require certain campaign finance statements and reports to be electronically filed through Internet access.

*Amended Laws 2005. Repealed effective January 1, 2015.*

#### **257:10-1-2. Contributions**

- (a) Limitations on contributions from a person.
  - (1) No person or family may contribute more than five thousand dollars (\$5,000) to a political action committee or a party committee in any calendar year. No political action committee or party committee shall knowingly accept a contribution from a person or family in excess of five thousand dollars (\$5,000) in a calendar year. Contributions to be used for federal election activity, as defined in 2 U.S.C. § 431(20), and subject to the requirements of 2 U.S.C. § 441i, commonly referred to as “Levin Funds”, shall not be aggregated with other contributions to a party committee.
  - (2) No person or family may contribute more than five thousand dollars (\$5,000) to a candidate for state office or to a candidate committee authorized by such a candidate to accept contributions or make expenditures on his behalf during a campaign as defined in Chapter 1, Section 2 and as provided in Paragraphs (4) and (5) of this subsection. No candidate or candidate committee shall knowingly accept a contribution in excess of five thousand dollars (\$5,000) from a person or family during a campaign.
  - (3) These restrictions do not apply to:
    - (A) a committee supporting or opposing a ballot measure;
    - (B) a committee formed solely to make independent expenditures or electioneering communications; or
    - (C) a candidate making a contribution of his or her own funds, to his or her campaign.
  - (4) For purposes of this subsection, if a candidate:
    - (A) begins a campaign for a specific state office;

- (B) accepts one or more contributions for such campaign but prior to the election therefor chooses not to run for such office and becomes a candidate for a different office; and
    - (C) transfers all or any part of the contributions accepted for the first campaign to the second campaign; the second campaign shall be deemed to have begun when the candidate began the first campaign.
  - (5) For purposes of this subsection, if a candidate:
    - (A) does not dissolve his or her candidate committee after the election at which the office at stake is decided;
    - (B) accepts one or more contributions for such committee after such election; and
    - (C) begins a campaign for the same or another office in a subsequent election cycle;  
any contributions accepted within six (6) months prior to the beginning of the campaign for the same or another office in a subsequent election cycle shall be applied to the limit specified in Paragraph (2) of this subsection for such campaign.
  - (6) The \$5,000 limitation is to be applied collectively and cumulatively so that any contribution made by the entities as set forth in the definition of "person" in Section 2 of Chapter 1 of this title, shall be allocated to the individuals owning such entities in their percentage of ownership. Once the limit of \$5,000 is reached, applying all sources to the individual or family, no further contributions can be made during the campaign or calendar year.
- (b) **Contributor statement.** Within ten (10) business days of accepting a single contribution exceeding fifty dollars (\$50.00), or accepting multiple contributions from a single source which exceed fifty dollars (\$50.00) in the aggregate, persons accepting contributions must obtain from each contributor a statement which shall include:
  - (1) the date the contribution was tendered to the payee which shall not be more than thirty (30) calendar days after the date of the written instrument;
  - (2) the name and address, occupation [e.g. "retail sales clerk"] and employer [e.g. "Dillard"], or principal business activity of the contributor; a contribution from a person other than an individual or a committee shall be reported by the name of the person or committee and not the individual who signed the check;
  - (3) the amount; if in-kind, a description of the contribution and a good faith estimate of its fair market value;
  - (4) a declaration that the contribution is for a campaign in the State of Oklahoma, and the contribution is freely and voluntarily given from the contributor's personal property, if an individual, or the person or committee's property, if other than an individual;
  - (5) a declaration that the contributor has not been directly or indirectly compensated or reimbursed for the contribution, if an individual, and, if a person other than an individual or a committee, that the person or

committee has not been compensated or reimbursed for the contribution by persons:

- (A) other than those from whom contributor statements have been received and of whom disclosure has or will be made; or
  - (B) if from persons exempted from the definition of political action committee, by other persons; and
- (6) the signature of the contributor, or in the case of a committee, the treasurer or, in the treasurer's absence, the deputy treasurer of the committee.

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

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

- (1) No corporation or labor organization shall contribute to any campaign fund of any party committee of this state or to any other person for the benefit of such party committee or to candidates, nor shall it, through any agent, officer, representative, employee, attorney, or any other person or persons, so contribute. Nor shall any such corporation or labor organization, directly or through such other person, make any loan of money or anything of value, or give or furnish any privilege, favor or other thing of value to any party committee, or to any representative of a party committee, or to any other person for it, or to any candidate.
- (2) A corporation or labor organization shall not make a contribution to, or for the benefit of, a candidate or committee in connection with an election, except that this provision shall not apply to:
  - (A) a campaign or committee formed solely for or against a ballot measure;

- (B) a committee formed solely to make independent expenditures or electioneering communications; or
    - (C) the establishment, administration, and solicitation of contributions to a political action committee to be utilized for political purposes by a corporation or labor organization.
  - (3) No candidate, candidate committee or other committee shall knowingly accept contributions given in violation of the provisions of Paragraphs (1) and (2) of this subsection.
  - (4) The provisions of this subsection shall not apply to a bank, savings and loan association or credit union loaning money to a candidate in connection with his own campaign which is to be repaid with interest at a rate comparable to that of equivalent loans for other purposes.
- (d) **Prohibitions relating to committee solicitations and funds.** It shall be prohibited for:
  - (1) a political action committee to accept a contribution or make an expenditure by using anything of value secured by physical force, job discrimination, financial reprisals, or threat of the same;
  - (2) a person to solicit a contribution from an employee 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;
  - (3) a corporation or political action committee of a corporation to solicit contributions to the political action committee from a person other than its members, shareholders, directors, executive and administrative personnel, and their families; and
  - (4) corporate contributions to a committee or person for or against a ballot measure to be commingled with a fund established by such person or committee to contribute to candidate committees or committees which support or oppose candidates unless the committee is formed solely to make independent expenditures or electioneering communications.
- (e) **Prohibition on transfer of funds between committees.**
  - (1) **Candidate committee transfers.**
    - (A) A candidate committee shall not make a contribution or transfer to another candidate, or to a political action committee which supports or opposes candidates or ballot measures, nor shall it make an independent expenditure on behalf of another candidate or ballot measure. A political action committee, including an out-of-state political action committee, and a committee registered under the laws of the United States which supports or opposes candidates or ballot measures shall not accept a contribution or transfer from a candidate committee. The principal candidate committee or an authorized committee of a person, as such terms are defined in Section 431 of Title 2 of the United States Code, shall not make a contribution to a candidate or make an independent expenditure on behalf of a candidate. A candidate or candidate committee shall not accept such a contribution.

- (B) This subsection shall not prohibit a candidate or any other person from making a contribution from the candidate's or person's personal funds to his or her own candidate committee or on behalf of his or her own candidacy or to the committee of another candidate for a different office.
- (C) This subsection shall not prohibit a candidate committee from providing its surplus funds or material assets to the state, county or congressional district committee of a political party, not to include an affiliated or connected entity of a political party, in accordance with the procedures for dissolution of a candidate committee under Sections 19 and 20 of this chapter.
- (2) **Political action committee transfers.** A political action committee shall not make a contribution to another political action committee as specified herein. A political action committee shall not accept a contribution from another political action committee as specified herein. This subsection shall not prohibit:
  - (A) a political action committee, including an out-of-state committee also registered in another state or states and a committee also registered under the laws of the United States, from making a transfer to a ballot measure committee;
  - (B) a political action committee from making a transfer to a committee formed solely to make independent expenditures or electioneering communications; or
  - (C) a political action committee from making a transfer to its own affiliated or connected entity in accordance with the definition of contribution, Section 2, Paragraph (2), Subparagraph (B) of Chapter 1 of this title.
- (f) **Aggregation of contributions.** For purposes of the contribution limitations, the following apply:
  - (1) Two (2) or more political action committees or party committees are treated as a single entity if the committees:
    - (A) share the majority of members on their boards of directors;
    - (B) are owned or controlled by the same majority shareholder or shareholders;
    - (C) are in a parent-subsidary relationship; or
    - (D) have by-laws so stating; or
    - (E) are affiliated or connected entities.
  - (2) A candidate committee and a committee other than a candidate committee are treated as a single committee if the committees both have the candidate or a member of the candidate's immediate family as an officer.
- (g) **Attribution and aggregation of family contributions.**
  - (1) Contributions by a husband and wife are aggregated.
  - (2) Contributions by children under eighteen (18) years of age shall be considered to be contributions made by their parent, parents or legal guardian and shall be attributed to the family limit specified in Subsection (a) of this section. In the case of a single custodial parent, the total

amount of such a contribution shall be considered to be a contribution made by the single custodial parent.

