



## **OKLAHOMA ETHICS COMMISSION**

**REVISED CONSTITUTIONAL ETHICS RULES,  
INCLUDING EXCERPTS FROM THE CONSTITUTIONAL AND STATUTORY LAW**

**governing the**

**CONDUCT OF STATE OFFICERS AND EMPLOYEES  
AND CAMPAIGNS FOR STATE OFFICE AND STATE ISSUES**

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**EFFECTIVE MAY 24, 2014**

**NOTE:** These rules reflect changes effective as of May 24, 2014. Additional changes will occur as a result of SB 1744 (2014), SB 1746 (2014), and the enactment of new Ethics Rules with effective dates of December 1, 2014, January 1, 2015 and February 1, 2015. Those changes are not contained within this document.

# PREAMBLE

This document contains the following:

- Article XXIX of the Oklahoma Constitution titled Ethics Commission;  
  
Section 48 of Title 17 of the Oklahoma Statutes;
- Sections 187, 187.1 and 187.2 of Title 21 of the Oklahoma Statutes;
- Sections 334, 360 and 463 of Title 21 of the Oklahoma Statutes;
- Section 2358.3 of Title 68 of the Oklahoma Statutes;
- Chapter 62–Ethics Commission Act [Sections 4200 through 4248.1 of Title 74 of the Oklahoma Statutes [repealed];
- Chapter 62–statutes governing lobbying registration and activities, revolving fund and local candidates filing electronic reports [Sections 4249 through 4260 of the Oklahoma Statutes]; and
- Chapter 62–Appendix: Title 257. Ethics Commission [Sections 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2012, Ch. 62, App.] [the “Rules”]. Amendments adding or deleting language to the Rules and a synopsis of the amendments, which take effect July 1, 2011, are available on the agency’s website as “2012 Promulgated Rule Amendments” and “Synopsis of 2012 Promulgated Rule Amendments” at:

[WWW.ETHICS.OK.GOV](http://WWW.ETHICS.OK.GOV)

Please note that the Ethics Commission has jurisdiction over the Political Subdivisions Ethics Act [for county campaigns and officeholders] and the Rules of the Ethics Commission only. The Commission has no jurisdiction to enforce other statutes, whether they carry civil or criminal penalties. Related statutes to the ethics of state officers or employees or state campaigns are included in this compilation for the convenience of the user.

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## **ARTICLE XXIX. ETHICS COMMISSION**

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- 2. Appropriation—Compensation—Staff**
- 3. Ethics Rules**
- 4. Investigation—Decision—Subpoena Power**
- 5. Ethics Interpretations**
- 6. Criminal Penalties**
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### **§ 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 below.



## **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.

## Excerpts from TITLE 21, Crimes and Punishments

### Crimes Relating to Elections

- 187. Definitions
- 187.1 Limitations on campaign contributions
- 187.2 Prohibition on corporate contributions to candidate campaigns—Penalties

### Soliciting Funds to Promote Legislation

- 334. Contingent fees—Influencing legislation or official action
- 360. Coercing political participation of state employees

### Crimes Relating to Public Records and Documents

- 463. Offering forged or false instruments for record

### Crimes Relating to Elections

#### § 187. Definitions

As used in Sections 1 through 3\*of this act:

1. **"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;
2. **"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;
3. **"Campaign"** means and includes all activities for or against the election of a candidate to a specific state office or local 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;
4. **"Candidate"** means a person who seeks nomination or election to state or local office. An individual is a candidate when the individual:
  - a. has filed a declaration of candidacy for any state office with the Secretary of the State Election Board;
  - b. has filed a declaration of candidacy for any local office with the secretary of any county election board,
  - c. has filed a declaration of candidacy with the Secretary of State and has drawn active opposition,
  - d. is nominated as a "substitute candidate" pursuant to Section 1-105 of Title 26 of the Oklahoma Statutes; or
  - e. 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:
    - (1) solicitation is made,
    - (2) contribution is accepted, or
    - (3) expenditure is made.

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

5. **"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 of all expenditures for the candidate.

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

7. a. **"Contribution"** means and includes:

- (1) 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 for use in a campaign, or for reducing the debt of a committee,
- (2) an expenditure 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,
- (3) 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,
- (4) anything of value received by a committee that is transferred from another committee or other source,
- (5) 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 Section 2 of this act, 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,
- (6) the candidate's own money used on behalf of that candidate's candidacy; and
- (7) the difference between the open market value and a discount or rebate:
  - (a) not extended to the public generally, or
  - (b) by a television or radio station not extended equally to all candidates for the same office.

b. The term "contribution" shall not include:

- (1) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or committee,
- (2) for purposes of the contribution limits set forth in Section 2 of this act, the transfer of any funds by a political action committee to another political action 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,
- (3) 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,
- (4) a nonreimbursed payment made by an individual for the individual's own travel expenses on behalf of a committee,
- (5) 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 (\$500.00). However, if the occupant hosts more than one event in an election cycle for the same beneficiary, all subsequent payments that exceed Five Hundred Dollars (\$500.00) in the aggregate are contributions,

- (6) 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 or local officer or state or local employee or a candidate for state or local office by the institution,
- (7) a communication by a corporation, labor organization, or association aimed at its members, owners, stockholders, directors, executive administrative personnel, or their families, or
- (8) a tender of a contribution if the tender is not accepted, including use as collateral, or is transferred to the state as provided in Rule 10-1-2 of the Rules of the Ethics Commission, 74 O.S. Supp. 1994, Chapter 62, App.;

8. **"Expenditure"** means a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee deposit, transfer of funds between committees, or a gift made by a committee. 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 members, owners, stockholders, executive administrative personnel, or their families, except a communication by the corporation's political action committee promoting or opposing a candidate or candidates,
- 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;

9. **"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;

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

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

12. **"Person"** means an individual, corporation, association, proprietorship, firm, 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;

13. **"Political action committee":**

- a. means a combination of at least two individuals, or a person other than an individual:
  - (1) with the primary purpose of:
    - (a) supporting or opposing a candidate or candidates, or a party committee, except those required to file with the Federal Election Commission, or
    - (b) supporting or opposing a ballot measure, and
  - (2) which accepts or gives contributions or makes expenditures from a joint account aggregating at least Five Hundred Dollars (\$500) during a calendar year, and
- b. does not include:
  - (1) a party committee or a candidate committee,
  - (2) 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 law or by Chapter 10 of the Rules of the Ethics Commission to be reported by the recipient committee or committees as a contribution or contributions, and

- (3) 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 law or by Chapter 10 of the Rules of the Ethics Commission to be reported by the committee that receives the contributions;

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

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

\*Section 187, 187.1 and 187.2 of Title 21 of the Oklahoma Statutes.

