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# Oklahoma Ethics Law

Constitutional Provisions

Statutes

Ethics Rules

Compiled by the Oklahoma Ethics Commission

July 1, 2016

Version 2016.1

“This publication is issued by the Oklahoma Ethics Commission as authorized by Executive Director, Ashley Kemp, pursuant to Ethics Rule 1.8, and is located at the following website: <http://www.ethics.ok.gov>. This publication has been submitted in compliance with Section 3-114 of Title 65 of the Oklahoma Statutes.” Ethics Laws are updated annually in July. This document was updated on July 1, 2016.

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# OKLAHOMA CONSTITUTION ARTICLE XXIX.

## ETHICS COMMISSION

### § 1. ~~Ethics Commission–Appointments–Qualifications–Terms–Vacancies–Quorum~~

A. There is hereby created the Ethics Commission which shall consist of five members. The Governor, Attorney General, President Pro Tempore of the Senate, Speaker of the House of Representatives, and Chief Justice of the Supreme Court shall each appoint a person who is a registered voter of this State to the Commission. The initial terms of the Governor's and Attorney General's appointees shall be one year; the initial terms of the President Pro Tempore's and Speaker's appointees shall be three years, and the initial term of the Chief Justice's appointee shall be five years.

B. No congressional district shall be represented by more than one Commissioner, and no more than three persons of the same political registration shall serve on the Ethics Commission at the same time.

C. After the initial terms, members of the Ethics Commission shall serve terms of five years. No person shall be appointed to the Commission more than two times in succession, except the initial members who serve less than five-year terms may be appointed three times in succession. A vacancy on the Commission shall be filled for the remainder of the unexpired term by the appointing author.

D. The members of the Commission shall choose a chair from among themselves.

E. The term of office for a Commissioner shall commence at noon on the second Monday in July.

F. No member of the Ethics Commission shall be eligible for elected office for two years after completing his or her term.

G. A majority of the members serving shall constitute a quorum.

### § 2. ~~Appropriation–Compensation–Staff~~

A. The Ethics Commission shall receive an annual appropriation by the Legislature sufficient to enable it to perform its duties as set forth in this Constitutional Amendment. Any funds appropriated to the Ethics Commission, which remain unspent at the end of the fiscal year shall be returned to the general revenue fund. The Commission shall present its proposed budget to the Governor and the Legislature on the second day of each legislature session.

B. The Commissioners shall receive reimbursement for travel, lodging, and meals while on official business as provided for other officers of the State, but they shall not be otherwise compensated.

C. The Commission may employ an executive director and other staff, including attorneys, necessary to fulfill its duties.

### § 3. ~~Ethics Rules~~

A. After public hearing, the Ethics Commission shall promulgate rules of ethical conduct for campaigns for elective state office and for campaigns for initiatives and referenda, including civil penalties for violation of these rules.

B. After public hearing, the Ethics Commission shall promulgate rules of ethical conduct for state officers and employees, including civil penalties for violation of these rules.

C. Newly promulgated rules shall be presented to each House of the Legislature and to the Governor on the second day of each session of the Legislature. If these rules are not disapproved by joint resolution, subject to veto by the Governor, during the same legislative session, they shall be effective. In the event the Governor vetoes a joint resolution disapproving any Ethics Commission's rules, the procedure shall be the same as for the veto of any other bill or joint resolution. Effective Ethics Commission rules shall be published in the official statutes of the State.

D. Effective Ethics Commission rules may be repealed or modified by the Commission, and the repeal or modification shall be submitted to the Legislature and the Governor in the same manner as newly promulgated rules. Effective Ethics Commission rules may also be repealed or modified by law passed by a majority vote of each House of the Legislature. If the Governor vetoes such a law, the procedure shall be the same as for the veto of any other bill or joint resolution.

#### **§ 4. Investigation–Decision–Subpoena Power**

A. The Ethics Commission shall investigate and, when it deems appropriate, prosecute in the District Court of the County where the violation occurred violations of its rules governing ethical conduct of campaigns, state officers, and state employees. Where uncertainty exists as to the County in which the violation occurred, the Commission may prosecute in any County in which the evidence indicates the violation might have been committed. The Court may assess penalties for violation of ethical standards established by the Commission as provided in the Commission's rules. The Commission may settle investigations and accept payment of fines without Court order. Fines paid shall be deposited in the general revenue fund of the State.

B. The Commission shall also enforce other ethics laws as prescribed by law.

C. For purposes of its investigations, the Ethics Commission shall have subpoena power.

#### **§ 5. Ethics Interpretations**

The Ethics Commission may respond, pursuant to its rules, to questions of specific individuals seeking an interpretation of the Commission's rules governing ethical conduct for campaigns, state officers, or state employees. Any such official interpretation of ethics rules shall be binding on the Commission.

#### **§ 6. Criminal Penalties**

This Article shall not prevent enactment of laws prohibiting certain conduct by political candidates, government officers, government employees, or other persons and providing criminal penalties for such conduct. It also shall not prevent enactment of laws governing ethical conduct of local political subdivision officers and employees, nor shall it prevent enactment of law governing conditions of state government employment.

#### **§ 7. Removal**

A Commissioner shall only be removed from office pursuant to the provisions of Article VIII of this Constitution.

## **TITLE 5, Attorneys and State Bar Code of Judicial Conduct**

Please see the [Oklahoma Code of Judicial Conduct](#), effective April 15, 2011 for rules concerning Judges and Judicial Candidates. Those rules should be read in conjunction with the applicable Ethics Rules.

## **TITLE 17, Corporation Commission**

### **§ 48. Transportation, presents, or gratuities to Corporation Commissioners or employees prohibited—Exceptions**

A. No person who is subject to the regulations of the Corporation Commission, or has interests in any firm, corporation or business which is subject to regulation by the Corporation Commission shall furnish transportation, presents, or gratuities other than as provided by the Rules of the Ethics Commission to any member of the Corporation Commission or any employee thereof; provided, however, during a period beginning one hundred twenty (120) days prior to a primary election, through one hundred twenty (120) days following the general election, any person may make contributions not otherwise prohibited by the Rules of the Ethics Commission to the cost of any current candidate's political campaign. It shall be unlawful for any such member or employee to knowingly accept any such transportation, presents or gratuities from any such person, firm or association.

B. A violation of the provisions of this section shall, upon conviction, be punishable as a misdemeanor.

## **TITLE 20, Courts**

### **§ 1404. Additional Ground for Removal of Judicial Officer**

A. As used in this section, the term "judicial officer" includes the judges of all courts created by the state or municipalities of the state.

B. In addition to the causes specified in Article VII-A, Section 1 of the Oklahoma Constitution, the acts and omissions enumerated below shall constitute grounds for the removal by the Court on the Judiciary of a judicial officer from his office, with or without disqualification to hold a judicial office in the future:

1. The acceptance of a fee, or gratuity, other than that specifically provided by law, for performing any act in a judicial officer's capacity as a judge.
2. Continued willful failure of a judicial officer to comply with rules and directives of the Supreme Court, the presiding judge of his administrative district, or the chief judge of the judicial district.



3. Participation by a judicial officer, while serving as such officer or while a candidate for judicial office, in any partisan political activity. But the term "partisan political activity," as used herein, shall not include the attendance by a judicial officer or by a candidate for a judicial office at a political gathering, upon payment of a nominal admission fee, for the sole purpose of campaigning in his own behalf for a judicial office.
4. Participation by a judicial officer, while serving as such officer or while a candidate for a judicial office, in any election campaign other than that for his own election to a judicial office.
5. A judicial officer becoming a candidate for any nonjudicial office or for another judicial office whose term is to commence before the expiration of his present term of office; provided that no judge holding a nonelective judgeship shall become a candidate in a race in which the incumbent seeks to retain an elective judicial office unless he first resign his appointive judgeship.
6. A judicial officer, while serving as such officer or while a candidate for a judicial office, making publicly known in his campaign material or speeches, or knowingly permitting others to make publicly known, either directly or by implication, his political party affiliation.

C. Violation by a judicial officer of the Code of Judicial Conduct as adopted by the Supreme Court of Oklahoma on July 15, 1974, or as may be thereafter amended, may constitute grounds for the removal by the court on the judiciary of a judicial officer from office, with or without disqualification to hold a judicial office in the future.

## **Excerpts from TITLE 21, Crimes and Punishments**

### **Crimes Relating to Elections**

#### **§ 187 Definitions**

As used in this section through Section 187.2 of this title:

1. "Campaign" means and includes all activities for or against the election of a candidate for elective state office or for or against a state question;
2. "Candidate" means an individual who has filed or should have filed a statement of organization for a candidate committee for state office with the Ethics Commission as required by its Rules. A candidate committee shall include committees for candidates for partisan elective offices, for nonpartisan judicial offices and for judicial retention offices;
3. "Candidate committee" means the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate's campaign, including the campaign of a judicial retention candidate;
4. "Contribution" means any gift, subscription, loan, guarantee or forgiveness of a loan,

conveyance, advance, payment, distribution or deposit of money made to, or anything of value given to, or an expenditure other than an independent expenditure made on behalf of a political party, political action committee or candidate committee, but shall not include the value of services provided without compensation by an individual who volunteers those services;

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

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

7. "Local office" means all elective offices for which a declaration of candidacy is filed with the secretary of any county election board;

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

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

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

11. "State office" means all elective offices for which declarations of candidacy are filed with the Secretary of the State Election Board;

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

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

*Amended 2014 by SB 1744 [Effective January 1, 2015].*

### **§ 187.1. Limitations on campaign contributions**

A. No person may contribute more than:

1. The limits set forth in the Rules of the Ethics Commission to a political party committee or political action committee;
2. The limits set forth in the Rules of the Ethics Commission to a candidate committee for a candidate for state office; or
3. The limits set forth in the Rules of the Ethics Commission to a campaign committee for a candidate for municipal office or to a campaign committee for a candidate for county office or to a municipal or county political committee.

B. No candidate, candidate committee, or other committee shall knowingly accept contributions in excess of the amounts provided herein.

C. These restrictions shall not apply to a committee supporting or opposing a state question or local question or to a candidate making a contribution of his or her own funds to his or her own campaign.

D. It shall be prohibited for a campaign contribution to be made to a particular candidate or committee through an intermediary or conduit for the purpose of:

1. Evading requirements of effective Rules of the Ethics Commission promulgated pursuant to Article XXIX of the Oklahoma Constitution or law relating to the reporting of contributions and expenditures; or
2. Exceeding the contribution limitations imposed by subsection A of this section.

Any person making a contribution in violation of this subsection or serving as an intermediary or conduit for such a contribution, upon conviction, shall be subject to the penalties prescribed in subsections E and F of this section.

E. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed exceeds the contribution limitation specified in subsection A of this section by Five Thousand Dollars (\$5,000.00) or more, upon conviction, shall be guilty of a felony punishable by a fine of up to four times the amount exceeding the contribution limitation or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment.

F. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed is less than Five Thousand Dollars (\$5,000.00) in excess of the contribution limitation specified in subsection A of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than three times the amount exceeding the contribution limitation or One Thousand Dollars (\$1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

G. No lobbyist or lobbyist principal as defined in the Rules of the Ethics Commission shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for a member of the Oklahoma Legislature or a candidate for a state legislative office during any regular legislative session, beginning the first Monday in February, through its adjournment, and for five (5) calendar days following sine die adjournment. A member of the Oklahoma Legislature or a candidate for a state legislative office shall not intentionally solicit or accept a contribution from a lobbyist or lobbyist principal as defined in the Rules of the Ethics Commission during any regular legislative session and for five (5) calendar days after sine die adjournment. For the purposes of this subsection, a candidate shall mean any person who has filed a statement of organization for a state legislative office pursuant to the Rules of the Ethics Commission.

H. Any person who knowingly and willfully violates any provision of subsection G of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

*Amended 2008 [Subsections G and H effective November 1, 2008]; Amended 2014 by SB 1744 [Effective January 1, 2015].*

**§ 187.2. Prohibition on corporate contributions to candidate campaigns—Penalties**

A. 1. No corporation or labor union may make a contribution to a political party, a political action committee or a candidate committee, and no political party committee, political action committee or candidate committee may accept a contribution from a corporation or labor union, except as permitted by law or the Rules of the Ethics Commission.

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

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

B. No candidate, candidate committee, political party committee, political action committee or other committee shall knowingly accept contributions given in violation of the provisions of subsection A of this section.

C. The provisions of this section shall not apply to a bank, savings and loan association or credit union loaning money to a candidate in connection with his or her own campaign which is to be repaid with interest at a rate comparable to that of loans for equivalent amounts for other purposes.

D. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed exceeds Five Thousand Dollars (\$5,000.00), upon conviction, shall be guilty of a felony punishable by a fine of up to four times the amount of the prohibited contribution or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment.

E. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed is Five Thousand Dollars (\$5,000.00) or less, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than three times the amount of the prohibited contribution or One Thousand Dollars (\$1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

*Amended 2014 by SB 1744 [Effective January 1, 2015.]*

## **Soliciting Funds to Promote Legislation**

### **§ 334. Compensating Lobbyists on Contingent Basis Prohibited - Penalty**

No person may retain or employ a lobbyist, as defined in Section 4249 of Title 74\* of this act, for compensation contingent in whole or in part on the passage or defeat of any official action or the approval or veto of any legislation, issuance of an executive order or approval or denial of a pardon or parole by the Governor. No lobbyist may accept any employment or render any service for compensation contingent on the passage or defeat of any legislation or the approval or veto of any legislation by the Governor. Any person convicted of violating the provisions of this section shall be guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the state penitentiary not exceeding two (2) years or by both such fine and imprisonment.

*\*Section 4249 of Title 74 of the Oklahoma Statutes. Amended 1999.*

### **§ 360. Coercing political participation of state employees**

No public employee or public officer, as defined in Section 304 of Title 51 of the Oklahoma Statutes, shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes. No public employee or official shall retaliate against any employee for exercising his or her rights or for not participating in permitted political activities as provided in Ethics Commission Rule 10-1-4.<sup>1</sup> Any person convicted of willfully violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not longer than two (2) years, or by both said fine and imprisonment.

*1Title 74, Ch. 62, App. 1, 257:10-1-4. Amended 1999.*

## **Crimes Relating to Public Records and Documents**

### **§ 463. Offering false or forged instruments for record**

Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, shall be guilty of a felony.

## Lotteries

### § 1051. Lottery Defined - Exceptions

A. A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid, or promised, or agreed to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share of or interest in such property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by a lot or chance, whether called a lottery, a raffle, or a gift enterprise, or by whatever name the same may be known. "Valuable consideration" shall be construed to mean money or goods of actual pecuniary value. Provided, it shall not be a violation of the lottery or gambling laws of this state for:

1. The Oklahoma Lottery Commission to conduct a lottery pursuant to the provisions of the Oklahoma Education Lottery Act;

2. A bona fide resident merchant or merchants of a city or town, acting in conjunction with the Chamber of Commerce or Commercial Club of this state thereof, to issue free of charge numbered tickets on sales of merchandise, the corresponding stub of one or more of which tickets to be drawn or chosen by lot by a representative or representatives of the Chamber of Commerce or of the Commercial Club in the manner set forth on the tickets, the numbered stub or stubs so drawn to entitle the holder of the corresponding numbered issued ticket to a valuable prize donated by the merchant;

3. A bona fide community chest welfare fund on a military post or reservation to issue numbered tickets in conjunction with voluntary contributions to the fund, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of a military commander, the stub or stubs so drawn entitling the ticket holder to a prize of some value. Provided, however, that no person shall sell tickets or receive contributions to the fund off the military reservation; or

4. a. A qualified organization to raise funds by issuing numbered tickets in conjunction with voluntary contributions to the qualified organization, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of an official of the qualified organization, the stub or stubs so drawn entitling the ticket holder to a prize. As used in this paragraph, "qualified organization" means:

(1) a church,

(2) a public or private school accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs,

(3) a student group or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,

(4) a parent-teacher association or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,

- (5) fire departments,
  - (6) police departments,
  - (7) organizations that are exempt from taxation pursuant to the provisions of subsection (c) of Section 501 of the United States Internal Revenue Code, as amended, 26 U.S.C., Section 501(c) et seq., or
  - (8) an "organization" as such term is defined in paragraph 20 of Section 402 of Title 3A of the Oklahoma Statutes.
- b. Any raffle conducted by a qualified organization shall be conducted by members of the qualified organization without compensation to any member. The organization shall not hire or contract with any person or business association, corporation, partnership, limited partnership or limited liability company to conduct a raffle, to sell raffle tickets or to solicit contributions in connection with a raffle on behalf of the organization.

B. If the Oklahoma Education Lottery Act ceases to have the force and effect of law pursuant to Section 36 of the Oklahoma Education Lottery Act, the provisions of paragraph 3 of subsection A of this section shall cease to have the force and effect of law.