(h) **Restrictions on loans.**

- (1) A loan is considered a contribution from the lender, guarantor, and endorser of the loan and is subject to the contribution limitations of this section.
- (2) A loan to a candidate or the candidate committee shall be by written agreement.
- (3) The proceeds of a loan, regardless of the amount, made to a candidate:
  - (A) by a commercial lending institution;
  - (B) made in the regular course of business;
  - (C) on the same terms ordinarily available to members of the public; and
  - (D) which is secured or guaranteed solely by the candidate; are not subject to the contribution limits of this section.
- (4) A loan from one committee to another is prohibited.

(i) **Anonymous and earmarked contributions.**

- (1) A person shall not make to a committee and a committee shall not accept an anonymous contribution in excess of fifty dollars (\$50). The recipient of an anonymous contribution in excess of fifty dollars (\$50) shall, within two (2) business days, remit the contribution to the Commission to be deposited with the State Treasurer to the credit of the General Revenue Fund.
- (2) For purposes of the contribution limitations imposed by this section, all contributions made by a person, either directly or indirectly, to or for the benefit of a particular candidate committee, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate committee, shall be treated as contributions from such person to such candidate committee. It shall be prohibited for an intermediary or a conduit to make a contribution to a committee in his or her own name rather than the name of the original source of such contribution. For purposes of this paragraph, an intermediary or conduit means a person, who is not the treasurer, deputy treasurer or agent of a committee, but who is given a contribution by another with the understanding that it will be contributed to that committee. The reports shall show the correct name of the person actually making the contribution.

(j) **Reimbursement for contribution prohibited.** A person shall not, directly or indirectly, reimburse a person for a contribution to a candidate or committee.

(k) **Cash contributions.**

- (1) An individual shall not make to a candidate committee or a committee supporting or opposing a ballot measure and a candidate committee or a committee supporting or opposing a ballot measure shall not accept a contribution of more than fifty dollars (\$50) in cash during a campaign as defined in Chapter 1, Section 2. Agents accepting and delivering cash

shall deliver contributor statements disclosing cash contributions equal to the aggregate amount of cash delivered.

- (2) A committee, or a person other than an individual, shall not make a contribution in cash.

(l) **Certain contributions required to be by written instrument.**

- (1) An individual shall not make a contribution of more than fifty dollars (\$50), other than an in-kind contribution, except by written instrument containing the name of the contributor and the name of the payee during a campaign as defined in Chapter 1, Section 2.

- (2) A committee, or a person other than an individual, shall not make a contribution, other than in-kind, except by written instrument containing the name of the contributor and the name of the payee.  
The date of the written instrument shall not be more than thirty (30) calendar days prior to tender of the contribution to the payee.

(m) **Use of other funds.**

- (1) Anything of value which is solicited from the public in the name of or for the benefit of an elective officer or candidate, and which is accepted by an elective officer or candidate, shall be subject to the reporting requirements of this chapter. This would include, but not be limited to, things of value given for an inauguration or renovation of public property. Anything of value accepted by an agent or representative of an elective officer or candidate or by a committee established by, in the name of, or for the benefit of, an elective officer or candidate shall be deemed to be accepted by such elective officer or candidate for purposes of this section.
- (2) The use of such things of value shall be limited to the stated purpose or purposes for which such things of value were solicited.
- (3) Any surplus things of value which are not needed for the stated purpose or purposes shall be returned to the donors pursuant to a formula by which no donor receives more than his or her original donation or deposited with the State Treasurer to the credit of the General Revenue Fund.

(n) **Auctions.**

When an auction is held by a committee as a fundraiser, a contributor statement shall be required with respect to each person donating an item to be auctioned and shall include the fair market value of each item donated.

- (1) If an item is sold for a price in excess of the established fair market value, the buyer thereof shall be deemed to have made a contribution in the amount of the price paid in excess of the established fair market value and the donor thereof shall be deemed to have made a contribution in the amount of the established fair market value.
- (2) If an item is sold at the established fair market value, the donor thereof shall be deemed to have made a contribution in the amount of the established fair market value and the buyer thereof shall not be deemed to have made a contribution.
- (3) If an item is sold at less than the established fair market value, the fair market value shall be reduced to the actual sale price and the donor thereof

shall be deemed to have made a contribution in the amount of the sale price and the buyer thereof shall not be deemed to have made a contribution.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 1997. Amended Laws 1998. Amended Laws 1999. Amended Laws 2000. Amended Laws 2001. Amended Laws 2002. Amended Laws 2003. Amended Laws 2004. Amended Laws 2005. Amended Laws 2006. Amended Laws 2007. Amended Laws 2008. Amended Laws 2009. Amended Laws 2010. Amended Laws 2011. Amended Laws 2012.*

**257:10-1-3. Use of public funds, property, time, and personnel to influence elections**  
**[Effective through December 31, 2014]**

- (a) A person shall not use or authorize the use of public funds, property, or time, to participate or assist in the organization of or preparation for a fundraiser for a campaign or in any solicitation of funds for or against a candidate for state office or a ballot measure.
- (b) A person shall not use or authorize the use of public funds, property, or time to produce, print, publish, broadcast, or otherwise disseminate material designed or timed to influence the results of an election for state office or a ballot measure, except political activities or statements inherent to or part of the function of a candidate or an elective officer or in the performance of a state officer's or state employee's duties or as allowed by law, regardless of the lack of specific reference to the election.
- (c) Subsections (a) and (b) shall not prevent:
  - (1) use of a meeting room, auditorium or similar space in a public facility, provided that:
    - (A) if a fee is normally charged for use of the facility, the fee is the same for all candidates for state office, political parties or ballot measure committees for such use;
    - (B) the facility is not required for public purposes during the applicable time period;
    - (C) the same opportunity for use of the facility is given to all candidates for a particular office who request its use on a first-come-first-serve basis;
    - (D) the same opportunity for use of the facility is given to all political parties which request its use on a first-come-first-serve basis; and
    - (E) the same opportunity for use of the facility is given to all ballot measure committees which request its use on a first-come-first-serve basis;
  - (2) incidental use of public building sidewalks, common grounds, parking lots and areas within public buildings;
  - (3) the handing out of leaflets, brochures, or partisan or nonpartisan campaign materials on sidewalks, common grounds, or parking lots and within public buildings which are not used for the conduct of state government business; or
  - (4) any other activity the exercise of which is guaranteed by the Oklahoma Constitution or the United States Constitution.



- (d) A person shall not authorize the use of state officers or state employees for the purposes set forth in Subsections (a) and (b) while in a uniform that identifies him or her as a state officer or state employee or during the hours that the state officer or state employee is officially in work status for a governmental entity.
- (e) A person shall not print or distribute or cause to be printed or distributed, at public expense, a newsletter or other mass mailing of promotional material on behalf of an elective officer from the day the officer files a declaration of candidacy through the date of the election for the office.

The provisions of this subsection shall not apply to a newsletter or other material which:

- (1) is printed or distributed during a legislative session, or within thirty (30) days after sine die adjournment of a legislative session; and
- (2) provides information relating to the officer's official duties, but which is not designed or timed to influence the results of an election for state office or a ballot measure.

The provisions of this subsection shall not apply if the elective officer is unopposed.

Nothing in this subsection shall be construed to authorize the printing or distribution of material which would be prohibited pursuant to the provisions of subsection (a) or (b) of this section.