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

- A. No person or family may contribute more than:
1. Five Thousand Dollars (\$5,000.00) in any calendar year to a committee other than a candidate committee;
  2. Five Thousand Dollars (\$5,000.00) to a candidate for state office, to a candidate for municipal office in a municipality with a population of over two hundred fifty thousand (250,000) persons, according to the most recent Federal Decennial Census, to a candidate for county office in a county with a population of over two hundred fifty thousand (250,000) persons, according to the most recent Federal Decennial Census, or to a candidate committee authorized by such a candidate to receive contributions or make expenditures on his or her behalf, for any campaign; or
  3. One Thousand Dollars (\$1,000.00) to a candidate for other local office, or to a candidate committee authorized by such a candidate to receive contributions or make expenditures on his or her behalf, for any campaign.
- 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 ballot measure 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 Section 4249 of Title 74 of the Oklahoma Statutes 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 Section 4249 of Title 74 of the Oklahoma Statutes 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 Oklahoma Statutes, Title 74, Chapter 62 Appendix, Rule 257:10-1-8.

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 Laws 2008 [Subsections G and H effective November 1, 2008].

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

A. No corporation 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 its candidates, nor shall it, through any agent, officer, representative, employee, attorney, or any other person or persons, so contribute. Nor shall any such corporation, 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 upon the ticket of any political party.

B. A corporation shall not make a contribution or expenditure to, or for the benefit of, a candidate or committee in connection with an election, except that this provision shall not apply to:

1. A campaign or committee solely for or against a ballot measure or local question;  
or

2. The establishment, administration, and solicitation of contributions to a political action committee to be utilized for political purposes by a corporation.

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

D. 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.

E. 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.

F. 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.

## **Soliciting Funds to Promote Legislation**

### **§ 334. Contingent fees—Influencing legislation or official action**

No person may retain or employ a lobbyist, as defined in Section 6\* 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.

### **§ 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.

<sup>1</sup>Title 74, Ch. 62, App. 1, 257:10-1-4.

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

### **§ 463. Offering forged or false 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.

## **Excerpt from TITLE 68, Tax Code, Income Tax**

### **§ 2358.3. Income tax deduction for contributions** [*effective through Dec. 31, 2013*]

A person who contributes money to a political party or to a candidate or candidate committee shall be entitled to deduct the amount contributed, not to exceed One Hundred Dollars (\$100.00) in any one tax year, from the person's adjusted gross income in the computation of Oklahoma income tax.

Repealed by Laws 2013, HB 2308, c. 363, § 18, eff. January 1, 2014



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

4248. Opinion of Attorney General to Legislator

### Lobbying

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§ 4248. Opinion of Attorney General to Legislator

When any legislator is in doubt as to the application of Section 1409 of this act<sup>†</sup> 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.

### Lobbying

§ 4249. Definitions

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.

#### **§ 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. 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 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 by SB 557 (2013), effective May 24, 2013.

**§ 4251. Influencing legislation or official action—Fraud**

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.

**§ 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**

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.

**§ 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**

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.

**Miscellaneous Provisions**

**§ 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.

**§ 4259. Committee registration**

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].

**§ 4260. Local candidates—Electronic reports**

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.

TITLE 74, CHAPTER 62- APPENDIX

TITLE 257. ETHICS COMMISSION

Chapter	Section
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15.	Personal Financial Disclosure..... 257:15-1-1
20.	Ethics and Conflicts of Interest ..... 257:20-1-1
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CHAPTER 1.  
ADMINISTRATIVE OPERATIONS

Section	
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257:1-1-2.	Definitions
257:1-1-3.	Office and hours—Filing requirements
257:1-1-4.	Prohibited acts
257:1-1-5.	Conflicts of interest
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257:1-1-9.	Request for ethics interpretation
257:1-1-10.	Request for rule adoption, amendment or repeal
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257:1-1-12.	Disclosure of confidential information
257:1-1-13.	Effective date of this chapter
257:1-1-14.	Applicability of rules

**257:1-1-1. General purpose and authority**

(a) **Intent.** The Ethics Commission was instituted as the statutory administrator of the Ethics Commission Act, Section 4200 et seq. of Title 74 of the Oklahoma Statutes. It retains these powers and others, as enumerated herein. As a statement of its general purpose and authority, the Ethics Commission finds:

- (1) That the Commission is to promulgate rules of ethical conduct for campaigns for elective state office and for campaigns for initiative and referendum and rules of ethical conduct for state officers and state employees;
- (2) That the central function of this title is to prevent, rather than punish, unethical conduct. The Commission shall publish and make available to the public and to persons subject to this title explanatory information concerning this title, the duties imposed by it and the means of enforcing it. It shall also be the goal of the Commission to initiate and continue programs for the purpose of educating officers, employees, and citizens of this state on matters of ethics and government service.

(b) **Administration of title.** The Ethics Commission, created in Section 1 of Article XXIX of the Oklahoma Constitution, shall administer this title with respect to campaigns for elective state office, for campaigns for initiatives and referenda and for state officers and state employees elected, appointed, or employed to serve in state government.

(c) **Powers and duties.** The powers and duties of the Ethics Commission are set forth in Section 3 of Article XXIX of the Oklahoma Constitution and the Ethics Commission Act, Section 4200 et seq. of Title 74 of the Oklahoma Statutes.

(d) **Rules.** In keeping with its authority and purpose, the Ethics Commission has promulgated rules to implement Section 3 of Article XXIX of the Oklahoma Constitution.

Amended Laws 2009.

## 257:1-1-2. Definitions

Masculine words, whenever used in this title, shall include the feminine and neuter, and the singular includes the plural, unless otherwise specified. In addition, the following words or terms, when used in this title, shall have the following meaning, unless the context clearly indicates otherwise:

**"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.

**"Act"** means the Ethics Commission Act, Section 4200 et seq. of Title 74 of the Oklahoma Statutes.

**"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.

**"Anything of value", "Thing of value" or "Things of value"**

(1) These terms, to the extent that consideration of equal or greater value is not received, include the following:

- (A) a pecuniary item, including money, or a bank bill or note;
- (B) a promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
- (C) a contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
- (D) a stock, bond, note, or other investment interest in an entity;
- (E) a receipt given for the payment of money or other property;
- (F) a right in action;
- (G) a gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel, except as provided in subparagraphs (C), (D) and (N) of Paragraph (2) of this definition;
- (H) a loan or forgiveness of indebtedness, except as otherwise provided in subparagraph (I) of Paragraph (2) of this definition;
- (I) a work of art, antique, or collectible;
- (J) an automobile or other means of personal transportation;
- (K) real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested in realty, a leasehold interest, or other beneficial interest in realty;
- (L) an honorarium or compensation for services, except as otherwise provided in subparagraph (M) of Paragraph (2) of this definition;
- (M) a rebate or discount in the price of anything of value or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public, except as provided in subparagraph (J) of Paragraph (2) of this definition;
- (N) a promise or offer of employment;
- (O) transportation, lodging or entertainment; or
- (P) any other thing of value not excluded by Paragraph (2) of this definition.