*Amended by Laws 1929; Amended by Laws 1957; Amended by Laws 2003; Amended by Laws 2009 [Effective March 12, 2009].*

## **TITLE 70, Chapter 50. – Higher Education Code**

### **§ 3241.2. Instructional Materials Policy – No Inducement Payments**

A. No employee or department at an institution within The Oklahoma State System of Higher Education shall demand or receive any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, as an inducement for requiring students enrolled at the institution to purchase specific textbooks or instructional material required for coursework or instruction. An employee or department of an institution may receive:

1. Sample copies of textbooks or instructional material, instructor copies of textbooks or instructional material, or other instructional material, that are not to be sold by faculty, staff, or bookstores;
2. Royalties or other compensation from sales of textbooks or instructional materials that include the writing or work of the employee;
3. Honoraria for academic peer review of instructional materials; and
4. Training in the use of instructional materials and technologies.

B. No instructional material vendor or bookstores located on campus or bookstores which contract with the institution to provide bookstore services to students shall solicit higher education faculty and staff members for the purpose of selling free review instructional materials that have been provided by a publisher at no charge to the faculty or staff. Bookstores shall not permit book wholesalers conducting buybacks on campus to accept review instructional

materials from faculty or staff. No bookstore shall engage in any trade of any instructional material marked as or identified as free review instructional materials.

*Amended by Laws 2007 [Effective November 1, 2007].*

## **TITLE 74, Chapter 47C. – Oklahoma Tourism, Parks and Recreation Act**

### **§ 2203. Oklahoma Tourism and Recreation Commission –Appointment of Member**

D. With the exception of the ex officio, no member of the Commission shall seek election to a federal, state, or county office while serving on the Commission.

*Amended by Laws 2005; Amended by Laws 2008 [Effective July 1, 2008].*

## **TITLE 74, Chapter 62. – Ethics Commission Act**

### **Lobbying**

#### **§ 4249. Definitions**

As used in Sections 4250 through 4255 of this title, terms used shall be defined as they are defined in the Rules of the Ethics Commission.

*Amended 2014 by SB 1746 [Effective January 1, 2015]*

#### **§ 4250. Lobbyist registration–Termination**

A. Every lobbyist shall be required to register with the Ethics Commission no later than December 31 of each year or within five (5) days after engaging in lobbying on behalf of one or more lobbyist principals, and pay a registration fee of One Hundred Dollars (\$100.00). All monies collected from this registration fee shall be deposited with the State Treasurer to the credit of the Ethics Commission Fund. Lobbyists shall be required to file reports in accordance with the Rules of the Ethics Commission.

B. All registrations and expenditure reports filed under this section shall be public records and shall be made available for public inspection pursuant to the Open Records Act.

*Amended Laws 2004 [Effective November 1, 2004]. Amended 2013 by SB 557, effective May 24, 2013. Amended 2014 by SB 1746 [Effective January 1, 2015]*

#### **§ 4251. False Statements Prohibited**

No person required to be registered as a lobbyist with the Ethics Commission may:

1. Knowingly or willfully make any false statement or representation of the facts to



- a member of the legislative branch, judicial branch or executive branch; or
2. Knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative branch, judicial branch or executive branch without notifying such member in writing of the truth.

*Amended 2014 by SB 1746 [Effective January 1, 2015].*

#### **§ 4252. Invitation Required for Lobbyist to Go On Floor of Either House of Legislature**

No lobbyist may go on the floor of either house of the Legislature while that house is in session, except on invitation of that house.

*Effective January 1, 1995.*

#### **§ 4253. Use of registration forms and activities reports**

No information copied from lobbyist registration forms shall be confidential.

*Effective July 1, 1995. Amended 2014 by SB 1746 [Effective January 1, 2015].*

#### **§ 4254. State officers or state employees— Additional compensation for lobbying**

No state officer or state employee shall receive any additional compensation or reimbursement from any person for personally engaging in lobbying, other than compensation or reimbursements provided by law for that member's job position.

*Effective January 1, 1995.*

#### **§ 4255. Penalties for Violations**

A. Any person who knowingly and willfully violates any provision of Sections 4249 through this section of this title commits a misdemeanor. Nothing in Sections 4249 through this section of this title relieves a person of criminal responsibility under the laws of this state relating to perjury.

B. Any person who knowingly and willfully violates any provision of Sections 4249 through this section of this title a third and subsequent time, in addition to any other penalties provided herein, shall be prohibited from further lobbying for a period of five (5) years. If any person having been so prohibited, lobbies while prohibited, such person shall be permanently prohibited from lobbying and shall be guilty of a felony.

*Amended 2014 by SB 1746 [Effective January 1, 2015].*

## Miscellaneous Provisions

### § 4256. Late Filing Fees – Penalties for Campaign Reporting Rule Violations

A. Every candidate or candidate committee for state or county office and every other committee failing to file registrations and reports of contributions and expenditures or statements of inactivity on or before the days specified in Chapter 10 of the Rules of the Ethics Commission shall be assessed by the Ethics Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed One Thousand Dollars (\$1,000.00).

B. Committees campaigning for or against an initiative or referendum petition, legislative referendum, or a state question who fail to file reports of contributions and expenditures on or before the days specified in Chapter 10 of the Rules of the Ethics Commission shall be assessed by the Ethics Commission a late filing fee of up to One Thousand Dollars (\$1,000.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fee assessed per report filing shall not exceed Ten Thousand Dollars (\$10,000.00).

C. Every person failing to file a statement of financial interests or financial disclosure statement on or before the days specified in Chapter 15 of the Rules of the Ethics Commission shall be assessed by the Ethics Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day the statement remains unfiled; provided, the total amount of such fees assessed per statement shall not exceed One Thousand Dollars (\$1,000.00).

D. The treasurer, except for treasurers for candidates or candidate committees, may be liable for the late fee. Failure to file a registration, report or statement shall be deemed to be a separate offense for each day that the registration, report or statement remains unfiled after it becomes due. The first Twenty-five Thousand Dollars (\$25,000.00) per calendar year derived from fees collected pursuant to the provisions of this section shall be deposited with the State Treasurer to the credit of the Ethics Commission Fund and any amount in excess of Twenty-five Thousand Dollars (\$25,000.00) per calendar year shall be deposited in the General Revenue Fund. Candidates or candidate committees shall not pay such fees from campaign funds.

*Amended Laws 2004 [Effective November 1, 2004]. Amended Laws 2010, House Bill 2408, § 2, emerg. eff. July 1, 2010.*

### § 4257. Former Member of Board or Commission – Employment – Violations

A. Except as otherwise provided for by this section, no state board or commission shall employ any former member of the board or commission.

- B.
1. A state board or commission may employ a former member of the board or commission if at least one (1) year has passed since the term of office of the former member has expired or since the date the former member resigned from the board or commission.
  2. An institution of higher education may employ a former member of the board of regents which has oversight over the institution if at least six (6) months have

passed since the term of office of the former member has expired or since the date the former member resigned from the board of regents.

- C. Notwithstanding subsection B of this section, a state board or commission may employ:
1. A state employee who is an ex officio member of that board or commission and who is required by law to be a member of that board or commission; or
  2. A former statewide elected official who was an ex officio member of that board or commission if the former statewide elected official completed the term in office. This subsection shall not apply to a statewide elected official who is an ex officio member of a board or commission.
- D. Any person who willfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment for not longer than six (6) months or by both such fine and imprisonment, and upon conviction shall be ineligible for appointment to or employment in a position in state service and, if at the time of conviction is an employee of the state, the employee shall forfeit the position.

*Amended Laws 2004 [Effective June 8, 2004]. Amended Laws 2008 [Effective Feb. 28, 2008].*

#### **§ 4258. Creation of Ethics Commission Fund**

There is hereby created in the State Treasury a revolving fund for the Ethics Commission to be designated the "Ethics Commission Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all fees received by the Commission. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for any expenses incurred in the implementation of its duties as provided by law. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

*Amended Laws 2004 [Effective June 8, 2004]. Amended by Laws 2012. Amended by Senate Bill 347 [Effective July 1, 2015]*

#### **§ 4258.1 Creation of Political Subdivisions Enforcement Fund**

There is hereby created in the State Treasury a revolving fund for the Ethics Commission to be designated the "Political Subdivisions Enforcement Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds appropriated by the Legislature to the fund and all late filing fees, fines from settlement agreements and fines assessed by the District Court for violations of the County Campaign Finance and Financial Disclosure Act, the Municipal Campaign Finance and Financial Disclosure Act, and the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for any expenses incurred by the Political

Subdivisions Enforcement Division. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. No later than January 31, 2016, and every year thereafter, the State Treasurer shall transfer to the General Revenue Fund of the state any monies in the fund in excess of One Hundred Fifty Thousand Dollars (\$150,000.00). If at any time the amount of money in the fund is less than One Hundred Thousand Dollars (\$100,000.00), the Executive Director of the Commission may order that there be no further enforcement by the Political Subdivisions Enforcement Division until the amount of money in the fund is more than One Hundred Thousand Dollars (\$100,000.00).

*Added 2014 by SB 1745 [Effective January 1, 2015]*

#### **§ 4261. Design and Internet Placement of Compliance Forms**

The Ethics Commission shall design all forms required for compliance with the County Campaign Finance and Financial Disclosure Act, the Municipal Campaign Finance and Financial Disclosure Act and the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act. Such forms shall be made available in electronic form on the Commission's Internet website.

*Added 2014 by SB 1745 [Effective January 1, 2015]*

#### **§ 4262. Establishment of Political Subdivisions Enforcement Division**

For purposes of enforcing the County Campaign Finance and Financial Disclosure Act, the Municipal Campaign Finance and Financial Disclosure Act, and the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act, the Ethics Commission shall establish a special division to be known as the "Political Subdivisions Enforcement Division". The Executive Director of the Ethics Commission may employ staff for the Political Subdivisions Enforcement Division, or may contract for services to be performed by the Division, or both.

*Added 2014 by SB 1745 [Effective January 1, 2015]*

## TITLE 74, CHAPTER 62 - APPENDIX

### TITLE 257. ETHICS COMMISSION

#### 257:1-1-2. Definitions

**"Accept"**, with reference to a contribution, means failure by a candidate, treasurer, deputy treasurer or agent of a committee to expressly and unconditionally reject and return a tendered contribution to the contributor within six (6) business days from receipt of the tender.

**"Address"** means mailing address unless otherwise specified in this title.

**"Affiliated"** or **"Connected entity"** means any entity which directly or indirectly establishes, administers or financially supports a political entity.

**"Ballot measure"** means an initiative, referendum, legislative referendum, legislative initiative, state question, or any proposition or measure submitted to voters for their approval or rejection at a statewide election.

**"Business"** means any corporation, limited liability company, partnership, limited liability partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted for profit.

**"Business day"** means any day except a Saturday, Sunday or a legal holiday designated in Section 82.1 of Title 25 of the Oklahoma Statutes.

**"Campaign"** means and includes all activities for or against the election of a candidate to a specific state office for a specific term or the passage or defeat of a ballot measure from the date of acceptance of the first contribution, the making of the first expenditure, or the filing of a declaration of candidacy, whichever is first, until a final campaign contributions and expenditures report is filed.

**"Campaign expenditure"** is an expenditure not otherwise prohibited which is used to defray the costs of a candidate's campaign including, without limitation, advertising, travel and food while campaigning, and costs for campaign workers, whether paid or volunteers.

**"Candidate"** means a person who seeks nomination or election to state office. An individual is a candidate when the individual:

- (1) has filed a declaration of candidacy for any state office with the Secretary of the State Election Board;
- (2) has filed a declaration of candidacy with the Secretary of State and has drawn active opposition;
- (3) is nominated as a "substitute candidate" pursuant to Section 1-105 of Title 26 of the Oklahoma Statutes; or
- (4) solicits or accepts contributions, makes expenditures or gives consent to an individual, organization, party committee, or other committee to solicit or accept contributions or make expenditures to secure election to any state office at any time, whether or not the office for which the individual will seek nomination or election is known when the:
  - (A) solicitation is made;
  - (B) contribution is accepted; or
  - (C) expenditure is made.

The term "candidate" shall include a person whose candidacy is unopposed.

**"Candidate committee"** means the committee, consisting of one or more persons who may be the candidate only, designated by a candidate to promote the candidate's candidacy and serve as the recipient of all contributions and the disbursing officer of all expenditures for the candidate.

**"Charitable organization"** means an entity described in 501 (c) (3) of Title 26 of the United States Code, 26 U.S.C., Section 501 (c) (3), as it currently exists or as it may be amended.

**"Clearly identified"** means the candidate's name, nickname, photograph or drawing appears, or the identity of the candidate is otherwise apparent including, but not limited to, an unambiguous reference such as "the Governor," "your State Representative," or "the incumbent," or including, but not limited to, an unambiguous reference to his or her status as a candidate such as "the Democratic gubernatorial nominee" or "the Republican candidate for State Senate District No. 49 in Oklahoma".

**"Commission"** means the Ethics Commission.

**"Committee"** means a candidate committee, political action committee, or party committee.

**"Compensation"**

(1) means:

- (A) an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, pledge, or transfer of money or anything of value; or
- (B) a contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

(2) The term does not include reimbursement of expenses:

- (A) if the reimbursement:
  - (i) does not exceed the amount expended for the expenses; and
  - (ii) is substantiated by an itemization of expenses; or
- (B) if the reimbursement is authorized by law.

**"Contribution"**

(1) means and includes:

- (A) a gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, distribution, or deposit of money or anything of value made to and with the knowledge and for the benefit of a committee, which expressly advocates the election or defeat of a clearly identified candidate or candidates or the passage or defeat of a ballot measure or ballot measures, or for reducing the debt of such committee;
- (B) an expenditure expressly advocating the election or defeat of a clearly identified candidate or candidates or the passage or defeat of a ballot measure or ballot measures made by a person or committee, other than a candidate committee, with the cooperation of, or in consultation with, a committee, a candidate, candidate committee, or candidate's agent or that

- is made in concert with, or at the request or suggestion of, a candidate, candidate committee, or candidate's agent;
- (C) the difference between the payment to a person, other than a candidate or committee, of compensation for personal services or products to the candidate or committee, and the reasonable and customary rate charged by the person for like services or products in like quantities when the candidate or committee has knowledge of the discounted services or products;
  - (D) anything of value received by a committee that is transferred from another committee or other source;
  - (E) sums paid for tickets for a political event such as a reception, rally, or a similar fundraising event; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting and contribution limitations requirements of Chapter 10 of this title, by the actual cost of consumables furnished by the committee in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution;
  - (F) the candidate's own money used on behalf of that candidate's candidacy; and
  - (G) the difference between the open market value and a discount or rebate:
    - (i) not extended to the public generally; or
    - (ii) by a television or radio station not extended equally to all candidates for the same office.
- (2) The term "contribution" shall not include:
- (A) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or committee;
  - (B) for purposes of the contribution limits set forth in Section 2 of Chapter 10, the transfer of any funds by a political action committee to an affiliated or connected political action committee or by a party committee to an affiliated or connected party committee, provided the committees have been established as provided by law and the transferring committee and the receiving committee have been established, directly or indirectly, and are administered or financially supported, directly or indirectly, by a common entity; or
  - (C) any payment or obligation incurred by a corporation, labor organization, membership organization, cooperative or corporation without capital stock for the establishment, administration, and solicitation of contributions to a separate segregated fund or political action committee to be utilized for political purposes;
  - (D) a nonreimbursed payment made by an individual for the individual's own travel expenses on behalf of a committee;
  - (E) a payment made by an occupant of a residence or office for costs related to a meeting or fundraising event held in the occupant's residence or office if the costs for the meeting or fundraising event do not exceed five

hundred dollars (\$500). However, if the occupant hosts more than one (1) event in an election cycle for the same beneficiary, all subsequent payments that exceed five hundred dollars (\$500) in the aggregate are contributions;

- (F) a loan of money made in the ordinary course of business by a financial institution authorized to transact business in this state at terms and interest rates generally available to a member of the public without regard to that person's status as a state officer or state employee or a candidate for state office by the institution;
  - (G) a communication by a corporation, labor organization, or association aimed at its employees, members, owners, stockholders, directors, executive administrative personnel, or their families;
  - (H) a tender of a contribution if the tender is not accepted, including use as collateral, or is transferred to the state as provided in Subsection (i) of Section 2 of Chapter 10 of this title;
  - (I) the fair market value earnings of a sole proprietorship, partnership, limited partnership, limited liability partnership, or limited liability company; or
  - (J) a communication which does not expressly advocate the election or defeat of a clearly identified candidate or candidates or the passage or defeat of a ballot measure or ballot measures.
- (3) If any person makes, or contracts to make, any disbursement for any electioneering communication as defined in this section; and such disbursement is coordinated with a:
- (A) candidate or authorized committee of such candidate, or agent or official of any such candidate, such disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication and as an expenditure by that candidate committee;
  - (B) state or local political party or committee thereof, or agent or official of such political party, such disbursement or contracting shall be treated as a contribution to the political party of the candidate or candidates supported by the electioneering communication and as an expenditure by that candidate's or candidates' party; or
  - (C) ballot measure committee, or an agent or official of any such ballot measure committee; such disbursement or contracting shall be treated as a contribution to the ballot measure committee supported by the electioneering communication and as an expenditure by that ballot measure committee.

**"Contributor"** means and includes every person who makes a contribution.

**"Day"** means calendar day, except that in instances where a report or other document is required to be filed with the Commission and the calendar day upon which such a report or document must be filed falls on a day other than a business day, any such report or document may be filed on the immediate next business day.

