

AMENDMENT 2015-3

SECTION 1. AMENDATORY Ethics Rule 2.3 is amended to read as follows:

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

SECTION 2. AMENDATORY Ethics Rule 2.69 is amended to read as follows:

A candidate may have no more than one (1) candidate committee for any state office at any time; provided, however, a candidate may maintain two (2) separate candidate committees for state offices for a period of sixty (60) days after filing a Statement of Organization for a second committee. ~~A candidate who dissolves one (1) candidate committee as provided in these Rules may contemporaneously file a Statement of Organization for a different candidate committee.~~ In such case, funds or debt, or both, may be transferred from the first

1 committee to the second committee as permitted by law and these
2 Rules.

3 SECTION 3. AMENDATORY Ethics Rule 2.80 is amended to
4 read as follows:

5 A political action committee shall file a Statement of
6 Organization with the Commission at any earlier time but no later
7 than ten (10) days after the committee receives contributions in
8 excess of One Thousand Dollars (\$1,000.00) or makes expenditures in
9 excess of One Thousand Dollars (\$1,000.00). A political action
10 committee that has filed a Statement of Organization and that has
11 not dissolved as provided in these Rules shall renew its
12 registration during the month of January of each year by filing a
13 Statement of Organization. The renewal of a Statement of
14 Organization filed by a political action committee shall not be
15 accepted unless the political action committee has filed all Reports
16 of Contributions and Expenditures and paid any fees required during
17 the preceding calendar year. In the event a political action
18 committee has not filed all Reports of Contributions and
19 Expenditures and paid fees required during the preceding calendar
20 year, the political action committee shall be prohibited from
21 accepting contributions or making expenditures, except for paying
22 fees, until it is current in filing Reports and fees.

23 SECTION 4. AMENDATORY Ethics Rule 2.100 is amended to
24 read as follows:

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

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

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

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

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

13 Except for good cause shown, any committee that files more than
14 one quarterly Report of Contributions and Expenditures after the
15 date it is due in any calendar year shall be deemed to have
16 intentionally failed to file the report in violation of these Rules.

17 Candidates for election or retention to judicial offices who
18 are prohibited from soliciting or accepting contributions more than
19 sixty (60) days after the last election in which the candidate
20 participated under the Code of Judicial Conduct shall not be
21 required to file

22 Reports of Contributions and Expenditures following the expiration
23 of the sixty (60) day period until such time as they are permitted
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1 to solicit and accept contributions prior to the next filing period
2 under the Code of Judicial Conduct.

3 SECTION 5. AMENDATORY Ethics Rules 2.101 is amended to
4 read as follows:

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

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

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

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

22 Such candidate committee shall file a Report of Contributions
23 and Expenditures no earlier than January 1 nor later than January 31
24 of the year following the general election for the period beginning

1 the day after the last day of the general election pre-election
2 reporting period and ending December 31 of the immediately preceding
3 year.

4 Each candidate committee for a candidate in a special primary,
5 runoff primary or general election shall file a pre-election Report
6 of Contributions and Expenditures for the special primary, runoff
7 primary or general election on the same dates and for the same
8 periods as provided in this section. If there is no special runoff
9 primary election scheduled, the period covered by the pre-election
10 report for the general election shall begin fifteen (15) days before
11 the primary election and end fifteen (15) days before the general
12 election. Following the special general election, each candidate
13 committee shall file a Report of Contributions and Expenditures
14 required for the next quarterly report following the special general
15 election. That quarterly report shall be for a period beginning the
16 day after the last day of the general election pre-election
17 reporting period and ending on the same day as the last day of the
18 regular quarterly report. Thereafter, the committee shall file
19 reports as otherwise required by these Rules.

20 Except for good cause shown, any candidate committee that files
21 more than one Report of Contributions and Expenditures after the
22 date it is due shall be deemed to have intentionally failed to file
23 the report in violation of these Rules.

1 SECTION 6. AMENDATORY Ethics Rule 2.108 is amended to
2 read as follows:

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

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

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

22 (D) Each report filed shall include the name of the political
23 action committee or the person making the electioneering
24 communication; the amount, date and a brief description or statement

1 of each electioneering communication, and the name and office of the
2 candidate ~~supported or opposed~~ or candidates identified in the
3 electioneering communication, indicating whether the candidate was
4 ~~supported or opposed.~~

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

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

23 SECTION 7. AMENDATORY Ethics Rule 2.118 is amended to
24 read as follows:

1 A. When an elected state officer solicits or authorizes the
2 solicitation of monetary or in-kind contributions for an event such
3 as an inaugural event associated with the officer's office, the
4 officer shall create a special committee for that purpose. The
5 committee shall register and make one report of contributions
6 received and expenditures made within one hundred eighty (180) days
7 after the event is held. Any person not otherwise prohibited by
8 law, including but not limited to individuals, partnerships, limited
9 liability companies, corporations and labor unions, may make
10 contributions in any amount to such committees.

11 B. When a state officer or employee or a state agency sponsors
12 in part or in whole a conference, seminar, meeting or other event
13 for which a state officer or employee solicits funds, goods or
14 services to assist with expenses associated with the event, the
15 sponsoring officer or agency shall create a special committee for
16 that purpose. The committee shall register and make one report of
17 contributions received and expenditures made within one hundred
18 eighty (180) days after the event is held. Any person not otherwise
19 prohibited by law, including but not limited to individuals,
20 partnerships, limited liability companies, corporations and labor
21 unions, may make contributions in any amount to such committee. For
22 purposes of this paragraph, "sponsors" means to permit the name of
23 the state officer or employee or state agency to be used in
24 promoting the event.