- (2) These terms do not include:
- (A) a campaign contribution properly received and reported;
  - (B) any books, written materials, audio tapes, videotapes, or other informational promotional material related to the performance of a state officer's or state employee's official duties;
  - (C) a gift that:
    - (i) is not used, and
    - (ii) no later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
  - (D) a gift, devise, or inheritance from an individual's spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subparagraph;
  - (E) a plaque or trophy with a value that does not exceed two hundred dollars (\$200);
  - (F) modest items of food and refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal;
  - (G) food and beverage consumed on the occasion when participating in a charitable, civic, or community event, and the officer or employee is attending in an official capacity;
  - (H) greeting cards and items with little intrinsic value, such as certificates, which are intended solely for presentation;
  - (I) loans from banks and other financial institutions on terms generally available to the public;
  - (J) opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all state government employees, whether or not restricted on the basis of geographic consideration;
  - (K) rewards and prizes given to competitors in contests or events, including random drawings, which are open to the public; rewards and prizes from contests or events which are not open to the public are also excepted if the state officer's or state employee's entry into the contest is required as part of his official duties;
  - (L) pension and other benefits resulting from participation in a retirement plan offered by an employer or former employer of a state officer or state employee;
  - (M) anything which is paid for by the state government or secured by the state government under state government contract;
  - (N) any gift accepted on behalf of the state of Oklahoma or a governmental entity by the Governor under Section 381 et seq. of Title 60 of the Oklahoma Statutes. In order to be deemed accepted, the Governor must be notified in writing of any gift received by a governmental entity, or person on behalf of a governmental entity, within ten (10) days of receipt of the gift. Notice of acceptance must be received from the Governor within the next thirty (30) days. Upon lack of a response from the Governor within the thirty (30) days of receipt of the notice, the gift is deemed rejected and must be returned to the donor;

- (O) anything for which market value is paid or secured by written contract to be paid by the state officer or state employee no later than 30 days of receipt;
- (P) transportation furnished to a state officer or state employee for the purpose of assisting the officer or employee in the performance of the officer's or employee's official duties and from which the officer or employee receives only incidental personal benefits ancillary to said purpose;
- (Q) food, transportation or entertainment provided by a governmental agency or governmental enterprise of a foreign nation as a gesture of hospitality;
- (R) prescription drugs or similar items given to the recipient for distribution to patients in need of treatment which are not used by the recipient;
- (S) a meal or other food served at a meeting at which the state officer or state employee is an invited guest; and
- (T) any gratuity provided at a meeting, conference, or seminar by sponsors, exhibitors, etc., the cost of which is not borne by a registrant to such meeting, conference, or seminar, and which is available to all registrants; and
- (U) any single item with a fair market value not exceeding Ten Dollars (\$10.00) provided to a state officer or state employee during a calendar year; provided, if a donor provides more than one such item to a state officer or state employee during a calendar year, any such additional items shall not be subject to this exception;
- (V) a ticket to the Speaker's Ball;
- (W) food and beverage provided at any event to which all members of the Legislature are invited, provided this provision shall apply no more than one time per calendar year for any lobbyist principal; and
- (X) food and beverage provided at any meeting of the political caucus of either House of the Legislature, provided the House involved has not adjourned for the day, during a regular or special legislative session; food and beverage provided at any event 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. Any lobbyist or lobbyist principal may provide food and beverage to any meeting of a political caucus or to any event to which all members of a committee or subcommittee of either House are invited as contemplated by this subsection; provided, however, if a lobbyist or lobbyist principal provides food and beverage to the same political caucus of either House or to an event to which all members of the same committee or same subcommittee of either House are invited more than one time during a calendar year, the second such meeting or event and any subsequent meetings or events shall not be subject to the exception to the definition of "things of value" provided by this subsection.

**"Associated"**, when used with reference to an entity, includes an entity in which an individual or a member of his or her immediate family is a director, officer, fiduciary, trustee, agent, or partner, or owns or controls, in the aggregate, at least two percent (2%) or a value of five thousand dollars (\$5,000) of the outstanding equity.

**"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.

**"Classified employee"** means a state employee or a state employee on leave from employment who is under the jurisdiction of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes.

**"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.

**"Congressional district"** means a territorial division of the state of Oklahoma entitled to elect one member to the United States House of Representatives,

**"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.

**"Economic interest"** means a personal financial interest in a state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services when the person who has the economic interest is taking action to influence the state purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services.

**"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.

**"Gift"** means "anything of value", as defined in this section, to the extent that consideration of equal or greater value is not received in exchange therefor.

**"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.

**"Income"** means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, gift, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof; provided, the term "income" shall not include campaign contributions.

**"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.

**"Legislation"** means a bill, resolution, amendment, nomination or other matter pending in either house of the Legislature; any other matter which may be the subject of action by either house of the Legislature, including the introduction, consideration, passage, defeat, approval or veto of the matter; or any matter pending in or which may be the subject of action by a constitutional convention.

**"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.

**"Lobbying"**, or any derivative of the word thereof, means any oral or written communication with a member of the Legislature or with the Governor or with a member of the judiciary or with an employee of the Legislature or the Governor 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, rules, 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 a client by an attorney, acting in a professional capacity as an attorney, in a court proceeding or quasi-judicial proceeding.

**"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 as exempted by Section 4228 of Title 74 of the Oklahoma Statutes or as it may hereafter be renumbered or recodified.

**"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.

**"Official action"** means any judicial, executive, legislative or administrative action which shall include, but is not limited to, the promulgation of rules and regulations and the setting of rates.

**"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.

**"Participation"** includes decision, approval, disapproval, recommendation, the rendering of advice, or vote.

**"Particular matter"** includes a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, inquiry, investigation, charge, accusation, arrest, rulemaking, or legislation.

**"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.

**"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.

(1) A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services.

(2) A public member does 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.