**"Election"** means a Primary, Run-off Primary, General, or Special Election in which a candidate or ballot measure is on the ballot.



**"Election board"** means the State Election Board in reference to candidates who file a declaration of candidacy with the State Election Board.

**"Election cycle"** means the period beginning the day after the General Election, up to and including the following General Election, including a Primary, Special Primary and the following Special General Election.

**"Electioneering communication"**

- (1) means any communication or series of communications that is sent by handbill or direct mail; broadcast by radio, television, cable or satellite; or appear in a newspaper, magazine or on a billboard which –
  - (A) refer to one candidate or one or more of the same clearly identified candidates for state office or one ballot measure or one or more of the same ballot measures;
  - (B) are made within –
    - (i) 60 days before a general or special election for the office sought by the candidate or candidates or the ballot measure or ballot measures; or
    - (ii) 30 days before a primary or runoff primary election for the office sought by the candidate or candidates; and
  - (C) are targeted to the relevant electorate;
- (2) does not mean –
  - (A) a communication or series of communications appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political action committee, candidate, candidate committee or ballot measure committee;
  - (B) a communication or series of communications which constitute an expenditure or an independent expenditure under this chapter; or
  - (C) a communication or series of communications which constitute a candidate debate or forum or which solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum;
- (3) For purposes of this definition, a communication or series of communications which refer to one or more clearly identified candidates for state office or one or more ballot measures are ‘targeted to the relevant electorate’ if the communication or series of communications have been or can be received by –
  - (A) 2,500 or more persons in the district the candidate seeks to represent in the case of a candidate for the Oklahoma State House of Representatives;
  - (B) 5,000 or more in the district the candidate seeks to represent in the case of a candidate for district attorney, district judge, associate district judge, or the Oklahoma State Senate; or
  - (C) 25,000 or more persons in the State of Oklahoma in the case of a candidate for a statewide elective office or ballot measure.

**"Elective officer"** means an individual elected to a state office or an individual who is appointed to fill a vacancy in a state office.

**"Expenditure":**

- (1) means a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee deposit, transfer of funds between committees, or a gift made by a committee which is used to expressly advocate the election or defeat of a clearly identified candidate or candidates or the passage or defeat of a ballot measure or ballot measures.
- (2) An expenditure does not include the following:
  - (A) a loan of money, made in the ordinary course of business, by a financial institution authorized to transact business in this state;
  - (B) a communication by a corporation, labor organization, or association aimed at its employees, members, owners, stockholders, executive administrative personnel, or their families;
  - (C) uncompensated services provided by an individual volunteering the individual's time; or
  - (D) a transfer of funds to another committee if such transfer is not accepted; or
  - (E) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political action committee, candidate, candidate committee or ballot measure committee.

**"Expenditures incurred"** means an amount owed to a creditor for purchase of delivered goods or completed services.

**"Family"** means an individual, his or her spouse, if any, and all children under the age of eighteen (18) years residing in the same household.

**"Filer"** means an individual who is required to file a report or statement pursuant to this title.

**"For the purpose of"** as used in Section 10-1-14(a)(13) shall mean that the funds are either (1) received by an organization or corporation in response to a solicitation specifically requesting funds to pay for an independent expenditure or an independent electioneering communication; or (2) specifically designated for independent expenditures or electioneering communications by the donor.

**"Governmental entity"**

- (1) means any department, commission, authority, council, board, bureau, committee, legislative body, agency, state beneficial public trust, or other establishment of the executive, legislative or judicial branch of the State of Oklahoma.
- (2) shall not mean entities of political subdivisions of the State of Oklahoma.

**"Immediate family"** means a child under the age of eighteen (18) years residing in a state officer's or state employee's household, a spouse of a state officer or state employee, and an individual claimed by the state officer or state employee or the state officer's or state employee's spouse as a dependent for tax purposes.

**"Independent expenditure"** means an expenditure made by a person to advocate the election or defeat of a clearly identified candidate or candidates or a ballot measure or ballot

measures, but which is not made to, 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.

**"In-kind contribution or expenditure"** means goods or services provided to or by a person at no charge or for less than their fair market value, but shall not include services provided by a volunteer.

**"Judicial office"** means all elective offices for district judge, associate district judge and offices for which declarations of candidacy are filed with the secretary of state.

**"Loan"** means a transfer of money, property, guarantee, or anything of value in exchange for an obligation, conditional or not, to repay in whole or part.

**"Organization"** means a:

- (1) labor organization;
- (2) collective bargaining organization;
- (3) local, state, or national organization to which a labor organization pays membership or per capita fees, based upon its affiliation and membership; or
- (4) trade or professional association that receives its funds exclusively from membership dues or service fees, whether organized inside or outside the state.

**"Out-of-state"**, with respect to a committee or person, means that the committee or person expends funds to influence an election to a partisan political office outside the State of Oklahoma and that, in the twelve-month period preceding the funding of an independent expenditure or electioneering communication in this state, seventy-five (75%) or more of the committee's or person's total funding spent was spent on elections outside the State of Oklahoma or on federal elections.

**"Party committee"** means a political party or any affiliated or connected entity.

**"Person"** means an individual, corporation, limited liability company, association, proprietorship, firm, partnership, limited liability partnership, limited partnership, joint venture, joint stock company, syndicate, business trust, estate, trust, company, organization, committee, or club, or a group of persons who are voluntarily acting in concert.

**"Political action committee"**

- (1) means a combination of at least two individuals, or a person other than an individual:
  - (A) with the primary purpose of:
    - (i) expressly supporting or opposing a clearly identified candidate or candidates, or a party committee, except those required to file with the Federal Election Commission, or
    - (ii) supporting or opposing a ballot measure; and
  - (B) which accepts or gives contributions or makes expenditures from a joint account aggregating at least five hundred dollars (\$500) during a calendar year.
- (2) does not include:
  - (A) a party committee or a candidate committee;
  - (B) a person other than an individual, when that person makes an expenditure or expenditures from an account to which contributions have not been solicited or accepted from any other persons or individuals; and, the

- expenditure or expenditures are required by these rules to be reported by the recipient committee or committees as a contribution or contributions;
- (C) a combination of individuals, or a person other than an individual, if the combination of individuals, or a person other than an individual, solicits contributions on behalf of a committee; and, any contributions received as a result of the solicitation are forwarded to the committee without being deposited in any account; and, the contributions are required by these rules to be reported by the committee that receives the contributions;
  - (D) a corporation; or
  - (E) a labor union.

**"Political party"** means any political party so recognized for the purpose of having candidates appear on the ballot.

**"State employee"**

- (1) means:
  - (A) an elective or appointed officer or an employee of any governmental entity, except members of the House of Representatives or State Senate; and
  - (B) an employee, other than an adjunct professor, in the service of an institution of higher education comprising the Oklahoma State System of Higher Education.
- (2) does not mean a public member.

**"State office"** means all elective offices for which declarations of candidacy are filed with the Secretary of the State Election Board.

**"State officer"** means an elective, appointed or employed officer, including a public member, in the executive, judicial or legislative branch of the State of Oklahoma.

**"Surplus funds"** arise:

- (1) when a candidate committee has an unexpended balance of funds not otherwise obligated for the purposes specified in Paragraph (1) of Subsection (a) of Section 20 of Chapter 10 of this title; or
- (2) when a committee formed to support or oppose a ballot measure has an unexpended balance of funds not otherwise obligated for any campaign expenditure; or
- (3) when a committee, other than a candidate committee or a ballot measure committee, has an unexpended balance of funds not otherwise obligated to further the committee's purposes.

**"Transfer"** means the movement or exchange of anything of value between committees, except the disposition of surplus funds or material assets by a candidate committee to a party committee in accordance with the dissolution procedure in Sections 19 and 20 of Chapter 10 of this title.

*Amended Laws 1995. Amended Laws 1997. Amended Laws 1998. Amended Laws 1999. Amended Laws 2000. Amended Laws 2001. Amended Laws 2002. Amended Laws 2003. Amended Laws 2005. Amended Laws 2006. Amended Laws 2007. Amended Laws 2008. Amended Laws 2009. Amended Laws 2010. Amended Laws 2011. Amended Laws 2012; Amended 2014, [Effective January 1, 2015]*

## 257:1-1-11. Miscellaneous Civil Penalty Provisions

- (a) **Civil penalties for violations of title.** The Commission may recommend to the district court, and the district court, upon finding that a respondent has violated a provision of this title, may assess one of the following penalties:
- (1) **Civil penalties for non-willful violations.** A person who violates a provision of this title shall be liable for a civil penalty:
    - (A) not to exceed one thousand dollars (\$1,000) per violation for inadvertent disclosure violations in registrations, reports or statements filed under Chapters 10, 15, 20 and 23;
    - (B) not to exceed two thousand dollars (\$2,000) per violation,
      - (i) for inadvertent failure to file registrations, reports, statements or changes in information relating to committee officer vacancies, or
      - (ii) for inadvertent non-disclosure violations;
    - (C) for inadvertent violations not included in Subparagraphs (A) or (B), not to exceed:
      - (i) fifteen thousand dollars (\$15,000) per violation, or
      - (ii) an amount up to three (3) times the amount of the total amount of an unlawful contribution or expenditure, whichever is greater; and
  - (2) **Civil penalties for willful violations.** A person who willfully violates a provision of this title shall be liable for one or more of the following civil penalties:
    - (A) **Fine.** A fine not to exceed fifty thousand dollars (\$50,000);
    - (B) **Administrative debarment.** In the case of a state officer or state employee who has violated Chapter 20 of this title, the person may be prohibited, for not more than five (5) years, from making an oral or written communication or appearance before, with the intent to influence, the governmental entity in which the former officer or employee served;
    - (C) **Censure, suspension or removal from office.** In the case of a:
      - (i) state officer liable to impeachment, a recommendation to the House of Representatives that the officer be removed from office.
      - (ii) state officer not subject to impeachment or a state employee in the classified or unclassified service, a recommendation to the appropriate appointing authority that the state officer or state employee be censured, suspended, or removed from office or employment.
      - (iii) member of the state legislature, a recommendation to the presiding officer of the appropriate chamber of the legislature that the legislator be censured or subject to expulsion from office.
      - (iv) judge not subject to impeachment, a recommendation to the

Oklahoma Supreme Court that the judge be censured or removed from office.

- (3) **Third and subsequent violations.** A person who violates a provision of this title three or more times shall be liable for a fine not to exceed:
    - (A) twenty-five thousand dollars (\$25,000) per violation for inadvertent violations or fifty thousand dollars (\$50,000) for willful violations, or
    - (B) an amount up to three (3) times the amount of the total amount of an unlawful contribution or expenditure, whichever is greater.
  - (4) **For violations relating to or arising out of a candidacy.** The Commission may recommend and the district court may, upon determination of a violation of a provision of Chapter 10 of this title, require the candidate, elective officer, or committee to:
    - (A) forfeit a prohibited contribution or the excessive portion of a contribution to be deposited with the State Treasurer to the credit of the General Revenue Fund; or
    - (B) return a prohibited contribution or the excessive portion of a contribution to the original contributor.
  - (5) **For violations of Chapter 20 or 23.** The Commission may recommend and the district court may, upon determination of a violation of a provision of Chapter 20 or 23 of this title, subject the officer, employee, or lobbyist to the following:
    - (A) forfeiture of gifts, receipts or profits obtained through a violation of Chapter 20 or 23 of this title;
    - (B) voiding of a state action obtained through a violation of the Commission's rules;
    - (C) civil penalties as set forth in this subsection; or
    - (D) a combination of the penalties provided for in this paragraph.
- (b) **Action by other governmental entities.** Nothing in this section shall prevent a governmental entity from conducting its own investigation or taking its own disciplinary action as provided by law with respect to a violation committed by an officer or employee of such governmental entity.
  - (c) **Penalties to General Revenue Fund.** A forfeiture, fine, reimbursement, penalty, or other property collected by the Commission as a penalty under this title shall be deposited with the State Treasurer to the credit of the General Revenue Fund. Tangible personal property other than money collected as a penalty or assessment under this title shall be deposited with and liquidated by the State Treasurer and the proceeds thereof deposited to the credit of the General Revenue Fund.
  - (d) **Liability.** If two (2) or more persons are responsible for an inadvertent violation, they shall be equally liable for a proportionate share of the penalty. If two (2) or more persons are responsible for a willful violation, they shall be jointly and severally liable for said penalty.

## CHAPTER 10.

### CAMPAIGN REPORTING

#### 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.*

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

## **TITLE 74, CHAPTER 62, APPENDIX I**

### **Rule 1 - Administration**

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

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

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

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

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

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

#### **Rule 1.3. Definition.**

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

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

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

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

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

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

- (A) No member of the Commission, while serving as a member of the Commission, shall:
- (1) be a candidate for elected office or hold any other public office;
  - (2) be employed by any state agency; or
  - (3) engage in any political activity, except to register and vote, to privately express opinions on political subjects or candidates, to participate in activities of a civic, community, social, labor, religious or professional organization and to engage in activities that further purposes of the Commission.
- (B) As used in this section, “political activity” shall mean any activity to support or oppose (1) the election of a candidate for office; (2) a particular political party; or (3) initiative, referenda or state question.

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

**Rule 1.6. Ethics Commissioners Disqualification.**

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

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

**Rule 1.7. Advisory Opinions.**

The Commission may issue official advisory opinions interpreting these Rules as provided by Article XXIX, Section 5 of the Constitution of the State of Oklahoma and as requested by specific individuals. The Commission shall provide notice of at least thirty (30) days of a hearing on an advisory opinion. At least five (5) days before the hearing, comments and/or draft advisory opinions by Commission employees shall be made available to the public for comment. The Commission shall accept both written and oral comments about the draft advisory opinions and/or comments. Official advisory opinions shall be binding on the Commission. Failure of an individual to request an advisory opinion shall have no relevance in any subsequent proceeding involving that individual. The Commission shall not consider an advisory opinion on an issue that is pending before a court of law or before another agency of the State of Oklahoma. Any person with knowledge of such pending matter shall disclose such pending matter to the Commission.

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

**Rule 1.8. Ethics Commission Publications and Continuing Education.**

The Executive Director of the Commission shall prescribe forms, including software or other electronic forms, as required by these Rules and shall prescribe such other publications, including publications in an electronic format, as the Executive Director deems appropriate to facilitate implementation of and compliance with these Rules. The Executive Director is authorized to establish and collect fees to be charged to participants for training and educational seminars, classes and similar programs and for related materials. In establishing such registration fees, the Executive Director shall endeavor to recover costs to the Commission incurred in development and presentation of programs to assist in the implementation of and compliance with these Rules.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

**Rule 1.9. Section Headings.**

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

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

**Rule 2 - Campaign Finance**

**Rule 2.1. Purpose of Rule 2.**

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

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

**Rule 2.2. Definitions.**

As used in Rule 2:

1. **“Campaign”** means all activities for or against the election of a candidate for elective state office or for or against a state question;
2. **“Candidate”** means an individual who has filed or should have filed a statement of organization for a candidate committee for state office with the Commission as required by these Rules. A candidate committee shall include committees for candidates for partisan elective offices, for nonpartisan judicial offices and for judicial retention offices;



3. **“Candidate committee”** means the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate’s campaign, including the campaign of a judicial retention candidate;
4. **“Clearly identified candidate”** means a candidate whose name, nickname, photograph or drawing appears, or whose identity is otherwise apparent by unambiguous reference;
5. **“Commission”** means the Oklahoma Ethics Commission;
6. **“Contribution”** means any gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, distribution or deposit of money made to, or anything of value given to, or an expenditure other than an independent expenditure made on behalf of, a political party, political action committee or candidate committee, but shall not include the value of services provided without compensation by an individual who volunteers those services;
7. **“Electioneering communication”** means any communication or series of communications that is sent by Internet advertising, direct mail, broadcast by radio, television, cable or satellite, or appears in a newspaper or magazine that (a) refers to a clearly identified candidate for state office, (b) is made within sixty (60) days before a general election (including a special general election) or thirty (30) days before a primary or runoff primary election (including a special primary or runoff primary election) for the office sought by the candidate, (c) that is targeted to the relevant electorate and (d) does not explicitly advocate the election or defeat of any candidate. “Relevant electorate” shall mean twenty-five thousand (25,000) or more persons in the State of Oklahoma in the case of a candidate for statewide elective office, two thousand five hundred (2,500) or more persons in the district the candidate seeks to represent in the case of a candidate for the Oklahoma State House of Representatives or judge of the District Court, and five thousand (5,000) or more persons in the district the candidate seeks to represent in the case of all other elective state offices;
8. **“Expenditure”** means a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee, deposit or gift made by a political party, political action committee, candidate committee or other individual or entity that is used to expressly advocate the election, retention or defeat of one or more clearly identified candidates or for or against one or more state questions;
9. **“Family member”** shall include spouse, children (including stepchildren), mother, father, sister or brother;
10. **“Independent expenditure”** means an expenditure made by a person for a communication expressly advocating the election or defeat of a clearly identified candidate or a vote for or against the retention of a judicial retention candidate that is not made in coordination with, cooperation with, consultation with, or concert with, or at the request or suggestion of, a candidate, a candidate committee, or their agents, or a political party committee or its agents. An independent expenditure shall not include the display of a noncommercial yard sign, lapel pin, button, bumper sticker or similar de minimis display of support or opposition to a political party or a candidate;

11. **“Independent judicial retention committee”** means a political action committee organized exclusively for the purpose of making independent expenditures or electioneering communications supporting or opposing the retention of a candidate for judicial retention;
12. **“Labor union”** means an organization of workers formed for the purpose of advancing its members’ interests in respect to wages, benefits and working conditions;
13. **“Limited committee”** means a political action committee organized to make contributions to candidates. A limited committee may make independent expenditures or electioneering communications, but may not accept contributions in excess of the limits prescribed for limited committees;
14. **“Officeholder expenses”** means ordinary and necessary expenses incurred in connection with a candidate’s duties as the holder of a state elective office, provided that the expenses are not otherwise reimbursed or paid for by the state. “Ordinary and necessary expenses” are those that would not exist but for the fact that the candidate was elected to and holds a state elective office;
15. **“Political action committee”** means a limited or unlimited committee that has filed or should have filed a statement of organization with the Commission as required by these Rules;
16. **“Political party”** means a political party recognized under laws of this state;
17. **“Political party committee”** means a committee authorized by the political party to accept contributions or make expenditures on behalf of the political party. A political party committee may include a state committee, a Congressional District committee, a county committee, a precinct committee or any other committee or entity of the party officially recognized in the party’s bylaws or similar governing document;
18. **“State question”** means an initiative or referendum petition for which the Governor has issued a proclamation setting the date on which an election shall be held or a legislative referendum referred by the Legislature for a vote of the people; and
19. **“Unlimited committee”** means an independent judicial retention committee, a political action committee organized exclusively for the purpose of making independent expenditures or electioneering communications or a political action committee organized exclusively for the purpose of advocating the approval or defeat of a state question.