1 SECTION 8. AMENDATORY Ethics Rule 2.37 is amended to
2 read as follows:

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

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

16 (C) No person shall make a contribution in excess of Two
17 Thousand Six Hundred Dollars (\$2,600.00) to any candidate committee
18 prior to a general election. Provided, however, after the primary
19 election or runoff primary election, whichever is the last for
20 determining a political party's nominee, a person who has made a
21 contribution of Two Thousand Six Hundred Dollars (\$2,600.00) or less
22 prior to the primary election or runoff primary election, or both,
23 may make an additional contribution of no more than Two Thousand Six
24

1 Hundred Dollars (\$2,600.00) to a candidate committee of a candidate
2 whose name will appear on the general election ballot.

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

19 (E) No person shall make a total contribution to a candidate
20 committee in excess of the aggregate contribution limits of
21 subsections (A), (B) and (C) or in excess of Two Thousand Six
22 Hundred Dollars (\$2,600.00) to the candidate committee of a
23 candidate who is unopposed for election.

1 (F) No candidate committee shall make to another candidate
2 committee, and the receiving candidate committee shall not accept, a
3 total contribution in excess of Two Thousand Six Hundred Dollars
4 (\$2,600.00) in the aggregate for all three elections or for the
5 benefit of a candidate who is unopposed for election.

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

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

1 general elections that occur after the limitations are adjusted but
2 before the regular primary, runoff primary or general elections.

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

10 SECTION 9. AMENDATORY Ethics Rule 4.22 is amended to
11 read as follows:

12 A state officer or employee may apply to the Commission for a
13 waiver of a Rule based on a preexisting relationship between the
14 state officer or employee and a person whose status restricts or
15 prohibits certain activities under these Rules. The Commission
16 shall have exclusive authority and discretion to grant a waiver on a
17 case-by-case basis, based upon the totality of circumstances and a
18 finding that the purposes of these Rules will not be impeded or
19 hindered by the waiver. A waiver shall have only prospective
20 application. The Commission may request whatever information it
21 deems appropriate from an applicant, including but not limited to
22 verified statements by the applicant and/or the person with whom a
23 preexisting relationship is claimed. The restrictions between a
24 state officer or employee and a person whose status restricts or

1 prohibits certain activities under these Rules shall not apply when
2 the two are family members.

3 SECTION 10. AMENDATORY Ethics Rule 5.16 is amended to
4 read as follows:

5 A lobbyist principal that employs or retains a legislative
6 liaison or legislative lobbyist may provide food and beverage for
7 any event held within the Capitol building to which all members of a
8 committee or subcommittee of either House of the Legislature
9 identified in the Rules or Journal of the respective House are
10 invited and which is attended by a majority of members of the
11 committee or subcommittee no more than once per calendar year for
12 any such committee or subcommittee, provided the event is reported
13 as provided by these Rules. More than one lobbyist principal may
14 provide food and beverage for such an event, but no lobbyist
15 principal shall participate in more than one such event per calendar
16 year for any committee or subcommittee. "The reporting provision of
17 this section shall not include legislators who are not members of
18 the committee or subcommittee, nor shall it include legislative
19 staff members who do not officially or regularly provide staff
20 services for the committee or subcommittee."

21 SECTION 11. AMENDATORY Ethics Rule 5.25 is amended to
22 read as follows:

23 A state officer or employee may apply to the Commission for a
24 waiver of a Rule based on a preexisting relationship between the

1 state officer or employee and a legislative liaison, legislative
2 lobbyist or executive lobbyist. The Commission shall have exclusive
3 authority and discretion to grant a waiver on a case-by-case basis,
4 based upon the totality of circumstances and a finding that the
5 purposes of these Rules will not be impeded or hindered by the
6 waiver. A waiver shall have only prospective application. The
7 Commission may request whatever information it deems appropriate
8 from an applicant, including but not limited to verified statements
9 by the applicant and/or the legislative liaison, legislative
10 lobbyist or executive lobbyist with whom a preexisting relationship
11 is claimed. The restrictions between a state officer or employee
12 and a legislative liaison, legislative lobbyist or executive
13 lobbyist shall not apply when the two are family members.

14 SECTION 12. AMENDATORY Ethics Rule 6.3 is amended to
15 read as follows:

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

19 B. Any person other than a member or an employee of the
20 Commission who files a written complaint alleging a violation of any
21 Rule shall (1) cite the Rule or Rules alleged to have been violated,
22 (2) describe in detail the facts alleged to have caused a violation
23 of a Rule to occur and the name of any individual involved in the
24 alleged violation, (3) certify that he or she has personal knowledge

1 of the facts alleged. It shall be a violation of these Rules for
2 any person to willfully, knowingly and without probable cause make a
3 false complaint alleging a violation of these Rules. A frivolous
4 complaint shall be deemed to be a violation of these Rules by the
5 person making the complaint. A frivolous complaint means the
6 complaint was knowingly asserted in bad faith, was unsupported by
7 any credible evidence, was not grounded in fact, or was unwarranted
8 by existing law. Any person who files a written complaint shall, by
9 doing so, submit to the jurisdiction of the Commission for purposes
10 of this paragraph. It shall be a violation of these Rules for any
11 state officer or employee to take retaliatory action against any
12 subordinate state officer or employee because the subordinate state
13 officer or employee filed a complaint other than a false complaint
14 or a frivolous complaint.