**"Registered lobbyist"** means a person that has filed as a lobbyist with the Commission.

**"Represent"** or **"representation"** means any formal or informal attendance before, or any written or oral communication with, or the filing of documents with any governmental entity on behalf of a person or organization whether gratuitous or for compensation.

**"Securities"** means evidences of debts, property or obligations to pay money or of rights to participate in earnings and distribution of corporate trust, and other property, including but not limited to, stocks, bonds, notes, convertible debentures, warrants, or other documents that represent a share in a company or a debt owed by a company.

**"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.

**"Substantial financial interest"**

(1) means and includes, but is not limited to:

(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 person's ownership or interest in a business entity, or as a result of a person's salary, gratuity or other compensation or remuneration from any person, partnership, organization or association.

(B) An ownership interest in a private business, closely held corporation or limited liability company for which the person or the person's immediate family member is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the person or the person's immediate family member owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends, worth one thousand dollars (\$1,000.00) or more at any point during the preceding calendar year;

(C) An ownership interest of five percent (5%) or more in a publicly held corporation by a person or the person's immediate family member;

(D) An ownership interest in a publicly held corporation from which dividends of one hundred thousand dollars (\$100,000.00) or more were derived during the preceding calendar year by the person or the person's immediate family member; or

- (E) An interest which arises as a result of the person's or the person's immediate family member's service as a director, officer, representative, agent or employee of a publicly held corporation within the preceding calendar year.
- (2) The term "substantial financial interest" shall not be construed to include:
  - (A) An interest in a mutual fund or other community investment vehicle in which the person or the person's immediate family member exercises no control over the vehicle's acquisition or sale of particular holdings; or
  - (B) An interest in a pension plan, 401k, IRA or other retirement investment vehicle in which the person or the person's immediate family member exercises no control over the vehicle's acquisition or sale of particular holdings.

**"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.

**257:1-1-3. Office and hours--Filing requirements**

- (a) The principal office of the Ethics Commission is in B-5 State Capitol Building, Oklahoma City, Oklahoma 73105. The Office is open 8:00 a.m. to 5:00 o'clock p.m. each business day.
- (b) Except as otherwise provided by Sections 15 and 16 of Chapter 10 of this title, in order to be deemed timely filed, reports, registrations, statements or any other documents required to be filed with the Commission must be received by the Commission by hand, mail, facsimile transmission, telegram or express delivery service not later than 5:00 o'clock p.m. on the day specified for filing.
- (c) Except as otherwise specified by Sections 15 and 16 of Chapter 10 of this title, any act authorized, required, or permitted to be performed on a day other than a business day may be performed on the next succeeding business day, and no liability or loss of rights of any kind shall result from such delay.

Amended Laws 1995.

**257:1-1-4. Prohibited acts**

- (a) No member or employee of the Commission, during the period of such membership or employment, shall:
  - (1) hold or campaign for state or local office;
  - (2) be an officer of any committee;
  - (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition;
  - (4) participate in any way in any election campaign; provided, a member or employee of the Commission shall retain the rights to register and vote in any election, to express his opinion privately on political subjects or candidates, to

- participate in the activities of a civic, community, social, labor or professional organization and to be a member of a political party or committee;
- (5) lobby or assist a lobbyist, except as otherwise permitted in these rules; provided a member or employee of the Commission may lobby on matters directly affecting the Act or its rules promulgated pursuant to Article XXIX of the Oklahoma Constitution;
  - (6) sell or cause to be sold, rent or lease either as an individual or through any nonpublicly traded business enterprise in which he holds a substantial financial interest, goods, services, buildings or property to the state or any county except by condemnation or threat of condemnation. A member or employee of the Commission holding a substantial financial interest in a business enterprise shall disqualify himself in any proceeding in which such interest might cause his impartiality to be reasonably questioned pursuant to the provisions of Section 5 of this chapter;
  - (7) be employed by the state or any county in any other capacity, whether or not for compensation;
  - (8) receive or agree to receive compensation for representing or assisting any person or business in any transaction involving the state or any county, except a court of law, or represent another person, firm, corporation or entity for a fee before any governmental entity, except a court of law; or
  - (9) represent any person as an attorney before the Commission, provided that an employee of the Commission may act as a lawyer before the Commission in the course of the employee's official duties.
- (b) Nothing in this section shall prohibit members or employees of the Commission from performing the functions permitted under this title.

**257:1-1-5. Conflicts of interest**

- (a) **Disqualification.** A member of the Ethics Commission shall disqualify himself or be disqualified by the Commission in a proceeding in which his impartiality might reasonably be questioned, including but not limited to, instances where:
- (1) the member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
  - (2) the member knows that he or his spouse or child has an interest in the subject matter in controversy or in a party to the proceeding that could be substantially affected by the outcome of the proceeding;
  - (3) the member or his spouse or a person within the third degree of consanguinity to either of them or the spouse of such person:
    - (A) is a party to the proceeding, or an officer, director, or trustee of a party;
    - (B) is known by the member to have an interest that could be substantially affected by the outcome of the proceeding; or
    - (C) is to the member's knowledge likely to be a material witness in the proceeding; or
  - (4) the member's spouse or a person within the third degree of consanguinity to either of them or the spouse of such person is representing any person as an attorney in the proceeding.
- (b) **Knowledge of financial interests.** A member of the Commission shall inform himself about his personal and fiduciary financial interests and make a reasonable effort to inform himself about the personal financial interests of his spouse and children.