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

## **Use of Public Funds, Property, Time**

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

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

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

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

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

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

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

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

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

No person shall solicit or accept a contribution for a political party, a political action committee, a candidate or a state question campaign in any area of the state capitol building under any circumstances. No person shall solicit or accept a contribution for a political party, a political action committee, a candidate or a state question campaign in any office or other space owned, leased, or occupied by the State of Oklahoma that ordinarily is used for the conduct of official state business. This does not include college campuses and public meeting rooms, auditoriums, or similar meeting areas that are available for use by the public at large.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

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

No materials designed to influence the results of an election for state office or a state question shall be posted in the state capitol building or in any office or other space owned, leased or occupied by the State of Oklahoma that ordinarily is used for the conduct of official state business, except as permitted by law or these Rules. Provided, however, such materials may be posted for a reasonable period of time when state facilities are being used for political purposes as provided in these Rules.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

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

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Contributions**

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

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

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

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

No contribution shall be made in the name of another.

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

**Rule 2.19. Cash Contributions.**

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

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

**Rule 2.20. Anonymous Contributions.**

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

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

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

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

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

**Rule 2.22. Deposit of Contributions.**

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

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

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

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

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

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

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

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

**Rule 2.25. Contributions by Partnerships.**

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

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

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

A corporation may use its funds to pay for the establishment of, administration of and solicitation of contributions to, one (1) political action committee affiliated with the corporation. For purposes of this section, "corporation" shall mean a corporation, its parent, subsidiary, branch, division, department or local unit of such corporation.

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



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

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

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

**Rule 2.28. Payroll Deduction.**

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

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

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

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

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

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

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

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

## **Political Party Contribution Limits**

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

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

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

### **Rule 2.32. Contributions by Political Party Committee.**

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

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

## **Political Action Committee Contribution Limits**

### **Rule 2.33. Contributions to and by Limited Committee.**

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

- used for the benefit of a particular candidate or candidates shall be considered a contribution by the contributor to the candidate or candidates.
- (B) No limited committee shall make, and no political party committee shall accept, a contribution to the political party committee in excess of Ten Thousand Dollars (\$10,000.00) in any calendar year.
  - (C) No limited committee shall make, and no other limited committee shall accept, a contribution to another limited committee in excess of Five Thousand Dollars (\$5,000.00) in any calendar year.
  - (D) No limited committee shall make, and no candidate committee shall accept, a contribution to any candidate committee in excess of Five Thousand Dollars (\$5,000.00) prior to a primary election.
  - (E) No limited committee shall make, and no candidate committee shall accept, a contribution to any candidate committee of a candidate whose name will appear on the ballot for a runoff primary election in excess of Five Thousand Dollars (\$5,000.00) prior to a runoff primary election. Provided, however, after the primary election a limited committee that has made a contribution of Five Thousand Dollars (\$5,000.00) or less to the candidate committee prior to the primary election may make an additional contribution of no more than Five Thousand Dollars (\$5,000.00) to the candidate committee prior to the runoff primary election.
  - (F) No limited committee shall make, and no candidate committee shall accept, a contribution to any candidate committee prior to a general election in excess of Five Thousand Dollars (\$5,000.00). Provided, however, after the primary election or runoff primary election, whichever is the last for determining a political party's nominee, a limited committee that has made a contribution of Five Thousand Dollars (\$5,000.00) or less to the candidate committee prior to the primary election or runoff primary election, or both, may make an additional contribution of no more than Five Thousand Dollars (\$5,000.00) to the candidate committee prior to the general election.
  - (G) After the general election, a limited committee that has made no contribution to a candidate under the provisions of subsections (D), (E) or (F) may make a contribution of no more than Five Thousand Dollars (\$5,000.00) to that candidate committee.
  - (H) No limited committee shall make a total contribution to a candidate in excess of the aggregate contribution limits of subsections (D), (E) and (F) or in excess of Five Thousand Dollars (\$5,000.00) to the candidate committee of a candidate who is unopposed for election.
  - (I) For purposes of this section, "contribution" shall include multiple contributions, the amounts of which shall be aggregated.
  - (J) A limited committee may make contributions to candidates for county, municipal or school district office as permitted by law.

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

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

- (A) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make, and no political party committee shall accept, a contribution to the political party committee in excess of Five Thousand Dollars (\$5,000.00) in any calendar year.
- (B) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make a contribution to another limited committee.
- (C) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make, and no candidate committee shall accept, a contribution to any candidate committee in excess of Two Thousand Five Hundred Dollars (\$2,500.00) prior to a primary election.
- (D) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make, and no candidate committee shall accept, a contribution to any candidate committee of a candidate whose name will appear on the ballot for a runoff primary election in excess of Two Thousand Five Hundred Dollars (\$2,500.00) prior to a runoff primary election. Provided, however, after the primary election a limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors that has made a contribution of Two Thousand Five Hundred Dollars (\$2,500.00) or less to the candidate committee prior to the primary election may make an additional contribution of no more than Two Thousand Five Hundred Dollars (\$2,500.00) to the candidate committee prior to the runoff primary election.
- (E) No limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors shall make, and no candidate committee shall accept, a contribution to any candidate committee prior to a general election in excess of Two Thousand Five Hundred Dollars (\$2,500.00). Provided, however, after the primary election or runoff primary election, whichever is the last for determining a political party's nominee, a limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors that has made a contribution of Two Thousand Five Hundred Dollars (\$2,500.00) or less to the candidate committee prior to the primary election or runoff primary election, or both, may make an additional contribution of no more than Two Thousand Five Hundred Dollars (\$2,500.00) to the candidate committee prior to the general election.
- (F) After the general election, a limited committee that has been registered with the Commission for less than a year prior to a primary election or that has fewer than twenty-five (25) contributors that has made no contribution to a candidate

committee under the provisions of subsections (C), (D) or (E) may make a contribution of no more than Two Thousand Five Hundred Dollars (\$2,500.00) to that candidate committee.

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

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

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

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

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

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

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

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

## Candidate Committee Contribution Limits

### Rule 2.37. Individual Contributions to Candidate Committees.

- (A) No person shall make a contribution in excess of Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* to any candidate committee prior to a primary election.
- (B) No person shall make a contribution in excess of Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* prior to a runoff primary election to any candidate committee of a candidate whose name will appear on the ballot for a runoff primary election. Provided, however, after the primary election a person who has made a contribution of Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* or less to the candidate committee prior to the primary election may make an additional contribution of no more than Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* to the candidate committee prior to the runoff primary election.
- (C) No person shall make a contribution in excess of Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* to any candidate committee prior to a general election. Provided, however, after the primary election or runoff primary election, whichever is the last for determining a political party's nominee, a person who has made a contribution of Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* or less prior to the primary election or runoff primary election, or both, may make an additional contribution of no more than Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* to a candidate committee of a candidate whose name will appear on the general election ballot.
- (D) After the general election, a person who has made no contribution or a contribution of less than Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* in the aggregate under the provisions of subsections (A), (B) or (C) may make an additional contribution or contributions to a candidate committee in an amount or amounts that, aggregated with any prior contributions, do not exceed Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\*.
- (E) No person shall make a total contribution to a candidate committee in excess of the aggregate contribution limits of subsections (A), (B) and (C) or in excess of Two Thousand Six Hundred Dollars (\$2,600.00) [increased to Two Thousand Seven Hundred Dollars (\$2,700.00) for elections in 2015 and 2016]\* to the

- candidate committee of a candidate who is unopposed for election.
- (F) No candidate committee shall make to another candidate committee, and the receiving candidate committee shall not accept, a total contribution in excess of Two Thousand Six Hundred Dollars (\$2,600.00) in the aggregate for all three elections or for the benefit of a candidate who is unopposed for election.
  - (G) For purposes of this section, “contribution” shall include multiple contributions, the amounts of which shall be aggregated.
  - (H) Beginning no earlier than January 1, 2015, and no later than July 1, 2015, and every two years thereafter, the limitations in subsections (A), (B), (C), (D), (E) and (F) of this section shall be increased by the percent difference between the price index for the twelve (12) months preceding the beginning of the calendar year during which the adjustment is made and the price index for 2014. If the adjusted limitation amount is not a multiple of One Hundred Dollars (\$100.00), the limitation shall be rounded to the nearest multiple of One Hundred Dollars (\$100.00). For purposes of this section, “price index” shall mean the average over a calendar year of the Consumer Price Index (all items — United States city average) published monthly by the Bureau of Labor Statistics. The adjusted limitations shall be published on the Commission’s Internet website and shall be otherwise communicated as the Commission determines appropriate. The adjusted limitations shall apply to the primary, runoff primary and general elections in 2016 and every two (2) years thereafter as well as to any special primary, runoff primary or general elections that occur after the limitations are adjusted but before the regular primary, runoff primary or general elections.
  - (I) If a candidate files a statement of organization for a candidate committee with the Commission for one state office and accepts one or more contributions for that candidate committee, then files a statement of organization for a candidate committee for a different state office prior to the filing period for that office, contributions to the two committees shall be aggregated for purposes of maximum contribution amounts for the second candidate committee.

\* The Commission increased the amount in its meeting on April 10, 2015, pursuant to Subsection (H) of Section 2.37.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature’s sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

No candidate or candidate committee shall receive contributions from a political party, political action committee or other person in excess of the limits provided in this Rule. Provided, however, a candidate may contribute an unlimited amount to his or her candidate committee from his or her personal funds or from joint funds of the candidate and the candidate’s spouse. A gift or gifts to a candidate or a candidate’s spouse that are nontaxable under the United States Internal Revenue Code

shall be considered contributions to the candidate's candidate committee to the extent that the gift or gifts exceeds gifts from the same donor in three (3) of the preceding five (5) calendar years.

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

## **Expenditures**

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

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

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

### **Rule 2.40. Political Party Expenditures.**

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

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

### **Rule 2.41. Limited Committee Expenditures.**

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



document, in the committee's statement of organization as those purposes are stated prior to the making of an expenditure.

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

#### **Rule 2.42. Unlimited Committee Expenditures.**

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

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

#### **Rule 2.43. Candidate Committee Expenditures.**

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

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

#### **Rule 2.44. Officeholder Expenses.**

Contributions to a candidate committee of a candidate who is elected to the office for which the contributions were accepted may be used to make expenditures for officeholder expenses until the expiration of the term, resignation or other vacation of the office. When an officeholder dissolves one (1) candidate committee as provided in these Rules and contemporaneously files a Statement of

Organization for a different candidate committee prior to the expiration of the term for which he or she has been elected and transfers funds from the first committee to the second committee, the officeholder may pay officeholder expenses until the expiration of the term not to exceed the amount transferred.

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

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

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

- (A) Expenditures may be made for all expenses associated with the purchase or lease and operation of a motor vehicle only if the motor vehicle is used exclusively for purposes of the campaign or for ordinary and necessary expenses incurred in connection with the candidate's duties as the holder of a state elective office and for no other purpose at any time. If campaign contributions are used for the purchase or lease of a motor vehicle, the motor vehicle must be purchased or leased from a dealer licensed by the Oklahoma Motor Vehicle Commission or the Oklahoma Used Motor Vehicle and Parts Commission, or their successor agencies, on commercially reasonable terms and cannot be purchased from the committee by the candidate or a family member of the candidate.
- (B) If a motor vehicle is used both for the purposes identified in subsection (A) and for any other purpose, expenditures may be made only for mileage reimbursement at the rate authorized for use of privately owned motor vehicles by the State Travel Reimbursement Act or its successor statutes, or less.
- (C) Expenditures for the rental of a motor vehicle or for the fares of taxicabs, buses or similar modes of transportation shall be permitted for the actual cost of the rental or fare, provided that the rental or fare is at the rate normally charged for others.
- (D) Expenditures for air travel on an air carrier shall be permitted for the actual cost of the fare; provided, if air travel is first class, business class or equivalent class, the expenditure shall be permitted only for any lower fare available on the same flight.
- (E) Expenditures for air travel on an aircraft operated by a commercial carrier shall be permitted for the usual charter fare or rental charge.
- (F) Expenditures for air travel on an aircraft operated by a private individual shall be permitted for the usual charter fare or rental charge of a commercial carrier.
- (G) Expenditures for air travel on an aircraft operated by the candidate or a family member of the candidate shall be contributions by the candidate to the campaign and shall be calculated on the same basis as the usual charter fare or rental charge of a commercial carrier, unless the aircraft is rented, in which case the contribution shall be the cost of the rental.

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

## **Surplus Funds**

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

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

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

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

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

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

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

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

- (A) Retained in any amount for use in a future campaign for the next succeeding term for the same office;
- (B) Retained for a future campaign for a different state elective office, excluding a judicial office;
- (C) Donated to a charitable organization as described in Section 501(c)(3) of Title 26 of the United States Code as it currently exists or as it may be amended;
- (D) Returned to any contributor, as long as the amount returned does not exceed the contributor's aggregate contribution during the immediately preceding primary, runoff primary and general elections; or
- (E) Contributed to a political party committee in any amount not to exceed Twenty-five Thousand Dollars (\$25,000.00) in the aggregate.

Any surplus funds remaining in the candidate committee's possession within ninety (90) days after the expiration of the term to which the candidate was elected or, for candidates who were not

elected, within ninety (90) days after the second year following the general election, shall be deposited in the general revenue fund of the state.

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

## **Independent Expenditures**

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

A candidate committee shall not make an independent expenditure.

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

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

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

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

## **Electioneering Communications**

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

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

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

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

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

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

## **Identification of Funding and Authorizing Sources**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Whenever an independent expenditure or electioneering communication is made for the purpose of a communication through Internet advertising, direct mail, magazine advertisement, newspaper advertisement or any other printed medium, the communication shall state in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: "Not authorized by any candidate or candidate committee. Authorized and paid for by" to be followed by the name of the person who paid for the communication, the person's permanent street address and telephone number. This provision shall not apply to bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements of such a nature that inclusion of a disclaimer would be impractical.

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

**Fund-Raising Events**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Loans**

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

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

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

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

A loan by any person other than a commercial financial institution to a political party committee or a political action committee shall be considered a contribution by the lender, guarantor or endorser in



the amount of the balance of the loan that has not been repaid. A political action committee shall not make a loan to a candidate committee or another political action committee. A candidate committee shall not make a loan to a political action committee or another candidate committee.

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

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

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

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

## **Candidate Committees**

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

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

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

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

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. In such case, funds or debt, or both, may be transferred from the first committee to the second committee as permitted by law and these Rules.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

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

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

**Rule 2.71. Candidate Committee Officers.**

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Judicial Candidate Committees**

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

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

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

**Exploratory Activities**

**Rule 2.78. Exploratory Activities.**

An individual may conduct exploratory activities, such as polling and other techniques designed exclusively to assist the individual in making a decision as to whether to seek any state office or offices. The individual may accept contributions, subject to the limits in these Rules, and make expenditures limited to exploratory activities without designating a candidate committee; provided, however, the individual shall keep or cause to be kept all records required of a candidate committee. Provided further, once an individual has accepted or expended more than Twenty-five Thousand Dollars (\$25,000.00) for exploratory activities for a statewide office or Ten Thousand Dollars (\$10,000.00) for any other state office, the individual either shall become a candidate and file a Statement of Organization as required by these Rules, or cease all exploratory activities. If the individual becomes a candidate and forms a candidate committee, all contributions received and expenditures made for exploratory activities shall be subject to maximum contribution limits and shall be included in the committee's first Report of Contributions and Expenditures. No individual may conduct exploratory activities for a state office or offices as provided in this section more than one time between regular general elections for state offices.