- (f) A person shall not solicit, verbally or in writing, in a facility ordinarily used for the conduct of state government business, a contribution from a state employee.
- (g) A person shall not distribute or post, or cause to be distributed or posted, in a facility ordinarily used for the conduct of state government business, a communication designed to influence the outcome of an election for state office or a ballot measure.
- (h) This section, except for Subsection (e), does not apply to:
  - (1) activities that are part of the ordinary conduct of the governmental entity; and
  - (2) nonpartisan voter registration activities.
- (i) A person shall not make or accept a contribution in the State Capitol Building; provided, if a contribution is delivered in the mail to an address in the State Capitol Building and the committee for which the contribution is intended returns the contribution to the contributor within six (6) business days of receipt or delivery, it shall not be deemed to be accepted in violation of the provisions of this subsection.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 2007. Amended Laws 2013. Repealed Effective January 1, 2015.*

**257:10-1-4. Classified employees' political activity [Effective through December 31, 2014]**

- (a) **Classified employees.** No classified employee shall:
  - (1) use his official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof;
  - (2) become a candidate for an elective office in a partisan election;

- (3) directly or indirectly solicit contributions or other funds for a partisan political candidate or party committee;
  - (4) directly or indirectly solicit, accept, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose; or
  - (5) organize, sell tickets to, promote or actively participate in a fundraising activity of a candidate in a partisan election or of a party committee.
- (b) **O.S.B.I. and O.S.B.N.D.D.C. classified employees.** In addition to those prohibitions specified in Subsection (a) of this section, no classified employee of the Oklahoma State Bureau of Investigation or the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who has the power of a peace officer shall:
- (1) serve as an officer of a party committee at the national, state or local level;
  - (2) organize or reorganize a party committee;
  - (3) solicit votes in support of or in opposition to a candidate for state office in a partisan election or a candidate for party committee office;
  - (4) act as a watcher at the polls in behalf of a party committee or a candidate in a partisan election;
  - (5) drive voters to the polls on behalf of a party committee or a candidate in a partisan election;
  - (6) endorse or oppose a candidate for state office in a partisan election or a candidate for party committee office in a political advertisement, broadcast, campaign, literature or similar material;
  - (7) serve as a delegate, alternate or proxy to a party committee convention;
  - (8) address a convention, caucus, rally or similar gathering of a party committee in support of or in opposition to a partisan candidate for state office or party committee office;
  - (9) initiate or circulate a partisan nominating petition; or
  - (10) take any active part in political organization management.
- (c) **Retained rights.** Except as otherwise prohibited in Subsection (b), a classified employee shall retain the right to:
- (1) register and vote in any election;
  - (2) express his opinion as an individual privately and publicly on political subjects and candidates;
  - (3) display a political picture, sticker, badge or button;
  - (4) serve as an officer of a party committee at the national, state or local level;
  - (5) participate in the activities of a civic, community, social, labor or professional organization or of a similar organization;
  - (6) be a member of a party committee or other political action committee and participate in its activities consistent with Subsections (a) and (b) of this section;
  - (7) attend a political convention, rally, fundraising function or other political gathering;
  - (8) sign a political petition as an individual;
  - (9) make a voluntary financial contribution to a committee;

- (10) be politically active in connection with a question, such as an amendment to the State Constitution, referendum, approval of a municipal ordinance or any other question or issue of a similar character;
  - (11) serve as an election judge or clerk, or in a similar position to perform duties as prescribed by state or local law; and
  - (12) otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency or integrity of his administration of state functions.
- (d) **During work status.** Subsection (c) of this section shall not authorize a classified employee to engage in political activity, while on duty, or while in a uniform that identifies him as a state employee. Nor shall a classified state employee be permitted to engage in political activities in the assigned work areas of a state agency.
- (e) **Unclassified or classified state employees.** No unclassified or classified state employee, with the exception of elective officers, shall wear a campaign button, hat, badge or other campaign paraphernalia during the hours that the employee is officially in work status for a governmental entity.

*Amended Laws 1996. Repealed Effective January 1, 2015.*

**257:10-1-5. Solicitation of and contributions by state employees [Effective through December 31, 2014]**

- (a) An elective officer or the officer's agent shall not knowingly solicit, directly or indirectly, a campaign contribution from an employee in the officer's governmental entity.
- (b) A state officer or state employee shall not provide an advantage or disadvantage to an employee or applicant for employment under the Merit System of Personnel Administration concerning the applicant's or employee's:
  - (1) employment;
  - (2) conditions of employment; or
  - (3) application for employment;based on the employee's or applicant's contribution or promise to contribute, or failure to make a contribution to a political party or committee.

*Amended Laws 1995. Repealed Effective January 1, 2015.*

**257:10-1-6. Limitations on fundraisers in Oklahoma County [Effective through December 31, 2014]**

No fundraising event for a member of the Legislature shall be held in Oklahoma County during the regular session of the Legislature, beginning the first Monday in February through its adjournment or the last Friday in May, whichever is earlier. Provided, the restrictions of this section shall not apply to:

- (1) any member of the Legislature whose legislative district or the legislative district

- of the office sought includes any portion of Oklahoma County; or
- (2) any member of the Legislature for fundraising events in Oklahoma County in support of his candidacy for a statewide elective office or for election to the United States House of Representatives, United States Senate or other elective federal offices.

*Repealed Effective January 1, 2015.*

**257:10-1-7. Expenditures**

(a) **Limitation on expenditures.**

- (1) An expenditure may not be authorized or made by a committee while there is a vacancy in the office of treasurer except by the deputy treasurer if designated.
- (2) An expenditure of more than fifty dollars (\$50), except for expenditures made by a candidate from his or her own funds:
- (A) may not be made in cash; and
- (B) shall be made by written instrument drawn upon a campaign account containing the name of the committee and the name of the recipient.
- (3) An expenditure of more than fifty dollars (\$50) shall be accounted for by a written receipt indicating:
- (A) the date of the expenditure;
- (B) the amount of the expenditure;
- (C) the name and address of the recipient; and
- (D) the item or service purchased.
- (4) An expenditure may not be made, other than for overhead or normal operating expenses, by an agent, independent contractor, or advertising agency, on behalf of or for the benefit of a committee unless the expenditure is reported by the committee as if the expenditure were made directly by the committee. The agent, independent contractor, or advertising agency shall make all information required to be reported available to the committee.
- (5) An expenditure may not be made that is in excess of the fair market value of services, materials, facilities, or other things of value received in exchange.

(b) **Independent expenditures.**

- (1) A committee or a person which makes an independent expenditure or electioneering communication of fifty dollars (\$50) or more for a written or broadcast communication to voters supporting or opposing
- (A) a candidate shall include the following statement: "This advertisement is not authorized or approved by any candidate;"
- (B) candidates of a political party shall include the following statement: "This advertisement is not authorized or approved by any political party;" or

- (C) a ballot measure or ballot measures shall include the following statement: "This advertisement is not authorized or approved by any ballot measure committee."
- (2) The statement for a written communication shall:
  - (A) appear on each page or fold of the written communication in at least ten (10) point type or in type at least ten percent (10%) of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;
  - (B) not be subject to the half-tone or screening process; and
  - (C) be in a printed or drawn box set apart from any other printed matter.
- (3) The statement for a broadcast communication shall:
  - (A) be clearly spoken on any radio broadcast advertisement; and
  - (B) appear on a television screen with letters equal to or greater than four percent (4%) of the vertical picture height for not less than four seconds.
- (4) The requirements of this subsection do not apply to bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed nor to skywriting, water towers or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.
- (c) **Independent expenditures and electioneering communications in the name of another prohibited.** No person shall make an independent expenditure or disbursement for an electioneering communication in the name of another person or knowingly permit his, her or its name to be used to effect such an independent expenditure or electioneering communication, and no person shall knowingly accept a payment or promise of a payment for an independent expenditure or electioneering communication from one person in the name of another person.

*Amended Laws 1995. Amended Laws 1999. Amended Laws 2005*

**257:10-1-8. Designation of candidate committees**

- (a) A candidate shall designate one (1) candidate committee by filing a statement of organization no later than ten (10) days after accepting or expending in excess of five hundred dollars (\$500) or filing a declaration of candidacy, whichever is earlier. Except for a change in information relating to committee officer vacancies, which shall be subject to the provisions of Section 9, Subsection (b) of this chapter, any change in information reported on the statement of organization shall be reported within ten (10) days of such change by filing an amended statement of organization.
- (b) A candidate shall not designate more than one (1) candidate committee. The name of the candidate committee shall include the name of the candidate designating the committee. No committee, other than the designated candidate committee, shall include the name of the candidate, or any words identifying that committee with a candidate, in its name.

- (c) Use of the name of one candidate by another candidate with a duplicate name shall not constitute a violation of Subsection (b) of this section.
- (d) A candidate shall only be permitted to have one active candidate committee at any time for the same office. If a candidate has an active candidate committee, the candidate shall dissolve such committee prior to or at the time of filing a statement of organization for a new candidate committee for the same office. If the committee which is dissolved has surplus funds or debt, such funds or debt may be transferred to the new candidate committee if such use was indicated on the statement of organization for the dissolved committee.