#### 257:1-1-6. Powers and responsibilities of Commission

- (a) **Election of officers.** In October of each year, or at the next Commission meeting after September, the Commission shall choose a chair and vice chair from among themselves. No member shall serve more than one consecutive year as chair.
- (b) **Repository.** The Commission shall serve as the official repository for statements of financial interests, statements of organization, last minute contributions reports, last minute independent expenditures reports, statements of inactivity, campaign contributions and expenditures reports, lobbyist expenditure reports and such other documents filed by committees, state officers, state employees, lobbyists and other persons as pertain to its duties.
- (c) **Voluntary filings.** The Commission shall accept and file any information voluntarily supplied that exceeds the requirements of this title; provided, the Commission shall not require the disclosure of any information other than as specifically provided by this title or which helps identify the filer or committee.
- (d) **Distribution of forms.** The Commission shall distribute, and make available for downloading from its website, forms upon which information shall be provided as required by this title and copies of Article XXIX of the Oklahoma Constitution and this title to the persons required to submit forms to all candidates, committees, officers, and employees required to submit or electronically transmit such forms.
- (e) **Review of statements.** The Commission shall review a random sample of registrations, reports and statements filed in accordance with this title for compliance with its provisions and notify the individual, if a candidate, or treasurer or, in the treasurer's absence, the deputy treasurer, if a committee other than a candidate committee, on whose behalf the report or statement is filed, or filer of any material omission or deficiency.
- (f) **Availability of public records.** The Commission shall make all registrations, reports and statements filed with it available to the public during regular business hours, subject to the Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, within two (2) business days of receipt. No original or record copies of reports, registrations or statements shall be removed from the office of the Commission. No information or identification shall be required by the Commission as a condition of viewing or copying a registration, report or statement which is available to the public.
- (g) **Preservation of documents.** The Commission shall preserve such reports, registrations and statements in accordance with the Records Management Act, Section 201 et seq. of Title 67 of the Oklahoma Statutes, or for a period of at least five (5) years from date of receipt.
- (h) **Ethics interpretations.** The Commission may, in its discretion and where appropriate, issue ethics interpretations pertaining to the provisions of this title when requested by any person or committee who may be subject to the jurisdiction of the Commission. Before issuing an ethics interpretation, the Commission shall announce its consideration of an ethics interpretation at a meeting of the Commission, provide interested persons with a copy of the request for the ethics interpretation with sufficient deletions to prevent the disclosure of the identity of the person or persons involved in the situations presented in the request for the ethics interpretation, schedule and provide notice of a hearing on the request no fewer than thirty (30) days after the announcement and accept both written and oral comments on the request at the hearing. At least five (5) days before the hearing, Commission staff comments and/or draft ethics interpretations shall be made available to the public for comment. Should the Commission determine that a request requires a response more quickly than the notice and hearing would permit, the Commission may issue a confidential "emergency opinion" without notice and a hearing, and such an emergency opinion shall apply only to the person making the request and shall be limited to the specific fact situation included in the request. Notwithstanding the

issuance of such an emergency opinion, the request for an ethics interpretation shall be scheduled for notice and hearing, the same as any other request. If the ethics interpretation thereafter adopted is different than the emergency opinion, the ethics interpretation shall be given prospective effect. The Commission shall make all ethics interpretations issued available to the public within thirty (30) days of the date of issuance. Provided, failure of a person to request an ethics interpretation shall have no relevance in any subsequent proceeding under this title involving such person. Provided further, such interpretation shall be binding on the Commission in any subsequent proceeding under this title. The Commission shall publish its ethics interpretations annually; provided that sufficient deletions shall be made by the Commission in published ethics interpretations or ethics interpretations made available to the public to prevent the disclosure of the identity of the person or persons involved in the situations presented in the ethics interpretations. The executive director or the general counsel may issue informal written opinions, as time permits and with the prior approval of the chair or vice chair, pertaining to the provisions of this title on questions that are susceptible to a single analysis by the clear language of the rule and are not the subject of litigation, investigation or legislation. The Commission shall publish informal written opinions annually; provided that sufficient deletions shall be made by the Commission in published informal written opinions or informal written opinions made available to the public to prevent the disclosure of the identity of the person or persons involved in the situations presented in the informal written opinions. If the matter is subject to more than one analysis, the executive director or general counsel may give an oral opinion but shall inform the petitioner of the dual analysis and the need to request a formal ethics interpretation and shall provide the Commission with an account of the question or questions asked and the rule provision or provisions to which they pertain.

- (i) **Hearings and subpoenas.** The Commission shall, pursuant to this title and as specifically authorized by law, hold hearings, subpoena witnesses upon a vote of a majority of the members of the Commission, and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the Commission's duties or exercise of its powers.
- (j) **Investigations.** The Ethics Commission shall conduct investigations and hearings concerning alleged violations of its rules governing ethical conduct for campaigns for elective state office, campaigns for initiatives and referenda and for ethical conduct of state officers and state employees and certify its own acts and records and determine whether to investigate and act upon an allegation.
- (k) **Prosecution.** The Commission shall, when it deems appropriate, prosecute in the district court of the county where the violation occurred violations of the provisions of this title governing ethical conduct of campaigns, state officers, state employees, and lobbyists. 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.
- (l) **Settlement.** The Commission may settle allegations or investigations and accept payment of fines without court order. Fines paid shall be deposited with the State Treasurer to the credit of the General Revenue Fund of the State of Oklahoma.
- (m) **Promulgate constitutional rules.** After public hearing, the Commission shall promulgate rules of ethical conduct for campaigns for elective state office, for campaigns for initiatives and referenda and for state officers and employees, including civil penalties for violation of those rules, pursuant to the provisions of Section 3 of Article XXIX of the Oklahoma Constitution. An amendment, which is not sponsored by a commissioner, shall not be included in the draft of amendments subject to a final vote of the Commission.

- (n) **Annual Report.** No later than December 1 of each year, the Commission shall report to the five appointing authorities on the Commission's activities in the preceding fiscal year. The report shall contain the names and duties of each individual employed by the Commission and a summary of Commission determinations and ethics interpretations. The Commission shall prevent disclosure of the identity of a person involved in investigations, complaints or ethics interpretations. The report may contain other information on matters within the Commission's jurisdiction and recommendations for legislation as the Commission deems desirable.
- (o) The Ethics Commission may take other actions it deems appropriate to fulfill its constitutional or statutory duties.

Amended Laws 1995. Amended Laws 1996. Amended Laws 1997. Amended Laws 1998. Amended Laws 2003. Amended Laws 2004. Amended Laws 2007. Amended Laws 2009.

#### **257:1-1-7. Forms and publications**

The Executive Director shall devise or designate forms and form software and publications to conform with this title, subject to the approval of the Commission, which shall include, but not be limited to, the following forms and publications and shall make such forms, form software and publications available to the public:

- (1) Copy of Article XXIX of the Oklahoma Constitution and this title;
- (2) Statement of organization;
- (3) Campaign contributions and expenditures report;
- (4) Request for rule adoption, amendment or repeal;
- (5) Statement of inactivity;
- (6) Last minute contributions report;
- (7) Last minute independent expenditures report;
- (8) Contributor statement;
- (9) Statement of financial interests;
- (10) Lobbyist or other person gift report;
- (11) Request for ethics interpretation;
- (12) Prohibited acts of classified state employees; and
- (13) Notices, instructions, and educational manuals for filling out forms and complying with this title.

Amended Laws 1996.

#### **257:1-1-8. Availability of documents**

- (a) Documents shall be available to the public for inspection between 8:00 a.m. and 5:00 o'clock p.m. on business days.
- (b) Persons wishing to photocopy documents in the custody of the Ethics Commission may do so in accordance with provisions of the Open Records Act. Photocopies of documents may be made upon payment of twenty-five cents (\$.25) per page for each page of a document requested. The Executive Director may, in his or her discretion, require additional fee payment, as provided in the Open Records Act, to recover and photocopy documents requested.