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

## **Political Action Committees**

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

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

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

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

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

action committee or sufficiently similar to the name of any other political action committee so that the two could be easily confused. The Treasurer shall be responsible for notifying the Commission of any change in information provided on the Statement of Organization by filing an Amended Statement of Organization within ten (10) days of a change being made. An Amended Statement of Organization shall contain the same information as the Statement of Organization.

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

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

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

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

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

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

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

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

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

contributions to the limited committee from the shareholders, directors, executive and administrative personnel and their families of member corporations, provided the member corporation gives its consent in writing. Such consent shall be of continuing duration until revoked by the member corporation.

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

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

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

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

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

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

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

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

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

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

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

A political action committee that is not registered with the Federal Election Commission but that is registered in another state shall be required to file with the Commission written proof of its registration



in another state before making contributions to a candidate or candidates for state office. A certified copy of its registration document from another state shall be sufficient to meet the requirements of this section.

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

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

The Executive Director shall be authorized to require additional information on the Reports of Contributions and Expenditures that is consistent with the intent and purposes of these Rules.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

## **Campaign Depositories and Accounts**

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

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

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

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

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

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

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

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

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

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

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

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

## **Reports of Contributions and Expenditures**

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

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

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

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

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

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

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

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

- (1) no earlier than January 1 nor later than January 31 for the period beginning October 1 and ending December 31 of the immediately preceding year;
- (2) no earlier than April 1 nor later than April 30 for the period beginning January 1 and ending March 31 of the same year;
- (3) no earlier than July 1 nor later than July 31 for the period beginning April 1 and ending June 30 of the same year and
- (4) no earlier than October 1 nor later than October 31 for the period beginning July 1 and ending September 30 of the same year.

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

Candidates for election or retention to judicial offices who are prohibited from soliciting or accepting contributions more than sixty (60) days after the last election in which the candidate participated under the Code of Judicial Conduct shall not be required to file Reports of Contributions and Expenditures following the expiration of the sixty (60) day period until such time as they are permitted to solicit and accept contributions prior to the next filing period under the Code of Judicial Conduct.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

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

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

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

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

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

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

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

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

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

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

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

The first Report of Contributions and Expenditures by a candidate committee or political action committee shall be filed at the same time as required for the quarterly or pre-election Report of Contributions and Expenditures following the filing of a statement of organization by the committee for the period beginning on the date the first contribution was accepted or expenditure made and ending on the same ending date for the quarterly or pre-election period.

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

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

State political party committees shall file a Statement of Organization in July of any odd-numbered year. The Statement of Organization shall include, but not be limited to, the following information: (1) The names of the Chair, Treasurer and, if applicable, Deputy Treasurer of the committee; (2) the full name of the committee; (3) the mailing address and, if applicable, residence address, electronic mailing address, telephone numbers and Internet website, if applicable, of the committee, the Chair, Treasurer and, if applicable, Deputy Treasurer and (4) the full name and address of each depository in which the committee will maintain an account. The Treasurer shall be responsible for notifying the Commission of any change in information provided on the Statement of Organization by filing an Amended Statement of Organization within ten (10) days of a change being made. An Amended Statement of Organization shall contain the same information as the Statement of Organization. Congressional District, county and precinct political party committees and any other political party committee officially recognized by the party's bylaws or similar governing document, shall file a Statement of Organization containing the same information prior to filing a Report of Contributions and Expenditures as required hereafter. Congressional District, county and precinct political party committees and any other political party committee officially recognized by the party's bylaws or similar governing document, shall be required to file a Report of Contributions and Expenditures in any year the committee makes an independent expenditure, an electioneering communication or a contribution to a candidate for state office. The Report of Contributions and Expenditures shall be made at the quarterly reporting period next following the making of the independent expenditure, electioneering communication or contribution to a candidate for state office. The Report shall cover the period beginning January 1 of the year in which the report is filed (or January 1 of the immediately preceding calendar year for a quarterly report filed in January) or the end of the last preceding reporting period filed by the committee during the same calendar year, if the committee has filed a prior report in the same calendar year, and ending on the last day of the month prior to the month in which the quarterly report is filed.

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

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

- (3) the total of all monetary contributions from political action committees accepted during the time period covered by the report, and the aggregate total of all monetary contributions from political action committees accepted during the calendar year of the time period covered by the report;
  - (4) the total of all other funds accepted during the time period covered by the report, including transfers from a federal, state, district, county or precinct party committee, and the aggregate total of all such other funds accepted during the calendar year of the time period covered by the report;
  - (5) the total of all monetary contributions or funds accepted from any source during the time period covered by the report, and the aggregate total of all monetary contributions or funds accepted during the calendar year of the time period covered by the report;
  - (6) the total value of all in-kind contributions accepted during the time period covered by the report, and the aggregate total value of all in-kind contributions accepted during the calendar year of the time period covered by the report;
  - (7) the total of all expenditures made during the time period covered by the report, and the aggregate total of all expenditures made during the calendar year of the time period covered by the report;
  - (8) the total of all refunds made during the time period covered by the report, and the aggregate total of all refunds made during the calendar year of the time period covered by the report;
  - (9) the total of all transfers made to a federal, state, district, county or precinct party committee during the time period covered by the report and the date of each transfer, and the aggregate total of all such transfers made during the calendar year of the time period covered by the report;
  - (10) the beginning balance of the committee account for the reporting period, and the closing balance of the committee account at the end of the reporting period;
- B.
- (1) The name, address, occupation and employer of any person other than a political action committee making a contribution or contributions exceeding Fifty Dollars (\$50.00) in value in the aggregate; the date and amount of any monetary or in-kind contributions made during the time period covered by the report; and the aggregate total of all contributions accepted from the person during the calendar year of the time period covered by the report;
  - (2) the total of all contributions accepted during the time period covered by the report from contributors making contributions of no more than Fifty Dollars (\$50.00) in the aggregate, and the aggregate total of all such contributions during the calendar year of the time period covered by the report;
  - (3) the name and Commission identification number of a political action committee or candidate committee making a contribution or contributions, the date and amount of any monetary or in-kind contributions made during

- the time period covered by the report, and the aggregate total of all contributions accepted from the political action committee during the calendar year of the time period covered by the report;
- (4) the name, address, occupation and employer, if applicable, of a contributor to whom a refund was made during the time period covered by the report; the date and amount of the refund; and the aggregate total of all contributions refunded to the contributor during the calendar year of the time period covered by the report;
  - (5) loans made to the committee during the time period covered by the report, including loans by commercial financial institutions; the name, address and, if applicable, occupation and employer, of the person making the loan; the amount of the loan, the date the loan was made, the interest rate for the loan, the repayment terms for the loan and the total of all loans made to the committee; any payments on loans during the time period covered by the report, the amount of the payment, the date the payment was made and the remaining balance of the loan following the payment; and the total of all payments made on all loans to the committee and the remaining balance on all loans to the committee during the calendar year of the time period covered by the report;
  - (6) the name and address of any person or entity to whom an expenditure of more than Two Hundred Dollars (\$200.00) in the aggregate was made during the time period covered by the report, a description of the goods or services purchased with the expenditure, and the aggregate total of all expenditures made to the person or entity during the calendar year of the time period covered by the report. Split purchasing for the purpose of evading reporting an expenditure shall be prohibited. Expenditures made to compensate political consultants and similar consultants shall be reported by identifying the type of services provided to the campaign by the consultants. Expenditures made by political consultants and other third parties on behalf of the committee shall be reported as if the expenditures were made by the committee. Expenditures made by using a credit card shall be reported by itemizing each individual expenditure of more than Two Hundred Dollars (\$200.00).

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

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

- A. (1) the name of the committee and the time period covered by the report;
- (2) the total of all monetary contributions accepted during the time period covered by the report, and the aggregate total of all monetary contributions accepted during the calendar year of the time period covered by the report;
- (3) the total of all monetary contributions from other political action committees accepted during the time period covered by the report, and the aggregate total of all monetary contributions from other political action committees accepted during the calendar year of the time period covered by the report;
- (4) the total of all other funds accepted during the time period covered by the report, including transfers from an associated political action committee, and the aggregate total of all such other funds accepted during the calendar year of the time period covered by the report;
- (5) the total of all monetary contributions or funds accepted from any source during the time period covered by the report, and the aggregate total of all monetary contributions or funds accepted during the calendar year of the time period covered by the report;
- (6) the total value of all in-kind contributions accepted during the time period covered by the report, and the aggregate total value of all in-kind contributions accepted during the calendar year of the time period covered by the report;
- (7) the total of all expenditures (other than contributions to candidate committees, independent expenditures or electioneering communications) made during the time period covered by the report, and the aggregate total of all such expenditures made during the calendar year of the time period covered by the report;
- (8) the total of all refunds made during the time period covered by the report, and the aggregate total of all refunds made during the calendar year of the time period covered by the report;
- (9) the total of all transfers made to or received from an associated political action committee during the time period covered by the report and the date of each transfer, and the aggregate total of all such transfers made during the calendar year of the time period covered by the report;
- (10) the total amount of all contributions made by the committee to a candidate committee during the time period covered by the report, and the aggregate total of all such contributions made during the calendar year of the time period covered by the report;
- (11) the total amount of all independent expenditures made by the committee during the time period covered by the report, and the aggregate total of all such independent expenditures made during the calendar year of the time period covered by the report;
- (12) the total amount of funds spent on electioneering communications made by the committee during the time period covered by the report, and the aggregate total of funds spent on electioneering communications made during the calendar year of



- the time period covered by the report;
- (13) the beginning balance of the committee account for the reporting period, and the closing balance of the committee account at the end of the reporting period;
  - (14) for limited committees affiliated with a corporation or labor union, the total amount of funds spent by the corporation or labor union during the time period covered by the report for the costs of establishment of, administration of and solicitation of contributions to the committee; and the aggregate total of funds spent on the costs of establishment of, administration of and solicitation of contributions to the committee made during the calendar year.
- B.
- (1) The name, address, occupation and employer of any person other than a political action committee making a contribution or contributions exceeding Fifty Dollars (\$50.00) in value in the aggregate, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the person during the calendar year of the time period covered by the report;
  - (2) the total of all contributions accepted during the time period covered by the report from contributors making contributions of no more than Fifty Dollars (\$50.00) in the aggregate, and the aggregate total of all such contributions during the calendar year of the time period covered by the report;
  - (3) the name and Commission identification number of a political action committee making a contribution or contributions, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the political action committee during the calendar year of the time period covered by the report;
  - (4) the name, address, occupation and employer, if applicable, of a contributor to whom a refund was made during the time period covered by the report, the date and amount of the refund, and the aggregate total of all contributions refunded to the contributor during the calendar year of the time period covered by the report;
  - (5) loans made to the committee during the time period covered by the report, including loans by commercial financial institutions; the name, address and, if applicable, occupation and employer, of the person making the loan; the amount of the loan, the date the loan was made, the interest rate for the loan, the repayment terms for the loan and the total of all loans made to the committee; any payments on loans during the time period covered by the report, the amount of the payment, the date the payment was made and the remaining balance of the loan following the payment; and the total of all payments made on all loans to the committee and the remaining balance on all loans to the committee during the calendar year of the time period covered by the report;
  - (6) the name and address of any person or entity to whom an expenditure of more than Two Hundred Dollars (\$200.00) in the aggregate was made during the time period covered by the report, a description of the goods or services purchased with the expenditure, and the aggregate total of all expenditures made to the person or entity during the calendar year of the time period covered by the report. Split purchasing for the purpose of evading reporting an expenditure shall be

prohibited. Expenditures made to compensate political consultants and similar consultants shall be reported by identifying the type of services provided to the campaign by the consultants. Expenditures made by political consultants and other third parties on behalf of the committee shall be reported as if the expenditures were made by the committee. Expenditures made by using a credit card shall be reported by itemizing each individual expenditure of more than Two Hundred Dollars (\$200.00).

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

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

- (1) the name of the committee and the time period covered by the report;
- (2) the total amount of all contributions made by the committee to an Oklahoma state candidate committee during the time period covered by the report, and the aggregate total of all such contributions made during the calendar year of the time period covered by the report;
- (3) the total amount of all independent expenditures made by the committee during the time period covered by the report, and the aggregate total of all such independent expenditures made during the calendar year of the time period covered by the report;
- (4) the total amount of funds spent on electioneering communications made by the committee during the time period covered by the report, and the aggregate total of funds spent on electioneering communications made during the calendar year of the time period covered by the report;
- (5) The name, address, occupation and employer of any Oklahoma resident making a contribution or contributions exceeding Fifty Dollars (\$50.00) in value in the aggregate, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the person during the calendar year of the time period covered by the report.

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

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

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

- A.
  - (1) the candidate's name, the name of the committee and the time period covered by the report;
  - (2) the total of any surplus funds transferred from a candidate committee for a previous campaign of the same candidate;
  - (3) the total of all monetary contributions accepted during the time period covered by the report, and the aggregate total of all monetary contributions accepted;
  - (4) the total of all monetary contributions from political action committees accepted during the time period covered by the report, and the aggregate total of all monetary contributions from political action committees accepted;
  - (5) the total of all other funds accepted during the time period covered by the report, and the aggregate total of all other funds accepted;
  - (6) the total of all monetary contributions or funds accepted from any source during the time period covered by the report, and the aggregate total of all monetary contributions or funds accepted;
  - (7) the total value of all in-kind contributions accepted during the time period covered by the report, and the aggregate total value of all in-kind contributions accepted;
  - (8) the total of all expenditures made during the time period covered by the report, and the aggregate total of all expenditures made;
  - (9) the total of all refunds made during the time period covered by the report, and the aggregate total of all refunds made;
  - (10) the beginning balance of the campaign account for the reporting period, and the closing balance of the campaign account at the end of the reporting period.
- B.
  - (1) The name, address, occupation and employer of any person other than a political action committee making a contribution or contributions exceeding Fifty Dollars (\$50.00) in value in the aggregate, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the person;
  - (2) the total of all contributions accepted during the time period covered by the report from contributors making contributions of no more than Fifty Dollars (\$50.00) in the aggregate, and the aggregate total of all such contributions;
  - (3) the name and Commission identification number of a political action committee or candidate committee making a contribution or contributions, the date and amount of any monetary or in-kind contributions made during the time period covered by the report, and the aggregate total of all contributions accepted from the political action committee;
  - (4) the name, address, occupation and employer, if applicable, of a contributor to whom a refund was made during the time period covered by the report, the date and amount of the refund, and the aggregate total of all contributions refunded to the contributor;
  - (5) loans made to the committee during the time period covered by the report,

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

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

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

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

## **Reports of Independent Expenditures**

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

- (A) Any person other than an individual, including a political action committee, that makes an independent expenditure of Five Thousand Dollars (\$5,000.00) or more in the aggregate at least fifteen (15) days prior to any election shall be required to file a report with the Commission at the same time that candidate committees are required to file pre-election reports for the applicable election.
- (B) Any person other than an individual, including a political action committee, that makes an independent expenditure of Five Thousand Dollars (\$5,000.00) or more in the aggregate during the period beginning no more than fourteen (14) days

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

- (C) Each report filed by a person other than a political action committee shall include the name and address of the person making the independent expenditure and the name, street address, telephone number, and office or title of the individual filing the report.
- (D) Each report filed shall include the name of the political action committee or the person making the independent expenditure; the amount, date and a brief description or statement of each independent expenditure; and the name and office of the candidate supported or opposed, indicating whether the candidate was supported or opposed.
- (E) If the person making the independent expenditure, other than a political action committee, received funds from any other person for the purpose of making an independent expenditure or expenditures, the report shall include the name, address and principal business activity of each person contributing funds in excess of Fifty Dollars (\$50.00) in the aggregate and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all contributions made by each person since the first report was filed for the election for which the independent expenditure is being made. As used in this section, “for the purpose of” means that the funds are either (1) received by an organization or corporation in response to a solicitation specifically requesting funds to pay for an independent expenditure or electioneering communication or (2) specifically designated for independent expenditures or electioneering communications by the donor.
- (F) If the person making the independent expenditure is a non-profit corporation that has not been officially approved by the United States Internal Revenue Service for tax exempt status under Section 501(c) of Title 26 of the United States Code as it currently exists or as it may be amended, 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 to the corporation during the current calendar year and the preceding calendar year and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all contributions made by each person since the first report was filed for the election for which the independent expenditure is being made.
- (G) Reports required by this section shall not relieve the person making the report from filing other reports required by these Rules.
- (H) If any person makes, or contracts to make, any expenditure for an independent expenditure and such expenditure is coordinated with a candidate or a candidate committee in any way, the expenditure shall be considered as a contribution to the candidate committee and as an expenditure by the candidate committee.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

## Reports of Electioneering Communications

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

- (A) Any person other than an individual, including a political action committee, that makes an electioneering communication of Five Thousand Dollars (\$5,000.00) or more in the aggregate at least fifteen (15) days prior to any election shall be required to file a report with the Commission at the same time that candidate committees are required to file pre-election reports for the applicable election.
- (B) Any person other than an individual, including a political action committee, that makes an electioneering communication of Five Thousand Dollars (\$5,000.00) or more in the aggregate during the period beginning no more than fourteen (14) days prior to any election and ending on the day of the election shall make a report to the Commission no later than the business day following the day the electioneering communication is made.
- (C) Each report filed by a person other than a political action committee shall include the name and address of the person making the electioneering communication and the name, street address, telephone number, and office or title of the individual filing the report.
- (D) Each report filed shall include the name of the political action committee or the person making the electioneering communication; the amount, date and a brief description or statement of each electioneering communication, and the name and office of the candidate supported or opposed, indicating whether the candidate was supported or opposed.
- (E) If the person making the electioneering communication, other than a political action committee, received funds from any other person for the purpose of making an electioneering communication or communications, the report shall include the name, address and principal business activity of each person contributing funds in excess of Fifty Dollars (\$50.00) in the aggregate and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all contributions made by each person since the first report was filed for the election for which the electioneering communication is being made. As used in this section, “for the purpose of” means that the funds are either: (1) received by an organization or corporation in response to a solicitation specifically requesting funds to pay for an electioneering communication or independent expenditure or (2) specifically designated for electioneering communications or independent expenditures by the donor.
- (F) If the person making the electioneering communication is a non-profit corporation that has not been officially approved by the United States Internal Revenue Service for tax exempt status under Section 501(c) of Title 26 of the United States Code as it currently exists or as it may be amended, 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 to the corporation during the current calendar year and the preceding calendar year and the amount of any such contribution or contributions that have not been previously reported, together with

a cumulative total of all contributions made by each person since the first report was filed for the election for which the electioneering communication is being made.