*Amended Laws 1996. Amended Laws 2007.*

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

- (a) **General provisions.**
  - (1) A person may be chair, treasurer, or both chair and treasurer of the committee.
  - (2) A committee officer shall accept the appointment, in writing, on the statement of organization.
  - (3) A treasurer, deputy treasurer or agent of the committee, other than an out-of-state committee, shall be a resident of this state.
  - (4) A candidate may not serve as the treasurer or deputy treasurer, except as the treasurer of the candidate's own committee.
  - (5) A deputy treasurer may also be appointed and serve in the treasurer's capacity in the absence of the treasurer. The designation of the deputy treasurer shall be on the statement of organization.
- (b) **Candidate committee officer vacancies.**
  - (1) A treasurer, a deputy treasurer, or chair of a candidate committee may be removed from office by the candidate.
  - (2) When a vacancy occurs in a candidate committee office other than the office of a deputy treasurer, the candidate shall:
    - (A) notify the Commission no later than five (5) business days after the vacancy occurs;
    - (B) assume the duties and responsibilities of the vacant office except that the deputy treasurer, if one has been designated, shall assume the vacated office of treasurer;
    - (C) notify the Commission of the appointment of an officer to fill the vacancy; and
    - (D) provide all information to the Commission required by the statement of organization, for the new appointee, no later than five (5) business days after the appointment.
  - (3) When a vacancy occurs in the office of a deputy treasurer for a candidate committee, the candidate shall:
    - (A) notify the Commission no later than five (5) business days after the vacancy occurs; and

- (B) if a deputy treasurer is appointed to fill the vacancy, notify the Commission of the appointment and provide all information to the Commission required by the statement of organization for the new appointee within five (5) business days after the appointment.
  - (4) If a candidate dies and there is no living committee officer, the personal representative of the candidate's estate shall dissolve the committee as soon as is practicable under terms of the dissolution procedures provided under this chapter and the time limits imposed for probating an estate.
- (c) **Officer vacancies in committees other than candidate committees.**
  - (1) When a vacancy occurs in an office, other than the office of a deputy treasurer, of a committee other than a candidate committee, the committee shall:
    - (A) notify the Commission no later than five (5) business days after the vacancy occurs;
    - (B) designate an individual qualified under this chapter to assume the duties and responsibilities of the vacant office no later than five (5) business days after the vacancy;
    - (C) notify the Commission of the appointment of an officer to fill the vacancy; and
    - (D) provide all information required by the statement of organization, for the new appointee, no later than five (5) business days after the appointment.
  - (2) When a vacancy occurs in the office of a deputy treasurer for a committee other than a candidate committee, the committee shall:
    - (A) notify the Commission no later than five (5) business days after the vacancy occurs; and
    - (B) if a deputy treasurer is appointed to fill the vacancy, notify the Commission of the appointment and provide all information to the Commission required by the statement of organization for the new appointee within five (5) business days after the appointment.
- (d) **Duties of the treasurer/deputy treasurer.**
  - (1) The committee treasurer or, in the treasurer's absence, the deputy treasurer shall maintain and preserve an account of the following:
    - (A) the total of contributions accepted by the committee;
    - (B) the contributor statement or copies of requests to obtain the contributor statement or information missing from the contributor statement as provided by this chapter and a copy of an accepted check or written instrument evidencing the contribution;
    - (C) the total of expenditures made by or on behalf of the committee;
    - (D) all receipted bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure; and
    - (E) any other documentation necessary to file the reports required by this chapter.
  - (2) The treasurer or, in the treasurer's absence, the deputy treasurer shall maintain and preserve all receipted bills and accounts required by this chapter for at least three years.

- (3) The treasurer or, in the treasurer's absence, the deputy treasurer of a committee shall file, in a timely manner, the appropriate reports or statements on the forms prescribed by the Commission. Filing statements and reports by Internet access only shall be required of a candidate committee which has exceeded \$10,000 in contributions or expenditures during an active campaign or a non-candidate committee which has exceeded \$10,000 in contributions or expenditures during the current or previous calendar year.
- (4) The treasurer or, in the treasurer's absence, the deputy treasurer shall file an amended report if the treasurer has knowledge of an error or omission on a report of the committee that has previously been filed.
- (5) The written records shall be the property of the candidate or committee to which they relate and shall be delivered to the candidate or committee immediately upon:
  - (A) demand by the candidate or committee;
  - (B) removal or resignation of the treasurer; or
  - (C) the expiration of the treasurer's appointment, whichever shall first occur.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 1997. Amended HJR 1106, emerg. eff. June 5, 1998. Amended Laws 2003. Amended Laws 2005. Amended Laws 2009. Amended Laws 2010.*

#### **257:10-1-10. Campaign depositories and campaign accounts**

- (a) A committee, other than an out-of-state committee, shall establish one or more campaign depositories:
  - (1) in financial institutions that ordinarily conduct business within the state; and
  - (2) in offices located within the state that ordinarily conduct business with the general public.
- (b) The committee shall maintain a campaign account in each depository in the name of the committee, with no use of acronyms permitted.
- (c) Expenditures of a committee of more than fifty dollars (\$50), except for expenditures made by the candidate from his or her own funds, shall be drawn from a campaign account and issued on a check signed by the candidate, treasurer or, in the treasurer's absence, the deputy treasurer or the chair of said committee.
- (d) All contributions, other than in-kind contributions, accepted by the committee, directly or indirectly, shall be deposited in a campaign account within ten (10) days after acceptance. All contributions received by a deputy treasurer or agent of the committee, including the candidate, on behalf of a committee shall be provided to the treasurer or, in the treasurer's absence, the deputy treasurer not later than five (5) days after receipt.
- (e) A committee shall be required to disclose the location of its campaign account or accounts to the Commission.
- (f) Except for a corporation, labor organization or a committee formed solely to make independent expenditures or electioneering communications, an out-of-state committee or person, accepting donations from other persons and making



independent expenditures or electioneering communications with respect to elections governed by this chapter, shall make such independent expenditures and electioneering communications from a segregated account. Such out-of-state committee or person shall be required to disclose the location of the account to the Commission. The reports required by paragraph (2) of subsection (c) of Section 13 of this chapter or paragraphs (2) and (3) of subsections (a) and (b) of Section 16 of this chapter shall be made with respect to the account required by this subsection.

*Amended Laws 1995. Amended Laws 2007. Amended Laws 2010. Amended Laws 2013.*

### **257:10-1-11. Registration requirements**

- (a) A committee other than a candidate committee, including an out-of-state committee, which accepts one or more contributions or makes one or more expenditures in excess of five hundred dollars (\$500) in the aggregate in this state in a calendar year shall file, or electronically transmit, a statement of organization with the Commission no later than five (5) days after accepting the contribution(s) or making the expenditure(s). A new statement of organization shall be filed or electronically transmitted between January 1 and January 31 of each year thereafter. A committee may also file a statement of intent indicating the committee's intention neither to accept contributions nor make expenditures in excess of five hundred dollars (\$500) in the aggregate during the current calendar year. The statement of intent shall be designated on the Statement of Organization. If, thereafter, the committee accepts or expends in excess of five hundred dollars (\$500) in the aggregate in the same or a future calendar year, a new statement of organization shall be filed within five (5) days after accepting the contribution(s) or making the expenditure(s).
- (b) **Exemptions from contributor statements, registration and/or reporting.**
  - (1) The provisions of Subsection (a) of this section and Sections 12 and 13 of this chapter shall not apply to out-of-state political action committees which accept contributions and which contribute in Oklahoma only through an affiliated or connected Oklahoma political action committee that registers and files reports of contributions and expenditures pursuant to the provisions of this chapter;
  - (2) The provisions of Subsections (a) and (b) of Section 13 of this chapter shall not apply to a candidate committee which has:
    - (A) accepted a transfer from that candidate's former campaign but which has neither accepted other contributions nor made expenditures in excess of five hundred dollars (\$500) in the aggregate in addition to such transfer; and
    - (B) complied with the requirements of Subsection (c) of Section 13 of this chapter; and
  - (3) The provisions of Subsection (b) of Section 2 of this chapter shall not apply to contributions accepted by a committee other than a candidate committee until such time as the committee has accepted contributions or

made expenditures in excess of five hundred dollars (\$500) during a calendar year in support of or in opposition to state candidates or ballot measures. Once the \$500 threshold in either contributions or expenditures has been exceeded, the acceptance of each new contribution in excess of fifty dollars (\$50) shall be accompanied by a contributor statement; and

