



Oklahoma Ethics Law

Title 74, Chapter 62

Compiled by the Oklahoma Ethics Commission

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TITLE 74, Chapter 62. – Ethics Commission Act

§ 4248. Opinion of Attorney General to Legislator *[Effective through December 31, 2104]*

When any legislator is in doubt as to the application of Section 1409 of this act* as to himself, he may submit to the Attorney General a full written statement of the facts and any questions he may have. The Attorney General shall then render an opinion to such legislator and may publish these opinions, or abstracts thereof, with the use of the name of the legislator advised unless such legislator requests otherwise in writing.

** Title 74, § 4246 et seq.*

Section 33 of Laws 1986, c. 255 provided for the repeal of Title 74, § 1412 and § 34 provided for the recodification of Title 74, § 1412 as this section; Repealed 2014 by SB 1746 [Effective January 1, 2015]

§ 4249. Definitions *[Effective through December 31, 2014]*

As used in Sections 6 through 12* of this act:

1. **"Lobbying"**, or any derivative of the word, means any oral or written communication with a member of the Legislature, with the Governor, with a member of the Corporation Commission, with a member of the judiciary or with an employee of the Legislature, the Governor, the Corporation Commission or the judiciary 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 the state government; provided, however, it 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; provided further, it shall not mean representation of himself or herself or a client by an attorney acting in a professional capacity as an attorney who has entered an appearance in a court proceeding or quasi-judicial proceeding or a legislative or quasi-judicial proceeding before the Corporation Commission;

2. **"Lobbyist"** means any individual who is employed or retained by another for financial or other compensation to perform services that include 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 meeting of a legislative body or executive agency who receives no compensation for his or her appearance other than reimbursement from the state for expenses and who engages in no further or other lobbying,
- b. a public or federal official acting in his or her official capacity,
- c. a public employee acting on behalf of the governmental entity by which he or she is employed, and
- d. any person exercising his or her constitutional right to petition the government who is not specifically required by the provisions of Sections 6 through 11* of this act to register as a lobbyist and who receives no compensation or anything of value for lobbying;

3. **"Lobbyist principal"** means any person who employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of the lobbyist principal;

provided, however, it shall not mean any individual members, partners, officers or shareholders of 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;

4. **"Public member"** means a member appointed to a compensated or uncompensated part-time position on a board, commission, council, authority, bureau, committee, state beneficial public trust, or other establishment of the executive, legislative or judicial branch of the State of Oklahoma. A public member shall not lose his status by receiving reimbursement of expenses or a per diem payment for services. A public member shall not include:

- a. members of advisory bodies to the legislative, executive, or judicial branch of state government,
- b. Postadjudication Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes,
- c. board members of guaranty associations created pursuant to state statute, and
- d. precinct inspectors, judges, clerks and counters;

5. "State employee" means:

- a. an elective or appointed officer or an employee of any state 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.

The term "state employee" shall not include a public member; and

6. **"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.

**Sections 4249 through 4255 of Title 74 of the Oklahoma Statutes.*

***Sections 4249 through 4254 of Title 74 of the Oklahoma Statutes.*

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

§ 4249. Definitions [Effective January 1, 2015]

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 [Effective through December 31, 2014]

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. Information contained on the lobbyist registration form shall be limited to the following:

1. The lobbyist's name and business address and telephone number;
2. The name and address of each lobbyist principal by whom the lobbyist is employed or retained; and

3. The date of the registration.

All registrations filed under this section shall be certified.

C. The Ethics Commission shall promulgate rules concerning lobbyist registration and reporting in the same manner as all other Rules of the Ethics Commission are promulgated as prescribed in Section 3 of Article XXIX of the Oklahoma Constitution. Any such rules in effect on the effective date of this act shall remain in effect until modified or repealed by rules promulgated pursuant to the provisions of this subsection or by law passed by the Legislature.

D. The registration of each lobbyist shall expire on December 31 of each year unless the annual registration fee as set forth in subsection A of this section is paid. The registration fee shall be payable from December 1 through 31 of each year. A lobbyist expenditure report shall be due at this time if such report was not filed for the previous reporting period. If the lobbyist was previously unregistered, then the fee is due within five (5) days after engaging in lobbying. The provisions of this section must be complied with before the Ethics Commission can renew a lobbying registration.

E. Every lobbyist shall file a supplemental registration indicating any change in the information contained in the registration within twenty (20) days after the date of the change. A person who ceases to engage in lobbying shall file a written, verified statement with the Ethics Commission acknowledging the termination of activities. The notice shall be effective immediately upon filing.