- (G) Reports required by this section shall not relieve the person making the report from filing other reports required by these Rules.
- (H) If any person makes, or contracts to make, any expenditure for an electioneering communication and such expenditure is coordinated with a candidate or a candidate committee in any way, the expenditure shall be considered as a contribution to the candidate committee and as an expenditure by the candidate committee.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

## **Use of Electronic Media**

### **Rule 2.109. Campaign Communications Received on State Equipment by State Officer or Employee.**

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

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

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

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

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

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

Use by a commercial entity, including corporations, of telephone, electronic mail, Internet social media or similar electronic devices or services for campaign communications shall be considered as in-

kind contributions to a political party committee, political action committee or candidate committee unless the political party committee, political action committee or candidate committee has made an expenditure to pay for the communications.

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

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

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

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

### **Dissolution**

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

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

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

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

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

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

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

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



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

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

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

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

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

A Final Report of Contributions and Expenditures shall include, but not be limited to, the same information that is included on a Report of Contributions and Expenditures and shall cover a period beginning after the last day of the immediately preceding reporting period and ending on the day before the Final Report of Contributions and Expenditures is filed. Provided, however, the Final Report of Contributions and Expenditures shall include information about the resolution of debt, if any, and the disposition of tangible assets, if any, by the committee. If tangible assets are purchased from a candidate committee by the candidate or a member of the candidate's family, or from a political action committee by an officer or family member of an officer of the political action committee, the purchase price must be fair market value.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

**Other Funds**

**Rule 2.118. Special Committees.**

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

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

#### **Rule 2.119. Litigation Funds.**

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

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

#### **Rule 2.120. Special Committee Reports.**

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

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

## Electronic Filing

### Rule 2.121. Electronic Filing.

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

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

## Rule 3 - Financial Disclosure

### Rule 3.1. Purpose of Rule 3. **[Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

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

### Rule 3.2. Definitions. **[Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

*The rule read as follows: "As used in Rule 3:*

1. *'Agency' means any entity of state government created by the Constitution or laws of the State of Oklahoma and supported in whole or in part by state funds or entrusted with the expending of state funds or administering of state property or otherwise exercising the sovereign power of the State of Oklahoma, including but not limited to all such offices, departments, institutions, boards, bureaus, commissions, agencies, authorities and instrumentalities of the State of Oklahoma. 'Agency' shall not mean any city, county, rural electric cooperative or tribal housing authority created under the Oklahoma Housing Authorities Act nor any state entity that performs only advisory functions and that cannot independently exercise the sovereign power of the State of Oklahoma;*
2. *'Candidate' shall mean an individual who has filed a statement of organization for a candidate committee as required by these Rules;*
3. *'Commission' shall mean the Oklahoma Ethics Commission;*
4. *'Dependent' shall mean an individual claimed as a dependent on the filer's federal or state income tax return;*
5. *'Filer' shall mean an individual required to file a Financial Disclosure Statement as required by*

these Rules; and

6. 'Material financial interest' shall mean:

- (a) an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of a filer's ownership or interest in a business entity, or as a result of a filer's salary, gratuity or other compensation or remuneration; or
- (b) an ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the filer or the filer's spouse or dependents is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the filer or the filer's spouse or dependent owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Five Thousand Dollars (\$5,000.00) or more at any point during the preceding calendar year; or
- (c) an ownership interest of five percent (5%) or more in a publicly held corporation by a filer or the filer's spouse; or
- (d) an ownership interest in a publicly held corporation from which dividends of Fifty Thousand Dollars (\$50,000.00) or more were derived during the preceding calendar year by the filer or the filer's spouse or dependents; or
- (e) an ownership interest in a Subchapter S corporation or partnership from which income of Fifty Thousand Dollars (\$50,000.00) or more was derived; or
- (f) an interest that arises as a result of the filer's or the filer's spouse or dependents' service as a director, officer, representative, agent or employee of a publicly held corporation during the preceding calendar year.

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

**Rule 3.3. Persons Required to File Financial Disclosures. [Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

*The rule read as follows: "The following persons are required to file Financial Disclosure Statements:*

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

*As used in this section, "state officers and employees who make policy decisions" shall mean state officers and employees (a) who determine policies or (b) who vote on policies, provided the policies are not internal policies used only for operation of the state entity affected. As used in this section, "state officers and employees who are engaged in purchasing decisions" shall mean state officers and employees who perform functions in the purchasing process for purchases in excess of Fifty Thousand Dollars (\$50,000.00), including but not limited to participation (a) in preparation of requests for proposals, bid specifications*

or similar documents, or (b) in review and evaluation of proposals, bids or similar responses, or (c) in recommendations for selection of successful proposals or bids or other similar awards, or (d) in approval of requisitions for purchase. It shall not apply to persons performing only nondiscretionary or clerical functions.”

**Rule 3.4. Generally One Financial Disclosure Per Year. [Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature’s sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

*The rule read as follows: “No individual shall be required to file a Financial Disclosure Statement more than one time during any calendar year, except in the case of a Final Disclosure Statement as provided in this Rule.”*

**Rule 3.5. Filing Deadline for State Officers and Employees. [Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature’s sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

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

**Rule 3.6. Filing Deadline for Candidates. [Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature’s sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

*The rule read as follows: “A candidate shall file a Financial Disclosure Statement at the same time he or she files a statement of organization for a candidate committee and shall file a Financial Disclosure Statement as required by Rule 3.5 as long as he or she is a candidate.”*

**Rule 3.7. Amended Financial Disclosure Statements. [Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature’s sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

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

**Rule 3.8. Final Financial Disclosure Statements Required. [Repealed, effective May 27, 2016]**

Repealed, effective May 27, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature’s sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective upon Legislature’s sine die adjournment May 27, 2016.*

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

**Rule 3.9. Agency Liaisons. [Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature’s sine die adjournment May 23, 2014; operative December 1, 2014. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

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

**Rule 3.10. Electronic Filing. [Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

*The rule read as follows: "Financial Disclosure Statements shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission."*

**Rule 3.11. Financial Disclosure Required Information. [Repealed, effective July 1, 2016]**

Repealed, effective July 1, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective July 1, 2016.*

*The rule read as follows: "The following information shall appear on the Financial Disclosure Statement:*

- 1. Name, mailing address, work place telephone number and electronic mail address of the filer;*
- 2. If applicable, an indication that there has been no change in any of the information required from the Financial Disclosure Statement filed by the filer in the preceding calendar year;*
- 3. Name of state office held or sought by filer or name of agency and position, whichever is applicable;*
- 4. Expiration of term of office, if applicable;*
- 5. Date of appointment, employment or election, as applicable;*
- 6. Appointing authority, if applicable;*
- 7. If applicable, the name, mailing address and category of business, profession or industry of the filer's private employer; or, if the filer is self-employed, the name, mailing address and category of business, profession or industry of the filer's self-employment; or, if the filer is retired, the name, mailing address and category of the filer's last employment, including self-employment;*
- 8. The name of any agency providing salary or similar compensation in the amount of Five Thousand Dollars (\$5,000.00) or more received during the preceding calendar year by the filer or the filer's spouse or dependents indicating whether the income was realized by the filer or another named family member;*
- 9. A list, by category of business, profession or industry, of any other entity providing income of any kind which the filer or the filer's spouse or dependents received in the amount of Five Thousand Dollars (\$5,000.00) during the preceding calendar year;*
- 10. A list, by category of business, profession or industry, of entities, including mutual funds or similar securities, in which the filer held securities valued at Five Thousand Dollars (\$5,000.00) or more at any time during the preceding calendar year;*
- 11. Any business or professional relationships with registered lobbyists that resulted in income in any amount to the filer or the filer's spouse or dependents during the preceding calendar year, stating with specificity the nature of the relationship;*
- 12. Every office, directorship, trusteeship or similar position held by the filer in an entity doing business with any agency during the preceding calendar year and the agency with which the entity was doing business;*
- 13. Professional or occupational permits or licenses held by the filer;*
- 14. Contracts (other than a contract of employment) between an agency and the filer or the filer's spouse or dependents or any entity in which the filer or the filer's spouse or dependents has a material financial interest;*
- 15. Whether the filer, the filer's spouse or dependents or an entity in which the filer or the filer's spouse or dependents has a material financial interest is regulated or licensed by the agency identified in subsection 3 of this Rule, or if the employer of the filer or filer's spouse or dependents is regulated or licensed by the agency and, if so, the name and mailing address of the individual or entity so regulated or licensed."*

**Rule 3.12. Final Financial Disclosure Statement Required Information. [Repealed, effective May 27, 2016]**

Repealed, effective May 27, 2016.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Repealed by Ethics Commission December 11, 2015; effective upon Legislature's sine die adjournment May 27, 2016.*

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

**Rule 3.13 Purpose of Rule 3**

The purpose of Rule 3 is to establish rules of ethical conduct to assist state officers who file financial disclosure statements to identify and disclose potential conflicts of interests between their public duties and private economic interests.

*Promulgated by Ethics Commission December 11, 2015; effective July 1, 2016; operative July 1, 2016.*

**Rule 3.14 Definitions.**

As used in Rule 3:

- A. "Commission" shall mean the Oklahoma Ethics Commission;
- B. "Dependent" shall mean an individual claimed as a dependent on the filer's federal or state income tax return;
- C. "Filer" shall mean an individual required to file a financial disclosure statement as required by these Rules.

*Promulgated by Ethics Commission December 11, 2015; effective July 1, 2016; operative July 1, 2016.*

**Rule 3.15. Financial Disclosure Statements**

- A. An initial financial disclosure statement shall be filed within thirty (30) days of assuming office for a full or partial term or as otherwise provided in these Rules.
- B. Annual financial disclosure statements shall be filed between January 1 and May 15 of each year.
- C. No individual shall be required to file more than one (1) financial disclosure statement for any calendar year.
- D. A filer may amend a financial disclosure statement at any time to correct a bona



fide oversight or error, provided the filer certifies that the amendment is not made for the purpose of reporting information that was intentionally omitted or misstated on a prior filed statement. If the filer files an amendment that is not in fact made for the purpose of reporting information that was intentionally omitted or misstated, the filer shall not be deemed to have violated these Rules by having made an erroneous prior filing.

- E. Financial disclosure statements shall be filed electronically in the manner determined by the Executive Director of the Commission, unless otherwise ordered by the Commission or the Executive Director of the Commission.
- F. All filers must provide to the Commission an electronic mail address that will be used by the filer to receive notifications regarding the electronic filing of financial disclosure statements.

*Promulgated by Ethics Commission December 11, 2015; effective July 1, 2016; operative July 1, 2016.*

### **Rule 3.16. Financial Disclosure for Elected Officers**

- A. All state officers who are elected or subject to retention to judicial office are required to file financial disclosure statements pursuant to this Rule.
- B. Officers identified in subsection (A) of this Rule shall disclose the following information:
  - 1. Name, mailing address, work place telephone number and electronic mail address of the filer;
  - 2. Name of state office held by filer;
  - 3. Beginning date of term of office;
  - 4. Expiration date of term of office;
  - 5. Acknowledgements of the jurisdiction of the Commission, the Ethics Rules, and educational opportunities provided by the Commission;
  - 6. Acknowledgments of understanding of certain conflicts of interest Rules applicable to state officers;
  - 7. Disclosure of all material financial interests as defined in subsection (C) of this Rule by disclosing the full name and address of the entity or entities; and
  - 8. Any other information required by the Executive Director of the Commission that is consistent with the intent and purpose of these Rules.
- C. For purposes of this Rule, a “material financial interest” shall mean:
  - 1. an ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the filer, the filer’s spouse or a dependent is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the filer, the filer’s spouse or a dependent owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Twenty Thousand Dollars

2. (\$20,000.00) or more at any point during the preceding calendar year; or
  3. an ownership interest of five percent (5%) or more in a publicly traded corporation or other business entity by a filer, the filer's spouse, or a dependent at any point during the preceding calendar year; or
  4. an ownership interest in a publicly traded corporation or other business entity from which dividends or income, not to include salary, of Fifty Thousand Dollars (\$50,000.00) or more were derived during the preceding calendar year by the filer, the filer's spouse, or a dependent;
  5. an interest that arises as a result of the filer's, the filer's spouse, or a dependent's service as a director or officer of a publicly traded corporation or other business entity at any time during the preceding calendar year; or
  6. any sources of income derived from employment, other than compensation pertaining to the office for which the state officer is subject to election or retention, in the amount of Twenty Thousand Dollars (\$20,000.00) or more by the filer, the filer's spouse or a dependent not otherwise disclosed herein.
- D. For purposes of this Rule a "material financial interest" shall not mean (1) an interest in a mutual fund or other community investment vehicle in which the filer, the filer's spouse or a dependent exercises no control over the acquisition or sale of particular holdings, or (2) an interest in a pension plan, 401k, individual retirement account or other retirement investment vehicle that makes diversified investments over which the filer, the filer's spouse or a dependent exercises no control over the acquisition or sale of particular holdings.

*Promulgated by Ethics Commission December 11, 2015; effective July 1, 2016; operative July 1, 2016.*

## **Rule 4 - Conflicts of Interest**

### **Rule 4.1. Purpose of Rule 4.**

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

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

### **Rule 4.2. Definitions.**

As used in Rule 4:

1. "Agency" means any entity of state government created by the Constitution or laws of the State of Oklahoma and supported in whole or in part by state funds or entrusted with the expending of state funds or administering of state property or otherwise exercising the sovereign power of the State of Oklahoma, including but

not limited to all such offices, departments, institutions, boards, bureaus, commissions, agencies, authorities and instrumentalities of the State of Oklahoma. “Agency” shall not mean any city, county, rural electric cooperative or tribal housing authority created under the Oklahoma Housing Authorities Act nor any state entity that performs only advisory functions and that cannot independently exercise the sovereign power of the State of Oklahoma;

2. **“Charitable organization”** is one described in Section 501(c)(3) of Title 26 of the United States Code as it currently exists or as it may be amended;
3. **“Commission”** shall mean the Oklahoma Ethics Commission;
4. **“Family member”** shall include spouse, children (including stepchildren), mother, father, sister or brother;
5. **“Gift”** means property transferred to or service provided for another without compensation of equal value;
6. **“Material financial interest”** shall mean:
  - (a) an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of a filer’s ownership or interest in a business entity, or as a result of a filer’s salary, gratuity or other compensation or remuneration; or
  - (b) an ownership interest in a private business, including but not limited to a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the filer or the filer’s spouse or dependents is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the filer or the filer’s spouse or dependents owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Five Thousand Dollars (\$5,000.00) or more at any point during the preceding calendar year; or
  - (c) an ownership interest of five percent (5%) or more in a publicly held corporation by a filer or the filer’s spouse; or
  - (d) an ownership interest in a publicly held corporation from which dividends of Fifty Thousand Dollars (\$50,000.00) or more were derived during the preceding calendar year by the filer or the filer’s spouse or dependents, or
  - (e) an ownership interest in a Subchapter S corporation or partnership from which income of Fifty Thousand Dollars (\$50,000.00) or more was derived; or
  - (f) an interest that arises as a result of the filer’s or the filer’s spouse or dependents’ service as a director, officer, representative, agent or employee of a publicly held corporation during the preceding calendar year.

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

diversified investments over which the filer or the filer's spouse or dependents exercises no control over the acquisition or sale of particular holdings;

7. **“Vendor”** means any seller or prospective seller of any property or service to the State of Oklahoma; and
8. **“Vendor’s agent”** means a representative of a vendor.

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

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

In addition to these Rules, a state officer or employee shall comply with any more restrictive rules or policies established by his or her employing agency and with any more restrictive provisions of the statutes of the State of Oklahoma; provided, the Commission shall not be responsible for enforcement of Rules other than these Rules unless otherwise required by law.