- (4) The provisions of subsection (b) of Section 2 of this chapter shall not apply to funds accepted by an out-of-state committee or person, or a corporation meeting the requirements of paragraph (5) of subsection (c) of Section 2 of this chapter, which makes independent expenditures or electioneering communications, provided that the out-of-state committee or person or authorized corporation spends no funds controlled by, coordinated with, requested by or made upon consultation with a candidate, committee, treasurer, deputy treasurer, or agent of a candidate committee or ballot measure committee. Any funds expended which are controlled by, coordinated with, requested by or made upon consultation with a candidate, committee, treasurer, deputy treasurer, or agent of a candidate committee or a ballot measure committee shall be deemed to be a contribution and shall be subject to all provisions of this chapter applicable to contributions.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 1998. Amended Laws 2002. Amended Laws 2007. Amended Laws 2010.*

## **257:10-1-12. Statement of organization**

### **(a) Candidate committee statement of organization.**

- (1) The statement of organization for a candidate committee shall include the following:
- (A) the full name of the candidate and the candidate's committee, which must include the year of the General or Special General Election of the office being sought, whether the statement amends a former statement of organization, and, if amending a former statement of organization, the number assigned by the Ethics Commission for the committee pursuant to the initial registration;
  - (B) the party affiliation, if any, of the candidate;
  - (C) the complete mailing address, electronic mailing address, and daytime telephone number of the candidate committee and the candidate's residence address, electronic mailing address, and daytime telephone number;
  - (D) the date the committee was organized;
  - (E) the office being sought by the candidate, including the position, district and office number, if applicable, whether or not the office is being sought in a Special Election, and the year of the General Election or Special General Election to fill the office;
  - (F) the full name, mailing address, electronic mailing address, daytime telephone number, and principal place of business of the chair, the treasurer, and, if appointed, a deputy treasurer and designation of

- which person, either the candidate or an officer, should receive notification of required filings and late filing violations;
- (G) the full name and address of each depository in which the committee will maintain a campaign account;
  - (H) designation of the use or uses of surplus funds, which shall be limited to those set forth in Section 20 of this chapter; and
  - (I) the actual signature of the candidate or typed name on an electronically filed form certifying that each officer has provided the candidate with written acceptance of the appointment and that the information provided is true, complete and correct.
- (2) The candidate shall notify the Commission, in writing or by electronic transmittal, of a change in information previously reported in a statement of organization no later than ten (10) business days after the change, except for a change in information relating to committee officer vacancies, which shall be subject to the provisions of Subsection (b) of Section 9 of this chapter.

(b) **Statement of organization for a committee other than a candidate committee.**

- (1) The statement of organization for a committee other than a candidate committee shall include the following:
- (A) the full name of the committee, which may not include the name of a candidate and, if amending a former statement of organization, the number assigned by the Ethics Commission for the committee pursuant to the initial registration;
  - (B) the complete mailing address, electronic mailing address, and daytime telephone number of the committee;
  - (C) the date the committee was organized;
  - (D) the purpose of the committee, including the FEC (Federal Election Commission) number, if the committee is registered under the laws of the United States;
  - (E) an indication as to whether the committee is a party committee, a political action committee or a ballot measure committee;
  - (F) the name and mailing address of a corporation, labor organization or other association that sponsors the committee or is affiliated with the committee. If the committee is not sponsored by or affiliated with a corporation, labor organization, or other association, the committee shall specify the trade, profession, or primary interest of contributors to the committee;
  - (G) the full name, mailing address, electronic mailing address, daytime telephone number, and principal place of business of the chair;
  - (H) the full name, mailing address, electronic mailing address, daytime telephone number, and principal place of business of the treasurer, and, if appointed, of a deputy treasurer;
  - (I) the designation of an officer to receive notices of required filings and late violations;

- (J) an indication of whether the committee was formed to support or oppose a specific ballot measure or measures, and, if so, a brief description of the question;
  - (K) the full name, mailing address, electronic mailing address, daytime telephone number, and principal place of business of the custodian of the books and accounts if other than the designated officers;
  - (L) the full name and address of each depository in which the committee will maintain its campaign account, which, for an out-of-state committee, shall be the account required by subsection (f) of Section 10 of this chapter;
  - (M) a designation of the use or uses of surplus funds, which shall be limited to those set forth in Section 20 of this chapter; and
  - (N) the actual signature of the treasurer or typed signature of the treasurer on electronically filed forms certifying that each officer has provided the committee with written acceptance of the appointment and that the information provided is true, complete and correct.
- (2) The treasurer shall notify the Commission, in writing or by electronic transmittal, of a change in information previously reported in a statement of organization no later than ten (10) business days after the change, except for a change in information relating to committee officer vacancies, which shall be subject to the provisions of Subsection (c) of Section 9 of this chapter.
- (c) **Statement of organization for a political action committee that will make only independent expenditures or electioneering communications.**
- (1) The statement of organization for a political action committee that will make only independent expenditures or electioneering communications shall include the following:
- (A) the full name of the committee, which may not include the name of a candidate and, if amending a former statement of organization, the number assigned by the Ethics Commission for the committee pursuant to the initial registration;
  - (B) the complete mailing address, electronic mailing address, and daytime telephone number of the committee;
  - (C) the date the committee was organized;
  - (D) a statement that the committee will make only independent expenditures or electioneering communications;
  - (E) the full name, mailing address, electronic mailing address, daytime telephone number, and principal place of business of the chair;
  - (F) the full name, mailing address, electronic mailing address, daytime telephone number, and principal place of business of the treasurer, and, if appointed, of a deputy treasurer;
  - (G) the designation of an officer to receive notices of required filings and late violations;

- (H) the full name, mailing address, electronic mailing address, daytime telephone number, and principal place of business of the custodian of the books and accounts if other than the designated officers;
- (I) the full name and address of each depository in which the committee will maintain its campaign account;
- (J) the actual signature of the treasurer or typed signature of the treasurer on electronically filed forms, certifying that each officer has provided the committee with written acceptance of the appointment and that the information provided is true, complete and correct.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 2002. Amended Laws 2007. Amended Laws 2012. Amended Laws 2013.*

### **257:10-1-13. Required reports of contributions and expenditures**

(a) **Periodic reports by all committees.**

- (1) Except as provided in Paragraphs (2) and (3) of this subsection, the treasurer of each committee or, in the treasurer's absence, the deputy treasurer, other than those specified in Paragraph (3) of this subsection, shall file quarterly reports of contributions and expenditures no later than January 31, April 30, July 31, and October 31, and include all contributions accepted and expenditures made as of December 31, March 31, June 30, and September 30, respectively. Quarterly reporting periods may be extended to include the month following the end of the quarter when filing a quarterly and final report on the same form but shall be filed no later than the due dates provided in this subsection. The first report filed by a candidate committee shall be the next report due following the filing of a statement of organization.
- (2) If a committee has accepted no contributions and has made no expenditures during a reporting period, the treasurer or, in the treasurer's absence, the deputy treasurer shall file a statement of inactivity.
- (3) The treasurer or, in the treasurer's absence, the deputy treasurer of each committee supporting or opposing a ballot measure, or supporting or opposing a candidate and a ballot measure, shall file monthly reports of contributions accepted and expenditures made no later than the tenth (10th) day of each month and include all contributions and expenditures made the previous month. The first report filed by such a committee shall be the next report due following the filing of a statement of organization.

(b) **Pre-election reports by all committees.**

- (1) A committee shall file a pre-election report for each primary, runoff primary and general election held pursuant to Sections 1-101, 1-102 and 1-103 of Title 26 of the Oklahoma Statutes and for any special election, including a special primary election, if any, for which a registered committee accepts a contribution or makes an expenditure in support of or

in opposition to a candidate for office in that election cycle or a ballot measure on the ballot in that election.

- (2) A pre-election report shall be filed no later than eight (8) days and no earlier than fourteen (14) days before an election. This pre-election report shall include information for all transactions made since the end of the last reporting period through fifteen (15) days before the date of the election. In the event that the pre-election report filed prior to the Primary is due before the previous quarterly report, the report filed prior to the Primary shall include information for all transactions made for the previous quarter through a period fifteen (15) days before the date of the election.
- (3) The pre-election report filed prior to the Primary in an election year shall cover a reporting period beginning April 1 and ending the fifteenth day prior to the Primary. The pre-election reports filed prior to the Primary, Runoff Primary and General Elections shall substitute for the quarterly report due by July 31 and October 31 for a candidate committee during an election year of the candidate or a committee supporting or opposing only candidates in an election cycle.
- (4) The first quarterly report due after a General Election in which a committee supported or opposed candidates on the ballot shall cover a period beginning with the first day following the end of the reporting period of the pre-election report for the General Election and end with the last day of the quarter.