F. 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.

G. The Ethics Commission shall maintain registrations and expenditure reports in a separate, alphabetical file and make such registrations and expenditure reports available to the public for inspection.

H. A person who files a notice of termination pursuant to the provisions of subsection D of this section shall file the reports required pursuant to the Rules of the Ethics Commission for any reporting period during which the person was registered at the time the notice of termination is effective.

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]

§ 4250. Lobbyist registration–Termination [Effective January 1, 2015]

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. Influencing legislation or official action—Fraud [Effective through December 31, 2014]

No person required to be registered under Section 6* of this act 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.

**Section 4249 of Title 74 of the Oklahoma Statutes.
Amended 2014 by SB 1746 [effective January 1, 2015].*

§ 4251. Influencing legislation or official action—Fraud [Effective January 1, 2015]

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. Appearance on floor 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.

§ 4253. Use of registration forms and activities reports [Effective through December 31, 2014]

No information copied from registration forms required by Section 7* of this act or from lists compiled from such forms and reports shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for any commercial purpose.

**Section 4250 of Title 74 of the Oklahoma Statutes.
Amended 2014 by SB 1746 [effective January 1, 2015].*

§ 4253. Use of registration forms and activities reports [Effective January 1, 2015]

No information copied from lobbyist registration forms shall be confidential.

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.

§ 4255. Violations—Penalties—Third and subsequent violations [Effective through December 31, 2014]

A. Any person who knowingly and willfully violates any provision of Sections 5 through 11* of this act or Chapter 23 of the Rules of the Ethics Commission commits a misdemeanor. Nothing in Sections 5 through 11** of this act 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 5 through 11*** of this act or any provision of Chapter 23 of the Rules of the Ethics Commission a third and subsequent time, in addition to any other penalties provided herein, shall be prohibited from further lobbying as defined herein 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.

**Section 360 of Title 21 and Sections 4249 through 4254 of Title 74 of the Oklahoma Statutes.*

***Section 360 of Title 21 and Sections 4249 through 4254 of Title 74 of the Oklahoma Statutes.*

****Section 360 of Title 21 and Sections 4249 through 4254 of Title 74 of the Oklahoma Statutes.*

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

§ 4255. Violations—Penalties—Third and subsequent violations [Effective January 1, 2015]

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].

§ 4256. Late fee assessments

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. Employment of former or ex officio state board or commission members

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. 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 copying fees, lobbyist registration fees, and committee registration 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 this act. 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.

§ 4258.1 Creation of Political Subdivisions Enforcement Fund [Effective January 1, 2015]

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)

§ 4259. Committee registration [Effective through December 31, 2014]

A. As used in this section, "committee" means a political action committee or a party committee as defined in the rules of the Ethics Commission. Committee shall not include a candidate committee as defined in the rules of the Ethics Commission.

B. Any committee which accepts contributions or makes expenditures in excess of Five Hundred Dollars (\$500.00) in the aggregate in this state in a calendar year shall file a statement of organization with the Ethics Commission no later than five (5) days after accepting such contributions or making such expenditures. Each statement of organization shall be accompanied by a registration fee in the amount of Fifty Dollars (\$50.00).

C. A new statement of organization shall be filed by a committee each year the committee continues its registration. Such statements shall be filed between January 1 and January 31 of each year and shall be accompanied by the registration fee as set forth in subsection B of this section. The registration fee shall be received no later than January 31 of each year.

D. Any campaign contribution and expenditure reports required to be filed by the rules of the Ethics Commission and which may not have been filed for the previous calendar year shall be filed by the committee at the same time the registration fee is paid. The Commission may not renew a registration until the committee is in compliance with the provisions of this section. A previously registered committee shall not accept contributions or make expenditures until such committee is in compliance with the provisions of this section.

Amended Laws 2004 [Effective November 1, 2004]; Repealed 2014 by SB 1746 [Effective January 1, 2015]

§ 4260. Local candidates—Electronic reports [Effective through December 31, 2014]

All candidates allowed to receive the maximum contribution of Five Thousand Dollars (\$5,000.00), pursuant to paragraph 2 of subsection A of Section 187.1 of Title 21 of the Oklahoma Statutes, shall file a campaign contributions and expenditures report electronically with the Ethics Commission. The Ethics Commission shall make the report available online. The Ethics Commission shall consult with the Office of Enterprise and Management Services regarding an information technology services contract to comply with this section.

Added Laws 2011 [Effective November 1, 2011]. Amended Laws 2012; Repealed 2014 by SB 1746 [Effective January 1, 2015]

§ 4261. Design and Interne Placement of Compliance Forms [Effective January 1, 2015]

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 [Effective January 1, 2015]

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)