#### **257:1-1-9. Request for ethics interpretation**

- (a) Any person who may be subject to the jurisdiction of the Commission, may request in writing an interpretation regarding the application of such rule to the facts or hypothetical set of facts furnished with the inquiry. Such request may be in the form of a petition for ethics interpretation. The petition shall state fully the facts of the situation of the

requesting party as are or may be pertinent to the rule. Such person may request the assistance of the Commission's staff in complying with the requirements of this section. The Commission may respond, in its discretion and where appropriate, to such questions by assigning the request or inquiry to administrative staff for review. Thereafter, the Commission may make a final determination of the interpretation. The interpretation of the rule will be furnished in writing to the person making the request.

- (b) The Commission shall not issue ethics interpretations on matters it knows to be the subject of pending investigation, litigation or legislation.
- (c) The petition shall be in substantially the following form:

BEFORE THE ETHICS COMMISSION

In the matter of the Petition                      No.    (to be assigned by staff)  
for Ethics Interpretation  
of \_\_\_\_\_

PETITION FOR ETHICS INTERPRETATION

\_\_\_\_\_, a person who may be subject  
(Name of Petitioner)

to the jurisdiction of the Commission states:

The facts upon which this petition is based are as follows:

---

(State facts in general terms and explain why question exists.)

---

WHEREFORE, petitioner requests that the Commission review this petition and make a final determination of the interpretation requested and provide the interpretation in writing to petitioner.

---

PETITIONER

DATE: \_\_\_\_\_

**257:1-1-10. Request for rule adoption, amendment or repeal**

All interested persons may ask the Commission to adopt, amend or repeal a rule; such request shall be in writing and filed with the Commission. The request shall set forth fully the reasons for its submission; the alleged need or necessity therefor, whether or not the proposal conflicts with any existing rule, and what, if any, statutory provisions are involved. Such persons may request the assistance of the Commission's staff in complying with the requirements of this section. Such request shall be considered by the Commission and, if approved, notice shall be given that such proposal will be formally considered for adoption. If, however, it is initially determined that the proposal or request is not a necessary adoption, amendment or repeal, the same shall be refused and the decision reflected in the records of the Commission. A copy shall be sent to the interested person who submitted the request.



BEFORE THE ETHICS COMMISSION

In the matter of the  
Petition for Rule \_\_\_\_\_  
(Adoption, Amendment or Repeal)

No. (to be assigned by staff)

PETITION FOR RULE (ADOPTION,  
AMENDMENT OR REPEAL)

\_\_\_\_\_, an interested person, requests that the Commission  
(Name of Petitioner)

adopt/amend or repeal the following:

(if a request to adopt, amend or repeal, set out Rule in question)

WHEREFORE, petitioner requests that the Commission consider this petition and approve the proposal submitted.

PETITIONER

DATE: \_\_\_\_\_

**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.

Amended Laws 1995. Amended Laws 2010, House Bill 2408, § 3, emerg. eff. July 1, 2010.

#### **257:1-1-12. Disclosure of confidential information**

If the Commission, upon a vote of a majority of the members serving, determines that any information or record made confidential by the provisions of this title has been disclosed by a member or employee of the Commission, it shall immediately request that:

- (1) the member voluntarily resign from the Commission, or
- (2) the employee be terminated.

#### **257:1-1-13. Effective date of this chapter**

The effective date of this chapter was July 1, 1994. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1995 was July 1, 1995. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1996 was July 1, 1996. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1997 was July 1, 1997. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1998 was July 1, 1998. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 1, 1999 was July 1, 1999. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 8, 2000 was July 1, 2000. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2001 was July 1, 2001. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2002 was July 1, 2002. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2003 was July 1, 2003. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2004 was July 1, 2004. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2005 shall be July 1, 2005. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2006 was July 1, 2006. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2007 and House Bill 2110 was July 1, 2007. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2008 was July 1, 2008. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2009 was July 1, 2009. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2010, was July 1, 2010. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2011, was July 1, 2011. The promulgated rules amending Section 2 of this chapter, definition of “anything of value,” submitted to each House of the Legislature and to the Governor on February 7, 2012, becomes effective January 1, 2013; the definition of “for the purpose of” was added effective May 25, 2012.

**257:1-1-14. Applicability of rules**

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

## **CHAPTER 10. CAMPAIGN REPORTING**

### **Section**

- 257:10-1-1. General purpose and authority
- 257:10-1-2. Contributions
- 257:10-1-3. Use of public funds, property, time, and personnel to influence elections
- 257:10-1-4. Classified employees' political activity
- 257:10-1-5. Solicitation of and contributions by state employees
- 257:10-1-6. Limitation on fundraisers in Oklahoma County
- 257:10-1-7. Expenditures
- 257:10-1-8. Designation of candidate committees
- 257:10-1-9. Committee officers and agents
- 257:10-1-10. Campaign depositories and campaign accounts
- 257:10-1-11. Registration requirements
- 257:10-1-12. Statement of organization
- 257:10-1-13. Required reports of contributions and expenditures
- 257:10-1-14. Report contents
- 257:10-1-15. Report of last minute contributions/receipts
- 257:10-1-16. Report of independent expenditures and electioneering communications
- 257:10-1-17. Notification of filing obligation
- 257:10-1-18. Report filing requirements
- 257:10-1-19. Dissolution procedures
- 257:10-1-20. Use of campaign contributions and use of surplus funds
- 257:10-1-21. Effective date of this chapter
- 257:10-1-22. Applicability of rules

### **257:10-1-1. General purpose and authority**

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

Amended Laws 2005.