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

#### **Rule 4.4. Misuse of Office.**

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

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

#### **Rule 4.5. Misuse of Authority.**

A state officer or employee shall not use or permit the use of his or her office or title or any authority associated with his or her state office, or a state office to which he or she has been elected, in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or herself or to his or her family members or persons with whom the state officer or employee is affiliated in a nongovernmental capacity, except to the extent otherwise permitted or authorized by the Constitution or statutes or by these Rules.

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

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

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

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

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

In the event a state officer or employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the material financial interests (1) of the state officer or employee or (2) of his or her family member, or (3) if the state officer or employee knows that a person with whom he or she has a business relationship other than a routine consumer transaction is a party to or represents a party to such matter, and where the state officer or employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his or her impartiality in the matter, the state officer or employee shall not participate in the matter unless he or she is required to do so by law or permitted to do so by these Rules. This provision shall not apply when the effect of the matter applies equally to all members of a profession, occupation or large class. In considering whether a relationship would cause a reasonable person to question his or her impartiality, the state officer or employee may seek the advice of the Commission. The Commission may exercise discretion in determining whether or not to provide such advice or may delegate responsibility to the Executive Director to provide such advice. Such advice, if given by the Commission or the Executive Director, shall bind the Commission. Failure to seek such advice shall have no relevance in any subsequent proceeding involving that individual. A particular matter will have a direct and predictable effect on a material financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the material financial interest, even though the effect is not immediate. It shall not apply to a chain of causation if it is attenuated or is contingent on the occurrence of events that are speculative or that are independent of, and unrelated to, the matter.

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

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

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

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

**Rule 4.9. Gifts from Successful Vendors.**

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

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

4. A state officer or employee may accept a book, written materials, audio tapes, videotapes and other informational or promotional material related to the performance of the state officer or employee's official duties.
5. A state officer or employee may accept opportunities and benefits available to the public generally and on the same terms available to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Rule 4.15. Acceptance of Meals and Other Benefits for Conference Presentations; acceptance of scholarships for educational and training events.**

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



dues or sponsorships customarily and historically paid by a vendor or vendor's agent to a sponsoring organization shall not be considered payment for, or reimbursement for, such costs.

- B. A state officer or employee may accept a scholarship or similar grant or subsidy, including the costs of transportation, lodging, meals, refreshments, entertainment, instruction and materials made available to other participants, to participate in an educational or training event sponsored by a foreign government, the United States government, the government of another state or an organization to which the State of Oklahoma pays membership dues either for the State, a state agency or an individual state officer or employee.
- C. A state officer or employee may accept a scholarship or similar grant or subsidy, including the costs of transportation, lodging, meals, refreshments, entertainment, instruction and materials made available to other participants, to participate in an educational or training event sponsored by a bona fide governmental, professional or business organization other than an organization described in Subsection (B), provided the state officer or employee files a report that includes the date or dates and location of the event, the name of the sponsoring organization or organizations, the name and job title and description of the state officer or employee participating, the subject matter of the event, the approximate value of the scholarship, grant or subsidy and the name of the person providing the scholarship, grant or subsidy. For non-elected state officers, the report shall include a certification by the chief administrative officer of the agency that employs the state officer or employee that the educational or training event will significantly assist the state officer or employee in discharging his or her duties. Forms for the reports shall be prescribed by the Executive Director. Reports shall be filed within thirty (30) days following the last day of the event and shall be displayed on the Commission website.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

Any elected state officer or any state officer or employee approved by the chief administrative officer of the agency to represent the agency at a professional, civic or community event may accept a meal at the event provided by the sponsoring organization. In such instances, the state officer or employee also may accept a token or souvenir gift or memento commemorating the occasion provided the item given is of a value commensurate with the occasion and is neither monetary or a cash equivalent. A professional, civic or community event shall not include political events. An employee for an elected state officer may accept a meal at a political event he or she attends with the elected state officer as long as he or she is not on state time.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective*

*upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

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

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

1. A state officer or employee may make or receive such a gift if there exists a personal relationship between the two that would justify the gift.
2. A state officer or employee may make or receive such a gift on an occasional basis, including an occasion on which gifts are traditionally given or exchanged, provided the gift, which may not be in cash, has an aggregate market value of Twenty Dollars (\$20.00) or less per occasion.
3. A state officer or employee may make or receive such a gift when items such as food or refreshments are to be shared in the agency among several employees.
4. A state officer or employee may make or receive such a gift involving personal hospitality provided at a residence which is of a type and value customarily provided by the state officer or employee to personal friends, or when the gifts consist of items given in connection with the receipt of personal hospitality of a type and value customarily given on such occasions.
5. A state officer or employee may make or receive such a gift appropriate to the occasion in recognition of infrequently occurring occasions of personal significance such as marriage, illness, birth or adoption of a child, retirement, resignation or transfer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A state officer or employee may apply to the Commission for a waiver of a Rule based on a preexisting relationship between the state officer or employee and a person whose status restricts or prohibits certain activities under these Rules.

The Commission shall have exclusive authority and discretion to grant a waiver on a case-by-case basis, based upon the totality of circumstances and a finding that the purposes of these Rules will not be impeded or hindered by the waiver. A waiver shall have only prospective application.

The Commission may request whatever information it deems appropriate from an applicant, including but not limited to verified statements by the applicant and/or the person with whom a preexisting relationship is claimed. The restrictions between a state officer or employee and a person whose status restricts or prohibits certain activities under these Rules shall not apply when the two are family members.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

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

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

### **Rule 5 - Lobbyist Registration and Reporting**

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

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

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

#### **Rule 5.2. Definitions**

As used in Rule 5:

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

3. **“Executive lobbying”** means any oral or written communication with a state officer or employee of an agency, excluding the Governor or a member of the Legislature or with an employee of the Governor or the Legislature, on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rule, rate, regulation, executive order or any other program, policy or position of state government. However, “executive lobbying” shall not mean testimony given at, or submitted in writing to, a public hearing of the agency, nor a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television;
4. **“Executive lobbyist”** means any individual who is employed or retained by another for financial or other compensation to perform services that include executive lobbying, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client, except the following individuals shall not be considered lobbyists:
  - a. an individual appearing before a state officer or employee of an agency who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further lobbying;
  - b. a federal official acting in his or her official capacity;
  - c. any person exercising his or her constitutional right to petition the government who receives no compensation or anything of value for lobbying;
5. **“Family member”** shall include spouse, children (including stepchildren), mother, father, sister or brother;
6. **“Legislative liaison”** means any state officer or employee whose duties in fact include legislative lobbying, regardless of the state officer or employee’s title and regardless of whether or not legislative lobbying is included within the state officer or state employee’s job description other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the agency. Each agency shall have at least one (1) legislative liaison, unless all officers and employees of the agency provide information to the Governor or a legislator only at the request of the Governor or a legislator or an employee of the Governor or the Legislature or as required by law, and provided further that no officer or employee of the agency has requested legislation, other than an appropriation for the agency, or other legislative action, or unless the agency has a contract with a legislative lobbyist to provide legislative lobbying services;
7. **“Legislative lobbying”** means any oral or written communication with the Governor or with a member of the Legislature or with an employee of the Governor or the Legislature on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rule, regulation, executive order or any other

program, policy or position of state government. As used in this Rule, “employee of the Governor or the Legislature” includes any state officer or employee who advises the Governor, a legislator or the Legislature on legislation other than legislation that affects only his or her agency. However, “legislative lobbying” shall not mean testimony given before, or submitted in writing to, a committee or subcommittee of the Legislature, nor a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television;

8. **“Legislative lobbyist”** means any individual who is employed or retained by another for financial or other compensation to perform services that include legislative lobbying, other than an individual whose lobbying activities are only incidental to, and are not a significant part of, the services provided by such individual to the client, except the following individuals shall not be considered lobbyists:
  - a. an individual appearing before the Governor or a meeting of a legislative body who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further lobbying;
  - b. a federal official acting in his or her official capacity;
  - c. any person exercising his or her constitutional right to petition the government who receives no compensation or anything of value for lobbying;
9. **“Lobbyist principal”** means any person or entity, including an agency, who employs or retains another person for financial or other compensation to conduct executive or legislative lobbying activities on behalf of the lobbyist principal; provided, however, it shall not mean any individual members, partners, officers or shareholders of an agency, a corporation, association, firm, joint venture, joint stock company, syndicate, business trust, estate, trust, company, partnership, limited partnership, organization, committee or club, or a group of persons who are voluntarily acting in concert.

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

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

Each legislative liaison or legislative lobbyist shall be required to register with the Ethics Commission each year that the legislative liaison or legislative lobbyist engages in lobbying. Each legislative liaison or legislative lobbyist shall register or renew his or her registration with the Commission no earlier than December 1 nor later than December 31 of each year for the calendar year beginning the following January 1 or within five (5) days after engaging in lobbying on behalf of one or more lobbyist principals and pay a registration fee of One Hundred Dollars (\$100.00) and an additional processing fee for using a credit card. Each legislative liaison or legislative lobbyist may be reimbursed for the registration fee and service fee by a lobbyist principal. Registration by legislative liaisons or

legislative lobbyists shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission. Information on the registration shall include the legislative liaison or legislative lobbyist's name, business address, including electronic mail address and business telephone numbers, the name and address of each lobbyist principal by whom the liaison or lobbyist is employed or retained and the date of the registration.

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

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

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

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

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

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

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

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

Except as provided in these Rules, a legislative liaison, a legislative lobbyist or a lobbyist principal by whom the legislative liaison or legislative lobbyist is employed or retained shall provide no gift to the Governor, a legislator or any employee of the Governor or the Legislature. The Governor, a legislator or any employee of the Governor or the Legislature shall not knowingly accept anything of value from a legislative liaison, a legislative lobbyist or a lobbyist principal by whom the legislative liaison or legislative lobbyist is employed or retained except as permitted by these Rules. Except as provided in these Rules, an executive lobbyist or a lobbyist principal by whom the executive lobbyist is employed or retained shall provide nothing of value to any officer or employee of an agency that is the subject of the executive lobbyist's lobbying activities. No officer or employee of an agency that is subject to an executive lobbyist's lobbying activities shall knowingly accept anything of value from an executive lobbyist or a lobbyist principal by whom an executive lobbyist is employed except as permitted by these Rules. In no event shall a legislative liaison, a legislative lobbyist, an executive lobbyist or a lobbyist principal indirectly provide anything of value to any state officer or employee by providing a thing of value to a family member of the state officer or employee, other than as permitted by these Rules. In no event shall the costs of a thing of value provided by a legislative liaison or legislative lobbyist to the Governor, a legislator or any employee of the Governor or the Legislature permitted by these Rules be divided or shared with other legislative liaisons or legislative lobbyists in filing a report required by these Rules unless otherwise provided by these Rules. Agencies may provide two (2) tickets or admissions to any conference, seminar, lecture or similar event held within the boundaries of the State of Oklahoma and sponsored in whole or in part by the agency to the Governor, any legislator or any employee of the Governor or Legislature, provided the tickets or admissions are used by the recipient and a family member of the recipient.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

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

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

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

A legislative liaison or a legislative lobbyist may make a gift to the Governor or any legislator or any employee of the Governor or the Legislature in recognition of infrequently occurring occasions of



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

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

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

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

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

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

An executive lobbyist shall pay no more than Five Hundred Dollars (\$500.00) per calendar year for meals for an individual state officer or employee of an agency for which he or she is registered or should be registered as an executive lobbyist, regardless of the source of funds used for payment.

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

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

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

aggregated with meals, and the aggregate total of meals and other gifts provided to an individual recipient by an executive lobbyist may not exceed Five Hundred Dollars (\$500.00).

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

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

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

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

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

A lobbyist principal may give a plaque, trophy or similar item suitable for display no more than once per year to a state officer or employee in acknowledgement of the officer or employee's public service, provided the value of the item is no more than Two Hundred Dollars (\$200.00), and the gift is reported on the Legislative Lobbyist Report. No state officer or employee may accept more than one (1) such gift during any calendar year from the same lobbyist principal. A legislative liaison, legislative lobbyist, executive lobbyist or lobbyist principal may provide a gift of any single item with a fair market value not exceeding Ten Dollars (\$10.00) to any state officer or employee, provided that a legislative liaison, legislative lobbyist, executive lobbyist or lobbyist principal shall not make more than one such gift during any calendar year to any state officer or employee.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission December 11, 2015; effective upon sine die adjournment of the Legislature May 27, 2016; operative May 27, 2016.*

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

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

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

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

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

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

**Rule 5.16. Food and Beverage Provided by a Lobbyist Principal to a Legislative Committee or Subcommittee.**

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature’s sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nominal costs of transportation by private motor vehicle or similar public transportation such as a taxi provided by a legislative liaison or legislative lobbyist to and from the location of a meal or event

within the State of Oklahoma or within the vicinity of the meal if outside the geographical boundaries of the State of Oklahoma shall be permitted but shall not be reported. Reports by legislative liaisons or legislative lobbyists shall be filed electronically, unless otherwise ordered by the Commission or the Executive Director of the Commission. Expenditures made by a lobbyist principal that is represented by more than one legislative liaison or legislative lobbyist shall be reported on only one Legislative Lobbyist Report by a legislative liaison or legislative lobbyist; any other legislative liaison or legislative lobbyist representing the same lobbyist principal shall indicate on the Legislative Lobbyist Report the name of the legislative liaison or legislative lobbyist reporting the expenditure on behalf of the lobbyist principal.

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

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

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

1. The cost of each meal provided during the reporting period for a state officer or employee of an agency for which he or she is registered and the date on which the meal was provided. The cost shall include the price, plus any applicable tax but shall not include a gratuity. In calculating the price of the meal, items such as appetizers or hors d'oeuvre or beverages may be apportioned by dividing the total cost of the item equally by the number of participants, where the individual cost per participant is difficult or impossible to ascertain; provided, however, the individual price of other items, such as salads, entrees or individual beverages shall be attributed to individual participants. Any food and beverages provided other than as part of a meal and valued at more than Ten Dollars (\$10.00) in the aggregate during a calendar year shall be reported separately.
2. The aggregate total number and cost of items reported in subsection 1 of this Rule, including any during this reporting period, for a state officer or employee of an agency for which he or she is registered.

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

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

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

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

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

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

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

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

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

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

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

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

A legislative liaison, legislative lobbyist or executive lobbyist shall be required to retain records necessary to substantiate any registrations or reports or other requirements of these Rules for a period of not less than four (4) years.

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

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

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

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

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

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

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

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

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

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



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

### **Rule 6.1. Purpose of Rule 6**

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

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

### **Rule 6.2. Definitions**

As used in Rule 6:

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

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

### **Rule 6.3. Complaints.**

- A. A member of the Commission or an employee of the Commission may accept a complaint from any source; provided, however, no complaint shall be accepted from an anonymous source.
- B. Any person other than a member or an employee of the Commission who files a written complaint alleging a violation of any Rule shall (1) cite the Rule or Rules alleged to have been violated, (2) describe in detail the facts alleged to have caused a violation of a Rule to occur and the name of any individual involved in the alleged violation, (3) certify that he or she has personal knowledge of the facts alleged. It shall be a violation of these Rules for any person to willfully, knowingly and without probable cause make a false complaint alleging a violation of these Rules. A frivolous complaint shall be deemed to be a violation of these Rules by the person making the complaint. A frivolous complaint means the complaint was knowingly asserted in bad faith, was unsupported by any credible evidence, was not grounded in fact, or was unwarranted by existing law. Any person who files a written complaint shall, by doing so, submit to the jurisdiction of the Commission for purposes of this paragraph. It shall be a violation of these Rules for any state officer or employee to take retaliatory action against any subordinate state officer or employee because the subordinate state officer or employee filed a complaint other than a false complaint or a frivolous complaint.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

#### **Rule 6.4. Blackout Period.**

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

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

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

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

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

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

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

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

#### **Rule 6.7. Formal Investigation.**

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

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

**Rule 6.8. Subpoena Power.**

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

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

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

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

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

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

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

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

If a prosecution or a settlement agreement is authorized prior to conclusion of a formal investigation, the Commission may continue the investigation. Termination of a formal investigation as provided in Subsection (1) of this Rule shall not bar reopening the same investigation based upon newly discovered evidence or other good cause. In no event shall the Commission authorize the prosecution of a civil lawsuit in the District Court until any person who is alleged to have violated these Rules has had an opportunity to respond in writing to allegations of any violation. Such person shall be given notice of

the allegations in writing and shall have twenty (20) days in which to file a written response. Upon application, such person shall be granted no more than one extension of twenty (20) additional days in which to file a response. Any additional response shall be granted at the exclusive discretion of the Commission. Failure to respond shall be deemed an admission of the allegations. Such person and/or an attorney representing such person also shall be granted an opportunity to personally appear before the Commission to make an oral response, provided such response is within the time frame provided for a written response.