(c) **Exemptions**

- (1) **Federal committees.** Committees registered under the laws of the United States, who contribute more than \$500 in the aggregate or make expenditures exceeding \$500 in the aggregate in support of or in opposition to a candidate for state office in an election cycle, in filing the reports prescribed by this chapter, may disclose only contributions from Oklahoma residents or contributions to Oklahoma state campaigns for the period prior to and reporting periods following the period during which the contribution to a state candidate for state office was made.
- (2) **Out-of-state committees.** An out-of-state committee shall report contributions accepted on a last-in-first-out basis in an amount which equals or exceeds the amount of expenditures made in this state with respect to elections governed by this chapter. Such a committee shall also report all contributions from Oklahoma contributors within the twelve-month period preceding the last date of the reporting period.
- (3) **Exemption for candidate committees with minimal activity.** A candidate committee which does not accept contributions exceeding \$500 in the aggregate may file an affidavit with the Ethics Commission stating the committee will not accept contributions or make expenditures exceeding \$500 in the aggregate which shall exempt such candidate committee from filing required reports. If the committee later determines it will exceed the threshold, it shall file a statement of organization within

five (5) days following the activity and file the next and all succeeding required reports until dissolution.

(4) **Exemption for candidate committee with minimal calendar year activity**

(A) **Statement of intent for minimal calendar year activity.** A statement of intent for minimal calendar year activity may be filed by a candidate committee by April 30 of any year for the same year, other than the year of the General Election during which the office sought will be filled. The statement of intent must include the name and address of the candidate committee; the treasurer's name, address and telephone number; and a statement that the committee does not intend to accept contributions nor make expenditures exceeding \$500 during the calendar year. It must be certified and signed by the treasurer. If the committee later determines it has exceeded \$500 in contributions or expenditures during the calendar year for which the statement was filed, it shall file an amended statement of organization within five (5) days of such time and file the next and all succeeding required quarterly reports.

(B) **Annual report.** All required disclosure for which a statement of intent for minimal calendar year activity is filed must be reported for the calendar year period covered by the statement of intent for minimal calendar year activity on a campaign contributions and expenditures report and must be filed between January 1 and 31 following the end of the calendar year for which the statement was filed.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 1998. Amended Laws 2000. Amended Laws 2002. Amended Laws 2003. Amended Laws 2004. Amended Laws 2005. Amended Laws 2007.*

**257:10-1-14. Report contents**

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

(1) the following administrative information:

(A) committee name and address;

(B) candidate's name, if a candidate committee; or title or number of ballot measure if supporting or opposing a ballot measure;

(C) type(s) of report (pre-election, monthly, quarterly, or annual and whether it is amended or final);

(D) period covered by the report; and

(E) the office sought and the year of the general election or special general election for the candidate that is supported or opposed by the committee; or the date of the election for the ballot measure, if known, that is supported or opposed by the committee;

- (2) the information reported pursuant to Paragraph (16) of this subsection on the last campaign contributions and expenditures report.
  - (A) For purposes of this paragraph, the beginning of the reporting period for the initial report of a candidate committee shall be the date the first contribution was accepted or expenditure was made or declaration of candidacy was filed, whichever is earlier; the beginning of the reporting period for subsequent reports shall be the day following the last day of the previous reporting period.
  - (B) For purposes of this paragraph, the beginning of the reporting period for the initial report of a committee, other than a candidate committee, shall be the date the first contribution was accepted or expenditure was made for a new reporting committee; the beginning of the reporting period for subsequent reports shall be the day following the last day of the previous reporting period;
- (3) the following information about monetary contributions, including loans, accepted from a person other than a committee:
  - (A) the total sum of all contributions accepted during the current reporting period less contributions from the lender, guarantor or endorser of a loan reported under Paragraph (4) of this subsection;
  - (B) the total of contributions accepted for the campaign-to-date or calendar year-to-date less contributions from the lender, guarantor or endorser of a loan reported under Paragraph (4) of this subsection;
  - (C) for other than out-of-state or federal committees, the number of contributors making contributions of fifty dollars (\$50) or less accepted and the total amount of contributions in the amount of fifty dollars (\$50) or less in the aggregate accepted during the campaign, if a candidate committee, or calendar year, if other than a candidate committee, less contributions from the lender, guarantor or endorser of a loan reported under Paragraph (4) of this subsection; and
  - (D) for other than out-of-state or federal committees, the name and address, occupation and employer, or principal business activity, of each contributor contributing in excess of fifty dollars (\$50) in the aggregate during the reporting period; the date accepted, amount and nature (cash or written instrument) of each contribution by the contributor during the reporting period; and the total contributions of the contributor to the campaign-to-date for candidate committees and year-to-date for other committees;
  - (E) for out-of-state and federal committees, the number of contributors making contributions of two hundred dollars (\$200.00) or less accepted and the total amount of contributions in the amount of two hundred dollars (\$200.00) or less in the aggregate accepted during the campaign, if a candidate committee, or calendar year, if other than a candidate committee, less contributions from the



- lender, guarantor or endorser of a loan reported under paragraph (4) of this subsection; and
- (F) for out-of-state and federal committees, the name and address, occupation and employer, or principal business activity, of each contributor contributing in excess of two hundred dollars (\$200.00) in the aggregate during the reporting period; the date accepted, amount and nature (cash or written instrument) of each contribution by the contributor during the reporting period; and the total contributions of the contributor to the campaign-to-date for candidate committees and year-to-date for other committees;
- (4) the following information about monetary contributions accepted from a committee:
    - (A) the total sum of all contributions accepted during the current reporting period;
    - (B) the total of contributions accepted for the campaign-to-date or calendar year-to-date;
    - (C) the number of committees making contributions of fifty dollars (\$50) or less accepted and the total amount of contributions in the amount of fifty dollars (\$50) or less in the aggregate accepted during the reporting period; and
    - (D) the name, address, Ethics Commission number, and the principal interest or principal business activity of each committee contributing in excess of fifty dollars (\$50) in the aggregate during the reporting period; the date accepted, amount of each contribution by the committee during the reporting period; and the total contributions of the committee to the campaign-to-date for candidate committees and year-to-date for other committees;
  - (5) the following information about loans, promissory notes, or security agreements the proceeds of which are to be used by or for the benefit of the candidate's campaign or the committee:
    - (A) the total amount of all loans, promissory notes, or security agreements received during the reporting period, and the total amount of loans, promissory notes, or security agreements for the campaign-to-date for candidate committees and year-to-date for other committees;
    - (B) the amount of each loan, promissory note, or security agreement during the reporting period, and
      - (i) the date and amount of each loan, promissory note, or security agreement,
      - (ii) the name and address of the lending institution,
      - (iii) the name and address of each lender, guarantor or endorser,
      - (iv) the year-to-date or campaign-to-date total, and
      - (v) the terms of the loan, promissory note, or security agreement including the interest rate and repayment schedule;
  - (6) the following information about other receipts:

- (A) the total of other receipts, including refunds, sale of assets, rebates (other than those that qualify as contributions), interest from an interest bearing account with the campaign depository or depositories, or other receipts, not previously identified during the reporting period received of fifty dollars (\$50.00) or less; and
  - (B) the date and amount of each refund, rebate, interest, or other receipt not previously identified of more than fifty dollars (\$50.00) in the aggregate from one source, the name of each source, and the campaign-to-date total for candidate committees and year-to-date total for other committees;
- (7) the aggregate total of monetary receipts for the reporting period and for the campaign-to-date for candidate committees or year-to-date for other committees;
  - (8) the same information for in-kind contributions, including guarantors and endorsers of loans, as for monetary contributions, together with the Ethics Commission number for committees, and shall also include a description of the in-kind contribution;
  - (9) the amount of funds loaned or donated by a corporation, labor organization, or other person to its political action committee for the establishment and for solicitation costs of the committee;
  - (10) written agreements, written promises or written pledges to make a dated, undated or postdated contribution to be reported separately and in the same manner as other monetary contributions
  - (11) the aggregate total of contributions, loans, and other receipts, both monetary and in-kind, including payment of costs described in Paragraph (9) of this subsection, during the reporting period, and the campaign-to-date aggregate total for candidate committees and year-to-date aggregate total for other committees;
  - (12) the following information about expenditures:
    - (A) the total of expenditures made during the reporting period and the year-to-date or campaign-to-date total;
    - (B) the amount, date, a brief description of the consideration, and an explanation of the purpose — which must permit a reasonable person to determine the reason for the purchase — for which each campaign expenditure was made in excess of one thousand dollars (\$1,000.00) in the aggregate to one (1) entity during the reporting period, the name and address of the person to which the expenditure was made, the beneficiary of the expenditure, and the year to date total. Disbursements to consultants, advertising agencies, and similar firms; credit card expenses; and candidate reimbursements must be itemized to permit a reasonable person to determine the ultimate intended recipient of the expenditure and its purpose;
    - (C) the total amount of all campaign expenditures not required to be reported in Subparagraph (B); and

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

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

- (13) the following information about independent expenditures and electioneering communications:

- (A) the total of independent expenditures and electioneering communications made during the reporting period and the total independent expenditures and electioneering communications made during the election cycle;

- (B) the amount, the 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, and a brief description or statement of each electioneering communication and the name and office of the candidate to whom the electioneering communication referred.