### **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-subsidiary relationship; or
    - (D) have by-laws so stating; or
    - (E) are affiliated or connected entities.
  - (2) A candidate committee and a committee other than a candidate committee are treated as a single committee if the committees both have the candidate or a member of the candidate's immediate family as an officer.
- (g) **Attribution and aggregation of family contributions.**
- (1) Contributions by a husband and wife are aggregated.
  - (2) Contributions by children under eighteen (18) years of age shall be considered to be contributions made by their parent, parents or legal guardian and shall be attributed to the family limit specified in Subsection (a) of this section. In the case of a single custodial parent, the total amount of such a contribution shall be considered to be a contribution made by the single custodial parent.
- (h) **Restrictions on loans.**
- (1) A loan is considered a contribution from the lender, guarantor, and endorser of the loan and is subject to the contribution limitations of this section.
  - (2) A loan to a candidate or the candidate committee shall be by written agreement.
  - (3) The proceeds of a loan, regardless of the amount, made to a candidate:
    - (A) by a commercial lending institution;
    - (B) made in the regular course of business;
    - (C) on the same terms ordinarily available to members of the public; and
    - (D) which is secured or guaranteed solely by the candidate;
 are not subject to the contribution limits of this section.
  - (4) A loan from one committee to another is prohibited.
- (i) **Anonymous and earmarked contributions.**
- (1) A person shall not make to a committee and a committee shall not accept an anonymous contribution in excess of fifty dollars (\$50). The recipient of an anonymous contribution in excess of fifty dollars (\$50) shall, within two (2) business days, remit the contribution to the Commission to be deposited with the State Treasurer to the credit of the General Revenue Fund.

- (2) For purposes of the contribution limitations imposed by this section, all contributions made by a person, either directly or indirectly, to or for the benefit of a particular candidate committee, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate committee, shall be treated as contributions from such person to such candidate committee. It shall be prohibited for an intermediary or a conduit to make a contribution to a committee in his or her own name rather than the name of the original source of such contribution. For purposes of this paragraph, an intermediary or conduit means a person, who is not the treasurer, deputy treasurer or agent of a committee, but who is given a contribution by another with the understanding that it will be contributed to that committee. The reports shall show the correct name of the person actually making the contribution.
- (j) **Reimbursement for contribution prohibited.** A person shall not, directly or indirectly, reimburse a person for a contribution to a candidate or committee.
- (k) **Cash contributions.**
- (1) An individual shall not make to a candidate committee or a committee supporting or opposing a ballot measure and a candidate committee or a committee supporting or opposing a ballot measure shall not accept a contribution of more than fifty dollars (\$50) in cash during a campaign as defined in Chapter 1, Section 2. Agents accepting and delivering cash shall deliver contributor statements disclosing cash contributions equal to the aggregate amount of cash delivered.
- (2) A committee, or a person other than an individual, shall not make a contribution in cash.
- (l) **Certain contributions required to be by written instrument.**
- (1) An individual shall not make a contribution of more than fifty dollars (\$50), other than an in-kind contribution, except by written instrument containing the name of the contributor and the name of the payee during a campaign as defined in Chapter 1, Section 2.
- (2) A committee, or a person other than an individual, shall not make a contribution, other than in-kind, except by written instrument containing the name of the contributor and the name of the payee.
- The date of the written instrument shall not be more than thirty (30) calendar days prior to tender of the contribution to the payee.
- (m) **Use of other funds.**
- (1) Anything of value which is solicited from the public in the name of or for the benefit of an elective officer or candidate, and which is accepted by an elective officer or candidate, shall be subject to the reporting requirements of this chapter. This would include, but not be limited to, things of value given for an inauguration or renovation of public property. Anything of value accepted by an agent or representative of an elective officer or candidate or by a committee established by, in the name of, or for the benefit of, an elective officer or candidate shall be deemed to be accepted by such elective officer or candidate for purposes of this section.
- (2) The use of such things of value shall be limited to the stated purpose or purposes for which such things of value were solicited.
- (3) Any surplus things of value which are not needed for the stated purpose or purposes shall be returned to the donors pursuant to a formula by which no donor receives more than his or her original donation or deposited with the State Treasurer to the credit of the General Revenue Fund.

(n) **Auctions.**

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

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

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

**257:10-1-3. Use of public funds, property, time, and personnel to influence elections**

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

Constitution or the United States Constitution.

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

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

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

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

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

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

Amended Laws 1995. Amended Laws 1996. Amended Laws 2007. Amended Laws 2013.

#### **257:10-1-4. Classified employees' political activity**

- (a) **Classified employees.** No classified employee shall:
  - (1) use his official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof;
  - (2) become a candidate for an elective office in a partisan election;
  - (3) directly or indirectly solicit contributions or other funds for a partisan political candidate or party committee;
  - (4) directly or indirectly solicit, accept, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose; or
  - (5) organize, sell tickets to, promote or actively participate in a fundraising activity of a candidate in a partisan election or of a party committee.
- (b) **O.S.B.I. and O.S.B.N.D.D.C. classified employees.** In addition to those prohibitions specified in Subsection (a) of this section, no classified employee of the Oklahoma State Bureau of Investigation or the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who has the power of a peace officer shall:
  - (1) serve as an officer of a party committee at the national, state or local level;

- (2) organize or reorganize a party committee;
  - (3) solicit votes in support of or in opposition to a candidate for state office in a partisan election or a candidate for party committee office;
  - (4) act as a watcher at the polls in behalf of a party committee or a candidate in a partisan election;
  - (5) drive voters to the polls on behalf of a party committee or a candidate in a partisan election;
  - (6) endorse or oppose a candidate for state office in a partisan election or a candidate for party committee office in a political advertisement, broadcast, campaign, literature or similar material;
  - (7) serve as a delegate, alternate or proxy to a party committee convention;
  - (8) address a convention, caucus, rally or similar gathering of a party committee in support of or in opposition to a partisan candidate for state office or party committee office;
  - (9) initiate or circulate a partisan nominating petition; or
  - (10) take any active part in political organization management.
- (c) **Retained rights.** Except as otherwise prohibited in Subsection (b), a classified employee shall retain the right to:
- (1) register and vote in any election;
  - (2) express his opinion as an individual privately and publicly on political subjects and candidates;
  - (3) display a political picture, sticker, badge or button;
  - (4) serve as an officer of a party committee at the national, state or local level;
  - (5) participate in the activities of a civic, community, social, labor or professional organization or of a similar organization;
  - (6) be a member of a party committee or other political action committee and participate in its activities consistent with Subsections (a) and (b) of this section;
  - (7) attend a political convention, rally, fundraising function or other political gathering;
  - (8) sign a political petition as an individual;
  - (9) make a voluntary financial contribution to a committee;
  - (10) be politically active in connection with a question, such as an amendment to the State Constitution, referendum, approval of a municipal ordinance or any other question or issue of a similar character;
  - (11) serve as an election judge or clerk, or in a similar position to perform duties as prescribed by state or local law; and
  - (12) otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency or integrity of his administration of state functions.
- (d) **During work status.** Subsection (c) of this section shall not authorize a classified employee to engage in political activity, while on duty, or while in a uniform that identifies him as a state employee. Nor shall a classified state employee be permitted to engage in political activities in the assigned work areas of a state agency.
- (e) **Unclassified or classified state employees.** No unclassified or classified state employee, with the exception of elective officers, shall wear a campaign button, hat, badge or other campaign paraphernalia during the hours that the employee is officially in work status for a governmental entity.

