



OKLAHOMA ETHICS COMMISSION

PHONE: (405) 521-3451 • FAX: (405) 521-4905 • WEBSITE: WWW.ETHICS.OK.GOV

Questions and Answers about Proposed Rule Amendment 2019-02 (Indirect Lobbying)

[Click here for the proposed language of Rule 2019-02. The language is not final and may be modified.](#)

- 1. What is Rule Amendment 2019-02?** Amendment 2019-02 will apply the same level of disclosure used during elections to lobbying. Currently, the Rules require disclosure of the sponsor of messages that encourage a vote for or against a candidate or a state question, but not for legislation.
- 2. Are these disclosures new to Oklahoma?** These types of disclosures have been used in elections for over 20 years, but this will be the first time these disclosures are required for lobbying activities in Oklahoma. Similar disclosure requirements for lobbying exist in other states.
- 3. What activity will require disclosure?** Two types of activity will require disclosure and are defined as “indirect lobbying” in the Ethics Rules.

First, when an entity spends money to encourage individuals to contact their legislator and vote yes or no on legislation, such as in Example 1 below.

Example 1: XYZ, Inc. spends \$25,000 on newspaper and radio ads which state “**SB 1 is bad for Oklahoma. Contact your legislators and tell them to vote no on SB 1.**”

Second, when an entity organizes or directs others to contact their legislator to vote a specific way on pending legislation, such as through pre-made template letters or emails as in Example 2 below.

Example 2: XYZ, Inc. directs an employee to put together templates for letters and emails that are easily customizable and distributes them out for citizens to use. Such as, “**Senator [insert name], I am contacting you because I am your constituent. SB 1 is bad for Oklahoma. Please vote no on SB 1. Cordially, [Name of Constituent].**”

- 4. I am an individual who is a citizen of Oklahoma, does Rule Amendment 2019-02 prohibit or restrict my ability to interact with legislators or other government officials?** No.
- 5. Does Rule Amendment 2019-02 require citizens who talk with their legislators to register as a lobbyist?** No.
- 6. Does Rule Amendment 2019-02 require indirect lobbyists to register with the Commission?** No.
- 7. Will my personal information be reported to the Commission for talking with my legislator?** No.
- 8. I am a member of an organization and pay annual dues to be a member. Will my information be given to the Commission if the organization engages in indirect lobbying?** No. The name and personal information of an individual paying membership dues to an organization will not be reported to the Commission.
- 9. I am a member of an organization and pay dues to be a member. If I give additional money to an organization for the purpose of funding indirect lobbying will my information be disclosed?** Only when an individual makes a contribution to an organization *for the purpose of funding* indirect lobbying will information be provided to the Commission. It is the same information required of an individual who makes contributions to candidates, political committees, or organizations making communications advocating for or against candidates or state questions.

10. Will an individual become a lobbyist by responding to a “call to action” from an organization and using pre-made letters or templates to communicate with their legislator? No. The “indirect lobbyist” is the entity which is either funding or organizing the call to action.

11. What type of disclosures will be required? A disclosure must be included that identifies the communication as “Indirect Lobbying” and identifies the sponsor of the communication. When the cost of the communication exceeds a certain amount, a report will be required to be filed with the Commission. Examples of the disclosure language are below.

Required Disclosure Examples:

- 1) “Indirect lobbying by XYZ, Inc., 123 Main Street, Oklahoma City, OK, (111)111-1111”; or
- 2) “Indirect lobbying, XYZ, Inc., www.xyz.com/lobbying” (the disclosure in (1) must be on the webpage); or
- 3) For online advertisements where a long disclosure is impractical, the phrase “**Indirect Lobbying**” must be included and must hyperlink to a webpage with the disclosure in (1).

12. If a report is required, how difficult is it to file? Reports will be required only when the costs of indirect lobbying exceed a threshold amount. It will be essentially the same online process and form as is used now for entities reporting similar activity during elections. Below is an example of the filing process it will be modeled after and a draft of a form to be used.

Step 1: Go to The Guardian System and click on the report name at the “Special Reports” tab



Step 2: Fill out the required information in each section.

Date Filed: 12/20/2018

Person Making Expenditure

Expenditures

Contributions

Submit Report

By signing, electronic or otherwise, my name below, I acknowledge that the information submitted is complete, true and accurate as of the date submitted. I understand that failure to provide such information is a violation of the Ethics Rules of Oklahoma. I understand that I can update the information above at any time by filing an amended Contributions and Expenditures Report.

Cancel File this Report

Example of Form:

OKLAHOMA ETHICS COMMISSION
 PHONE: (405) 521-3451 • FAX: (405) 521-4905 • WEBSITE: WWW.ETHICS.OK.GOV

INDIRECT LOBBYING REPORT

Amended:

Full Name of Indirect Lobbyist		Address of Indirect Lobbyist	
Full Name of Individual Filing Report		Office or Title of Person Filing Report	Phone Number
Address of Person Filing Report			

TOTAL EXPENDITURES:

Date	Amount	Description	Entity Receiving Expenditure [Name and Address]	Legislation Number & Stance [Support/Oppose]

If the indirect lobbyist received contributions for indirect lobbying identify the contributors below:

Contributor Information	Type of Contributor	Amount	Aggregate Total

Step 3: Click the “File this Report” button on the bottom of the page.