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

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

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

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

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

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

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

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

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

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

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

**Rule 6.14. Other Remedies.**

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

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

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

Liability for payment of a monetary penalty, fees, costs and other expenses of litigation assessed for violation of a campaign finance Rule, other than late filing fees, shall be as follows:

- (1) A monetary penalty, fees, costs and other expenses of litigation assessed against a political party committee shall be paid from the political party committee's funds or by the political party committee's officers, or by both, as determined by the District Court.
- (2) A monetary penalty, fees, costs and other expenses of litigation assessed against an affiliated political action committee shall be paid by the entity with which the political action committee is affiliated or by officers of the political action committee, or both, as determined by the District Court.
- (3) A monetary penalty, fees, costs and other expenses of litigation assessed against an unaffiliated political action committee shall be paid from political action committee funds or by officers of the political action committee, or both, as determined by the District Court.
- (4) A monetary penalty, fees, costs and other expenses of litigation assessed against a candidate or a candidate committee shall be paid from campaign funds of the candidate or candidate committee, by officers of the candidate committee or by the candidate from funds other than campaign funds, or any combination thereof, as determined by the District Court.

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

**Rule 6.16. Monetary Liability Assessed by District Court.**

Liability for payment of a monetary penalty, fees, costs and other expenses of litigation assessed for violation of a financial disclosure, conflict of interest or lobbying Rule shall be determined by the District Court.

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

**Rule 6.17. Separate Liability Assessed by District Court.**

In the event the District Court finds more than one person liable for a violation of these Rules, those persons shall be separately assessed monetary penalties.

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

**Rule 6.18. Settlement Agreements.**

Irrespective of any penalties provided in these Rules, any monetary penalties, fees, costs or other penalties provided in a settlement agreement shall be in amounts and from sources to be agreed upon by the parties.

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

**Rule 6.19. Registration and Administration Fees; Compliance Fees.**

Beginning July 1, 2015, and annually thereafter, the Commission shall publish on its website any registration and administration fees to be charged by the Commission for legislative liaisons, legislative lobbyists, executive lobbyists, lobbyist principals, political party committees, political action committees and candidate committees. In determining the fees to be charged, the Commission shall endeavor to partially recover costs incurred in processing and maintaining registrations and reports. The Executive Director is authorized to issue compliance orders for the purpose of obtaining compliance with these Rules. Compliance orders may include non-monetary orders and orders for compliance fees, including late filing fees, in order to partially recover costs to the Commission incurred in obtaining compliance with these Rules. No fee shall exceed One Thousand Dollars (\$1,000.00) per violation. Compliance orders shall be in writing. Before a final order is issued, any affected party shall be afforded an opportunity for hearing after reasonable notice. The notice shall be in writing and shall advise the parties of the time for the hearing, their obligation to file an answer and appear and the effect of their failure to respond. The hearing shall be conducted by an administrative law judge under applicable provisions of the Oklahoma Administrative Procedures Act, Title 75 of the Oklahoma Statutes, Sections 250-323, or its successor statutes, and shall be open to the public. The administrative law judge may set aside or modify the Executive Director's order for good cause shown. In the absence of good cause

shown, the administrative law judge shall affirm the order. After the hearing, the Executive Director shall issue a final order. A final order may be appealed to the District Court of Oklahoma County under applicable provisions of the Oklahoma Administrative Procedures Act, Title 75 of the Oklahoma Statutes, Sections 250-323, or its successor statutes. Late filing fees authorized by statute or these Rules shall not be a part of or affected by any monetary penalties, attorney fees, costs, other expenses of litigation or other fees provided by these Rules.

*Promulgated by Ethics Commission January 10, 2014; effective upon Legislature's sine die adjournment May 23, 2014; operative January 1, 2015. Amendment promulgated by Ethics Commission January 9, 2015; effective upon sine die adjournment of the Legislature May 22, 2015; operative May 22, 2015.*

## **Local Government Campaign Finance and Financial Disclosure Act**

### **SB 1745, section1 [not codified]**

- A. This act shall be known as the "Local Government Campaign Finance and Financial Disclosure Act". The Local Government Campaign Finance and Financial Disclosure Act shall be codified in those titles of the Oklahoma Statutes relating to the various levels of local government to which the act applies.
- B. The Legislature hereby finds that:
  - 1. The Oklahoma Constitution requires that all elections shall be free and equal and prohibits local and special laws for the conduct of elections;
  - 2. The conduct of campaigns for county, municipal, technology center district and independent school district elections is inextricably intertwined with the elections themselves and that the conduct of such campaigns is a matter of statewide concern;
  - 3. For the citizens of this state to be adequately informed regarding possible conflicts of interest, financial disclosure by candidates, elected officials and other officials of certain county and municipal governments is necessary;
  - 4. Information regarding campaigns for county, municipal, technology center district and independent school district elections and financial disclosure documents should be made available locally to be more accessible to the electorate; and
  - 5. Enforcement of laws governing campaigns for elective office for counties, municipalities, technology center districts should be uniform and statewide.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

## Title 11, Cities and Towns

### Municipal Campaign Finance and Financial Disclosure Act

#### § 56-101. Provisions – Title

Sections 11 through 20 of this act shall be the provisions of the Local Government Campaign Finance and Financial Disclosure Act applicable to municipalities and shall be known as the "Municipal Campaign Finance and Financial Disclosure Act".

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

#### § 56-102. Definitions

- A. Definitions of terms used in the Municipal Campaign Finance and Financial Disclosure Act shall be the same as those terms are defined in Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, unless otherwise provided herein.
- B. As used in the Municipal Campaign Finance and Financial Disclosure Act:
  - 1. **"Campaign committee"** means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to municipal office, whose name as it will appear on the ballot shall appear in the name of the committee;
  - 2. **"Municipal office"** means any elective municipal office for which Declarations of Candidacy are filed with the secretary of the county election board as required by Sections 16-109 and 16-110 of Title 11 of the Oklahoma Statutes; and
  - 3. **"Municipal political committee"** means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for municipal office but which is not required to register with the Ethics Commission or the Federal Election Commission.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

#### § 56-103. Municipalities Subject to Act

- A. The Municipal Campaign Finance and Financial Disclosure Act shall apply only to municipalities with a population of more than ten thousand (10,000) according to the most recent Federal Decennial Census and a general fund expenditure



budget in excess of Ten Million Dollars (\$10,000,000.00) in the fiscal year in which the municipal elections are held.

- B. A municipality described in subsection A of this section may enact a comprehensive code of campaign finance and personal financial ordinances, including provisions for enforcement thereof, in which case the Municipal Campaign Finance and Financial Disclosure Act shall not apply to the municipality. Any municipality enacting such a code shall file a notice of its action with the Ethics Commission, which shall have no enforcement responsibilities under the code.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015). Amended by Laws 2015.*

#### **§ 56-104. Duty of Campaign Committee to File a Statement of Organization**

Each campaign committee shall file a statement of organization with the municipal clerk subject to the same requirements as set forth for candidate committees for state office required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

#### **§ 56-105. Duty of Municipal Political Committee to File a Statement of Organization**

Every municipal political committee shall file a statement of organization with the municipal clerk subject to the same requirements as set forth for political committees required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

#### **§ 56-106. Duty of Campaign Committee and Municipal Political Committee to File a Report of Contributions and Expenditures**

Every campaign committee and every municipal political committee shall file a report of contributions and expenditures with the municipal clerk subject to the same requirements as set forth for candidate committees and political action committees, respectively, required to file reports of contributions and expenditures with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

**§ 56-107. Filings That Are Public Records - Internet Availability**

Statements of organization and reports of contributions and expenditures required to be filed with the municipal clerk under the Municipal Campaign Finance and Financial Disclosure Act shall be public records. The municipal clerk shall maintain statements of organization and reports of contributions and expenditures for four (4) years after the date on which they are filed, if not posted on the municipality's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the municipal clerk. If the municipality in which the statements of organization and reports of contributions and expenditures are filed maintains an Internet website, the municipal clerk may post on the website copies of statements of organization and reports of contributions and expenditures.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

**§56-108. Duty of Candidates and Elected Officers to File a Statement of Financial Interests**

All candidates for municipal office and all elected municipal officers shall be required to file a statement of financial interests with the municipal clerk subject to the same requirements as set forth for candidates for state office required to file statements of financial interests with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

**§ 56-109. Statements of Financial Interests - Public Records - Internet Availability**

Statements of financial interests required to be filed with the municipal clerk under the Municipal Campaign Finance and Financial Disclosure Act shall be public records. The municipal clerk shall maintain statements of financial interests for four (4) years after the date on which they are filed, if not posted on the municipality's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the municipal clerk. If the municipality in which the statements of financial interests are filed maintains an Internet website, the municipal clerk may post on the website copies of statements of financial interests.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

**§ 56-110. Enforcement - Complaints - Investigations – Penalties**

The Municipal Campaign Finance and Financial Disclosure Act shall be enforced by the Ethics Commission in the same manner as Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution are enforced, including but

not limited to acceptance of complaints, civil prosecutions, settlement agreements and any other compliance practices or requirements. Complaints may be received by the Ethics Commission alleging filing of statements or reports required to be filed under the Municipal Campaign Finance and Financial Disclosure Act later than the prescribed time for filing. Such complaints shall be in the same form as other complaints. Upon receipt of such complaints of late filing, the Ethics Commission shall investigate whether the allegation or allegations are true and, if so, shall assess a late filing penalty of One Hundred Dollars (\$100.00) per day, not to exceed a maximum of One Thousand Dollars (\$1,000.00) for the filing of any statement or report. If the Ethics Commission determines the allegation or allegations are not true, it shall take no further action. Persons assessed a late filing fee may protest the assessment subject to provisions of the Administrative Procedures Act.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

## **Title 19, Counties and County Officers**

### **County Campaign Finance and Financial Disclosure Act**

#### **§ 138.11. Relationship to Local Government Campaign Finance and Financial Disclosure Act**

Sections 2 through 10 of this act shall be the provisions of the Local Government Campaign Finance and Financial Disclosure Act applicable to counties and shall be known as the "County Campaign Finance and Financial Disclosure Act.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

#### **§138.12. Definitions**

- A. Definitions of terms used in the County Campaign Finance and Financial Disclosure Act shall be the same as those terms are defined in Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, unless otherwise provided herein.
- B. As used in the County Campaign Finance and Financial Disclosure Act:
  - 1. **"Campaign committee"** means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to county office, whose name as it will appear on the ballot shall appear in the name of the committee;

2. **"County office"** means any elective county office for which Declarations of Candidacy are filed with the secretary of the county election board as required by Section 5-103 of Title 26 of the Oklahoma Statutes; and
3. **"County political committee"** means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for county office but which is not required to register with the Ethics Commission or the Federal Election Commission.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 138.13. Duty of Campaign Committee to File Statement of Organization – Fee**

Each campaign committee shall file a notarized statement of organization with the county election board subject to the same requirements as set forth for candidate committees for state office to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents, except as otherwise provided in the County Campaign Finance and Financial Disclosure Act. The statement of organization shall be accompanied by a check drawn upon the campaign committee's account in the amount of Fifty Dollars (\$50.00) as a nonrefundable processing fee to be deposited in the County Election Board Special Depository Account. Expenditures from such fees may be made by the secretary of the county election board for any lawful purpose.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 138.14. Duty of County Political Committee to File Statement of Organization**

Every county political committee shall file a notarized statement of organization with the county election board subject to the same requirements as set forth for political committees required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 138.15. Duty of Campaign Committee and County Political Committee to File Report of Contributions and Expenditures**

Every campaign committee and every county political committee shall file reports of contributions and expenditures with the county election board subject to the same requirements as set forth for reports of contributions and expenditures filed with the Ethics Commission under

Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

**§ 138.16. Public Records - Retention and Destruction of Documents - Internet Postings**

Statements of organization and reports of contributions and expenditures required under the County Campaign Finance and Financial Disclosure Act shall be public records. The county election board shall maintain statements of organization and reports of contributions and expenditures for four (4) years after the date on which they are filed or prepared, if not posted on the county's website as provided herein, at which time the documents may be destroyed or retained at the discretion of the county election board. If the county in which the statements of organization are filed maintains an Internet website, the county election board may post on the website copies of statements of organization and reports of contributions and expenditures.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

**§ 138.17. Duty of Candidates and Elected Officers to File Statements of Financial Interests**

All candidates for county office and all elected county officers shall be required to file a notarized statement of financial interests with the county election board subject to the same requirements as set forth for statements of financial interests filed with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

**§ 138.18. Public Nature of Statements of Financial Interests - Retention and Destruction of Documents**

Statements of financial interests required under the County Campaign Finance and Financial Disclosure Act shall be public records. The county election board shall maintain statements of financial interests for four (4) years after the date on which they are filed, at which time the documents may be destroyed or retained at the discretion of the county election board.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

**§138.19. Enforcement - Complaints - Investigations - Penalties – Protest**

The County Campaign Finance and Financial Disclosure Act shall be enforced by the Ethics Commission in the same manner as Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution are enforced, including but not limited to acceptance of complaints, civil prosecutions, settlement agreements and any other compliance

practices or requirements. Complaints may be received by the Ethics Commission alleging filing of statements required to be filed under the County Campaign Finance and Financial Disclosure Act later than the prescribed time for filing or failure to produce reports required to be available for public inspection and copying. Such complaints shall be in the same form as other complaints. Upon receipt of such complaints, the Ethics Commission shall investigate whether the allegation or allegations are true and, if so, shall assess a late reporting penalty of up to One Hundred Dollars (\$100.00) per day, not to exceed a maximum of One Thousand Dollars (\$1,000.00) for the filing of any statement or report. If the Ethics Commission determines the allegation or allegations are not true, it shall take no further action. Persons assessed a late reporting penalty may protest the assessment subject to provisions of the Administrative Procedures Act.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

## **Title 70, Schools**

### **Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act**

#### **§ 2-110. Applicability**

Sections 21 through 30 of this act shall be the provisions of the Local Government Campaign Finance and Financial Disclosure Act applicable to technology center districts and independent school districts and shall be known as the "Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act".

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

#### **§ 2-111. Definitions**

- A. Definitions of terms used in the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall be the same as those terms are defined in Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, unless otherwise provided herein.
- B. As used in the Technology Center District and Independent School District Campaign Finance and Disclosure Act:
  - 1. **"Campaign committee"** means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to school district office, whose name as it will appear on the ballot shall appear in the name of the committee;

2. **"School district"** means a technology center district or an independent school district;
3. **"School district office"** means any elective school district office for which Declarations of Candidacy are filed with the secretary of the county election board as required by Section 13A-
4. 105 of Title 26 of the Oklahoma Statutes; and
5. **"School district political committee"** means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for school district office but which is not required to register with the Ethics Commission or the Federal Election Commission.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 2-112. Applicability of Act**

The Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall apply to all technology center districts and shall apply to all independent school districts.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 2-113. Duty of Campaign Committee to File Statement of Organization**

Each campaign committee shall file a statement of organization with the school district clerk subject to the same requirements as set forth for candidate committees for state office required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 2-114. Duty of School District Political Committee File Statement of Organization**

Every school district political committee shall file a statement of organization with the school district clerk subject to the same requirements as set forth for political committees required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 2-115. Duty to File Report of Contributions and Expenditures**

Every campaign committee and every school district political committee shall file a report of contributions and expenditures with the school district clerk subject to the same requirements as set forth for candidate committees and political action committees, respectively, required to file reports of contributions and expenditures with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 2-116. Public Access to Records - Retention and Destruction of Records Filed With School District Clerk**

Statements of organization and reports of contributions and expenditures required to be filed with the school district clerk under the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall be public records. The school district clerk shall maintain statements of organization and reports of contributions and expenditures for four(4) years after the date on which they are filed, if not posted on the school district's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the school district clerk. If the school district in which the statements of organization and reports of contributions and expenditures are filed maintains an Internet website, the school district clerk may post on the website copies of statements of organization and reports of contributions and expenditures.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 2-117. Candidate's Duty to File Statement of Financial Interests**

All candidates for school district office and all elected school district officers shall be required to file a statement of financial interests with the school district clerk subject to the same requirements as set forth for candidates for state office required to file statements of financial interests with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 2-118. Public Access to Statements of Financial Interests - Retention and Destruction of Statements**

Statements of financial interests required to be filed with the school district clerk under the Technology Center District and Independent School District Campaign Finance and Financial



Disclosure Act shall be public records. The school district clerk shall maintain statements of financial interests for four (4) years after the date on which they are filed, if not posted on the school district's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the school district clerk. If the school district in which the statements of financial interests are filed maintains an Internet website, the school district clerk may post on the website copies of statements of financial interests.

*Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015)*

### **§ 2-119. Enforcement of Act - Complaints - Procedures – Penalties**

The Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act shall be enforced by the Ethics Commission in the same manner as Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution are enforced, including but not limited to acceptance of complaints, civil prosecutions, settlement agreements and any other compliance practices or requirements. Complaints may be received by the Ethics Commission alleging filing of statements or reports required to be filed under the Technology Center District and Independent School District Campaign Finance and Disclosure Act later than the prescribed time for filing. Such complaints shall be in the same form as other complaints. Upon receipt of such complaints of late filing, the Ethics Commission shall investigate whether the allegation or allegations are true and, if so, shall assess a late filing penalty of One Hundred Dollars (\$100.00) per day, not to exceed a maximum of One Thousand Dollars (\$1,000.00) for the filing of any statement or report. If the Ethics Commission determines the allegation or allegations are not true, it shall take no further action. Persons assessed a late filing fee may protest the assessment subject to provisions of the Administrative Procedures Act.

*Enacted in 2014 by Senate Bill 1745 [effective January 1, 2015]*