- (C) If the person making the independent expenditure or electioneering communication, other than a political action committee, received funds from any other person for the purpose of making an independent expenditure or expenditures or 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 independent expenditure or electioneering communication is being made;

- (14) the following information about monetary transfers to other committees, subject to the restrictions in Subsection (e) of Section 2 of this chapter and Subsection (a) of Section 20 of this chapter:

- (A) the total amount of monetary transfers to other committees for the reporting period;

- (B) the total amount of all monetary transfers to other committees for the campaign-to-date for candidate committees and the year-to-date for other committees;

- (C) the amount of each monetary transfer during the reporting period, the name and address of each recipient, the date tendered, and the total monetary transfers to the recipient for the campaign-to-date for candidate committees and year-to-date for other committees;

- (15) the total of all monetary expenditures and monetary transfers;

- (16) the following information about in-kind transfers:

- (A) the total amount of in-kind transfers to other committees for the reporting period;
  - (B) the total amount of all in-kind transfers to other committees for the campaign-to-date for candidate committees and the year-to-date for other committees;
  - (C) the fair market value of each in-kind transfer during the reporting period, the name and address of each recipient, the date tendered, a description of the goods or services transferred, and the total value of in-kind transfers to the recipient for the campaign-to-date for candidate committees and year-to-date for other committees;
- (17) the following information about expenditures incurred:
- (A) the total amount of all expenditures incurred; and
  - (B) the amount of each expenditure incurred if the amount is in excess of fifty dollars (\$50) in the aggregate to one entity, a brief description of what was purchased, the purpose of the purchase, and the date the goods or services were delivered; and
  - (C) the total amount of expenditures incurred not required to be reported in Subparagraph (B).
  - (D) Committees may file all expenditures incurred in lieu of the additional bookkeeping requirement of grouping together all expenditures incurred aggregating \$50 or less to one entity and all expenditures incurred aggregating more than \$50 to one entity.

An expenditure incurred shall be reported on each report filed after the date of receipt of goods or services until payment is made to the vendor. A payment shall be listed as an expenditure when the payment is made; provided, a committee shall not divide expenditures incurred which would otherwise be made individually for the purpose of evading the reporting requirements of this paragraph;

- (18) the following information about unpaid loans, promissory notes, or security agreements the proceeds of which were used by or for the benefit of the candidate's campaign or the committee:
- (A) the total balance of loans, promissory notes, and security agreements owed by the committee during the reporting period;
  - (B) each loan, promissory note, or security agreement owed by the committee, itemized by name and address of lending institution or any other lender, and the date of the loan, promissory note and/or security agreement;
- (19) the difference between total monetary receipts and total monetary expenditures, as of the end of the reporting period; and
- (20) the signature, or typed signature on electronically filed forms of the treasurer or, in the treasurer's absence, the deputy treasurer, who shall certify that during this campaign-to-date for candidate committees or calendar year-to-date for other committees, the treasurer, or deputy treasurer in the treasurer's absence, received contributor statements or made the three separate, good faith requests to obtain contributor statements as required by this chapter. The signature, or typed signature

on electronically filed forms, shall certify that the report filed is a true and correct record of the committee's contribution and expenditure transactions.

- (b) **Statement of inactivity.** A statement of inactivity must include the same information as required by Subsection (a), Paragraphs (1) and (19) of this section; and a statement that a contribution was not accepted and an expenditure was not made during the reporting period.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 1998. Amended Laws 1999. Amended Laws 2002. Amended Laws 2003. Amended Laws 2007. Amended Laws 2009. Amended Laws 2010, including House Bill 2408, § 4, emerg. eff. July 1, 2010. Amended Laws 2012.*

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

A contribution or contributions of five hundred dollars (\$500) or more in the aggregate accepted from one (1) person or family or loan proceeds received in the amount of five hundred dollars (\$500) or more after the closing date for the pre-election reporting period, but before the election, except for prior reported contributions or loan proceeds, shall be reported by the name and address, occupation and employer, or principal interest or principal business activity of the contributor, the date accepted, the amount of the contribution or contributions, and the total of contributions accepted from the contributor for the campaign-to-date or calendar year-to-date or the name and address, occupation and employer, or principal interest or principal business activity of the lender and the date of the loan, promissory note, or security agreement resulting in the loan proceeds. Reports shall not be required by a candidate committee which does not have its candidate on the following ballot or a ballot measure committee which is not supporting or opposing a ballot measure on the following ballot nor by committees which are not supporting or opposing candidates in that election cycle or ballot measures on the following ballot. Reports shall be made on the appropriate form by United States mail, hand delivery, facsimile transmission, telegram, or express delivery service to the Commission or electronically transmitted to the Commission office within twenty-four (24) hours of acceptance. The report shall include the signature or typed signature on electronically filed forms of the treasurer or, in the treasurer's absence, the deputy treasurer of said committee. The signature shall certify that the report filed is a true and correct record of the committee's last minute contribution transactions and that the signature is that of a person appointed to file the report on behalf of the committee. This contribution shall also be included on the next report filed or electronically transmitted by the committee.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 1999. Amended Laws 2002. Amended Laws 2004. Amended Laws 2007. Amended Laws 2010, House Bill 2408, § 5, emerg. eff. July 1, 2010.*

### **257:10-1-16. Reports of Independent Expenditures and Electioneering Communications**

- (a) **Independent expenditures.**
- (1) An independent expenditure shall be considered to have been made at the time a communication financed by the independent expenditure is publicly disseminated to voters eligible to vote in the election for which the

independent expenditure is being made and shall include all independent expenditures obligated at that time.

- (2) Any person other than an individual or 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 committees are required to file pre-election reports for the applicable election by Section 10-1-13(b) of this Chapter.
- (3) 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.
- (4) 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. The report shall include the information on independent expenditures required by Section 10-1-14(a)(13) of this chapter. A report filed by a political action committee shall include the information required by Section 10-1-14(a)(1) of this Chapter and the information on independent expenditures required by Section 10-1-14(a)(13) of this Chapter. All reports shall be made electronically. The report shall include the typed signature of the person making the report, who shall attest to the report's accuracy and veracity.

(b) **Electioneering communications.**

- (1) An electioneering communication shall be considered to have been made at the time a communication financed by the electioneering communication is publicly disseminated to voters eligible to vote in the election for which the electioneering communication is being made and shall include all electioneering communications obligated at that time.
- (2) Any person other than an individual or 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 committees are required to file pre-election reports for the applicable election by Section 10-1-13(b) of this Chapter.
- (3) 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 expenditure is made.
- (4) 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. The report shall include the information on electioneering communications required by Section 10-1-14(a)(13) of this chapter. A report filed by a political action committee shall include the information required by Section 10-1-14(a)(1) of this Chapter and the information on electioneering communications required by Section 10-1-14(a)(13) of this Chapter. All reports shall be made electronically.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 2002. Amended Laws 2004. Amended Laws 2005. Amended Laws 2007. Amended Laws 2010. Amended Laws 2012.*

**257:10-1-17. Notification of filing obligation**

*Amended Laws 1996. Amended Laws 2010. Repealed Effective May 23, 2014.*

**257:10-1-18. Report filing requirements**

- (a) Reports may be filed on a form or electronically transmitted to the Commission office.
- (b) Except for a report submitted under Subsection (c) of this section, a paper copy of a report filed shall be typed or printed in black ink on forms supplied by the Commission, or on legible direct reproductions of the forms.
- (c) A report may be filed with the Commission on a computerized printout if the following requirements are satisfied:
  - (1) the Commission reviews and approves the proposed format for use by the committee before the format is used to file a report;
  - (2) the printer used is of a double-strike or laser quality;
  - (3) individual sheets are separated; and
  - (4) the Commission reviews and approves a proposed amendment to the format for use by the committee before the amended format is used to file a report.

*Amended Laws 1996. Amended Laws 2004.*

**257:10-1-19. Dissolution procedures**

- (a) **Candidate committees.** A candidate committee may not dissolve until:
  - (1) after a Primary Election, Special Primary or a Run-off Primary Election in which the candidate who designated the committee is elected or defeated;
  - (2) after the General Election or Special General Election in which such candidate's name appears on the ballot;
  - (3) after the last day for filing a declaration of candidacy for such candidate who is unopposed in the Primary, Run-off Primary and General Election or Special Primary and Special General Election;
  - (4) after such candidate's name has been stricken from the ballot pursuant to Section 5-127 of Title 26 of the Oklahoma Statutes;

- (5) after withdrawal of such candidate's candidacy pursuant to Sections 5-115 or 5-116 of Title 26 of the Oklahoma Statutes; or
- (6) after the committee determines that it will not accept contributions or make expenditures.
- (b) **Other committees.** A political action committee or a party committee may dissolve only after it determines that it will not accept contributions or make expenditures. A committee formed to support or oppose one or more related ballot measures shall not accept contributions or make expenditures toward a new unrelated ballot measure but may file a final report transferring surplus funds to a new committee formed for such purpose which shall register and report as required by this chapter.
- (c) **Final report.** Upon dissolution, a committee shall file a final report. A final campaign contributions and expenditures report may be filed, by paper form or electronically transmitted at the time or before a scheduled filing is due. A final report and a quarterly report may be filed on the same form or the final report may be filed separately. A quarterly report, designated as a final report, shall include contributions or expenditures, if any, which occur from the end of the quarterly reporting period until the time the report is filed without changing the due dates of quarterly reports as provided in Subsection (a) of Section 13 of this chapter. The form or electronic transmittal must be marked or designated "final".
- (d) **Treatment of debt.** If a committee owes or is owed money, the committee may dissolve, but must report the status of the debts on the same dates as campaign contributions and expenditures reports would be due until all debts are resolved. Methods of resolution must also be detailed.
- (e) **Committee assets.** Committee assets shall be disposed of according to Section 20 of this chapter before dissolution.

*Amended Laws 1996. Amended Laws 2000. Amended Laws 2002. Amended Laws 2004.*

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

- (a) **Candidate committees.**
  - (1) **Use of campaign contributions.** Contributions accepted by a candidate committee may not be converted by any person to any personal use, but shall be used, together with any interest income earned on such contributions, to defray any campaign expenditures or any ordinary and necessary nonreimbursed expenses incurred by the person in connection with his duties as a holder of the state office, including, but not limited to:
    - (A) payment of debts of a former election campaign of the same candidate,
    - (B) payment of expenses for use in a future election campaign of the same candidate,
    - (C) for political activity,
    - (D) for community activity,
    - (E) for nonreimbursed office related expenses, or
    - (F) for tickets for the Speaker's Ball.



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

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

(3) **Use of surplus funds.** The surplus funds may:

- (A) be deposited with the State Treasurer to the credit of the General Revenue Fund;
- (B) be returned to the contributors pursuant to any formula approved by the candidate; provided, any amount returned to a contributor shall not exceed the amount of the original contribution;
- (C) be contributed to a charitable organization;
- (D) be retained by the candidate or candidate committee for use in a future election for a six-year period following the General Election for the same or a different office;
- (E) be used to defend legal actions or proceedings arising out of the campaign, election, or the performance of the candidate's official duties as a state officer; provided that such funds shall not be used to defend criminal charges;
- (F) be used for a community activity;
- (G) be used for political activity;
- (H) be transferred to the state, county or congressional district committee of a political party, not to include an affiliated or connected entity of a political party;
- (I) be distributed using a combination of these options; or
- (J) be used for tickets for the Speaker's Ball.

(b) **Other committees.**

(1) **Use of campaign contributions.** Contributions accepted by any committee, other than a candidate committee, may not be converted by any person to any personal use and shall be used to defray any campaign expenditures and to further the committee's purposes. Said contributions shall not be used for any other purposes except as permitted in Paragraph (2) or (3) of this subsection. Such a committee with an unexpended balance of funds not otherwise obligated for the payment of expenses to further the committee's purposes shall designate how the surplus funds are to be disposed of on the committee's statement of organization. Surplus funds may not be expended for any other purpose. The designated use or uses for surplus funds may be changed by the committee by filing an

amended statement of organization, provided that no contributions received prior to the date the amended statement of organization is filed with the Commission may be used for the amended use or uses.

- (2) **Use of surplus funds by committees supporting or opposing candidates.** Surplus funds of committees, other than candidate committees, formed solely to support or oppose candidates may be:
  - (A) deposited with the State Treasurer to the credit of the General Revenue Fund; or
  - (B) returned to the contributors pursuant to any formula approved by the committee; provided, any amount returned to a contributor shall not exceed the amount of the original contribution.
- (3) **Use of surplus funds by committees supporting or opposing ballot measures.** Surplus funds of committees formed to support or oppose ballot measures may be:
  - (A) deposited with the State Treasurer to the credit of the General Revenue Fund;
  - (B) returned to the contributors pursuant to any formula approved by the committee; provided, any amount returned to a contributor shall not exceed the amount of the original contribution; or
  - (C) donated to a charitable organization; or
  - (D) donated to a community activity.
- (4) **Use of surplus funds by political action committees making only independent expenditures or electioneering communications.** Surplus funds of political action committees formed to make only independent expenditures or electioneering communications may be:
  - (A) deposited with the State Treasurer to the credit of the General Revenue Fund;
  - (B) returned to the contributors pursuant to any formula approved by the committee; provided, any amount returned to a contributor shall not exceed the amount of the original contribution;
  - (C) donated to other political action committees formed solely to make independent expenditures or electioneering communications;
  - (D) donated to a charitable organization; or
  - (E) donated to a community activity.

*Amended Laws 1995. Amended Laws 1997. Amended Laws 2003. Amended Laws 2005. Amended Laws 2009. Amended Laws 2010. Amended Laws 2012.*

**257:10-1-21. Effective date of this chapter [Effective through December 31, 2014]**

The effective date of this chapter was July 1, 1994. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1995 was July 1, 1995. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1996 was July 1, 1996. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1997 was July 1, 1997. The effective date of the amendments to

this chapter submitted to each House of the Legislature and to the Governor on February 3, 1998 was July 1, 1998. The effective date of the amendments of this chapter submitted to each House of the Legislature and to the Governor on February 1, 1999 was July 1, 1999. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 8, 2000 was July 1, 2000. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2001 was July 1, 2001. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2002 was July 1, 2002. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2003 was July 1, 2003. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2004 was July 1, 2004. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2005, unless otherwise specified, was July 1, 2005. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2006, unless otherwise specified, was July 1, 2006. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2007 and House Bill 2110 shall be July 1, 2007. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2008 was July 1, 2008. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2009 was July 1, 2009. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2010, was July 1, 2010. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2011, was July 1, 2011. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2012, shall be May 25, 2012.

*Amended Laws 1995. Amended Laws 1996. Amended Laws 1997. Amended Laws 1998. Amended Laws 1999. Amended Laws 2000. Amended Laws 2001. Amended Laws 2002. Amended Laws 2003. Amended Laws 2004. Amended Laws 2005. Amended Laws 2006. Amended Laws 2007. Amended Laws 2008. Amended Laws 2009. Amended Laws 2010. Amended Laws 2011. Amended Laws 2012. Repealed effective January 1, 2015.*

**257:10-1-22. Applicability of rules [Effective through December 31, 2014]**

The rules of this chapter are adopted pursuant to the Oklahoma Constitution, Article XXIX, Section 3 (A). The partial or total invalidity of any section or sections of this chapter, found by a court of competent jurisdiction, shall not affect the valid sections.

*Repealed effected January 1, 2015.*