Amended Laws 1996.

**257:10-1-5. Solicitation of and contributions by state employees**

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

Amended Laws 1995.

**257:10-1-6. Limitations on fundraisers in Oklahoma County**

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

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

**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 [Repealed effective May 23, 2014]**

- (a) The Commission shall send by first class or electronic mail a notice of obligation to file no less than ten (10) days before the first day a report is due for each period for which a committee is required to file or electronically transmit such statement or report. The Commission shall notify each registered committee no less than ten (10) days before each filing date for a monthly or quarterly report. The Commission shall send by first class or electronic mail a notice of obligation to file a pre-election report to a committee if information provided on the statement of organization indicates probable involvement in a particular election.
- (b) A committee is not relieved of its reporting responsibilities if:
  - (1) the Commission fails to send a notice; or
  - (2) the committee does not receive a notice.
- (c) **Publication, notice, and late filing fees.** The Commission shall post in public view in its office and on its website a list of those delinquent in filing any designation, registration, statement or report required by the Rules. The Commission shall send a delinquency notice to the appropriate person within twenty-four (24) hours after the filing deadline by first class mail and shall assess late filing fees as provided in Section 4256 of Title 74 of the Oklahoma Statutes.

Amended Laws 1996. Amended Laws 2010. Repealed effective May 23, 2014.

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

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

Amended Laws 1996. Amended Laws 2004.

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

- (a) **Candidate committees.** A candidate committee may not dissolve until:
  - (1) after a Primary Election, Special Primary or a Run-off Primary Election in which the candidate who designated the committee is elected or defeated;
  - (2) after the General Election or Special General Election in which such candidate's name appears on the ballot;
  - (3) after the last day for filing a declaration of candidacy for such candidate who is unopposed in the Primary, Run-off Primary and General Election or Special Primary and Special General Election;
  - (4) after such candidate's name has been stricken from the ballot pursuant to Section 5-127 of Title 26 of the Oklahoma Statutes;
  - (5) after withdrawal of such candidate's candidacy pursuant to Sections 5-115 or 5-116 of Title 26 of the Oklahoma Statutes; or
  - (6) after the committee determines that it will not accept contributions or make expenditures.
- (b) **Other committees.** A political action committee or a party committee may dissolve only after it determines that it will not accept contributions or make expenditures. A committee formed to support or oppose one or more related ballot measures shall not accept contributions or make expenditures toward a new unrelated ballot measure but may file a final report transferring surplus funds to a new committee formed for such purpose which shall register and report as required by this chapter.
- (c) **Final report.** Upon dissolution, a committee shall file a final report. A final campaign contributions and expenditures report may be filed, by paper form or electronically transmitted at the time or before a scheduled filing is due. A final report and a quarterly report may be filed on the same form or the final report may be filed separately. A quarterly report, designated as a final report, shall include contributions or expenditures, if any, which occur from the end of the quarterly reporting period until the time the report is filed without changing the due dates of quarterly reports as provided in Subsection (a) of Section 13 of this chapter. The form or electronic transmittal must be marked or designated "final".

- (d) **Treatment of debt.** If a committee owes or is owed money, the committee may dissolve, but must report the status of the debts on the same dates as campaign contributions and expenditures reports would be due until all debts are resolved. Methods of resolution must also be detailed.
- (e) **Committee assets.** Committee assets shall be disposed of according to Section 20 of this chapter before dissolution.

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

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

(a) **Candidate committees.**

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

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

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

- (3) **Use of surplus funds.** The surplus funds may:
  - (A) be deposited with the State Treasurer to the credit of the General Revenue Fund;
  - (B) be returned to the contributors pursuant to any formula approved by the candidate; provided, any amount returned to a contributor shall not exceed the amount of the original contribution;
  - (C) be contributed to a charitable organization;
  - (D) be retained by the candidate or candidate committee for use in a future election for a six-year period following the General Election for the same or a different office;
  - (E) be used to defend legal actions or proceedings arising out of the campaign, election, or the performance of the candidate's official duties as a state officer; provided that such funds shall not be used to defend criminal charges;
  - (F) be used for a community activity;



- (G) be used for political activity;
- (H) be transferred to the state, county or congressional district committee of a political party, not to include an affiliated or connected entity of a political party;
- (I) be distributed using a combination of these options; or
- (J) be used for tickets for the Speaker's Ball.

(b) **Other committees.**

- (1) **Use of campaign contributions.** Contributions accepted by any committee, other than a candidate committee, may not be converted by any person to any personal use and shall be used to defray any campaign expenditures and to further the committee's purposes. Said contributions shall not be used for any other purposes except as permitted in Paragraph (2) or (3) of this subsection. Such a committee with an unexpended balance of funds not otherwise obligated for the payment of expenses to further the committee's purposes shall designate how the surplus funds are to be disposed of on the committee's statement of organization. Surplus funds may not be expended for any other purpose. The designated use or uses for surplus funds may be changed by the committee by filing an amended statement of organization, provided that no contributions received prior to the date the amended statement of organization is filed with the Commission may be used for the amended use or uses.
- (2) **Use of surplus funds by committees supporting or opposing candidates.** Surplus funds of committees, other than candidate committees, formed solely to support or oppose candidates may be:
  - (A) deposited with the State Treasurer to the credit of the General Revenue Fund; or
  - (B) returned to the contributors pursuant to any formula approved by the committee; provided, any amount returned to a contributor shall not exceed the amount of the original contribution.
- (3) **Use of surplus funds by committees supporting or opposing ballot measures.** Surplus funds of committees formed to support or oppose ballot measures may be:
  - (A) deposited with the State Treasurer to the credit of the General Revenue Fund;
  - (B) returned to the contributors pursuant to any formula approved by the committee; provided, any amount returned to a contributor shall not exceed the amount of the original contribution; or
  - (C) donated to a charitable organization; or
  - (D) donated to a community activity.
- (4) **Use of surplus funds by political action committees making only independent expenditures or electioneering communications.** Surplus funds of political action committees formed to make only independent expenditures or electioneering communications may be:
  - (A) deposited with the State Treasurer to the credit of the General Revenue Fund;
  - (B) returned to the contributors pursuant to any formula approved by the committee; provided, any amount returned to a contributor shall not exceed the amount of the original contribution;
  - (C) donated to other political action committees formed solely to make independent expenditures or electioneering communications;
  - (D) donated to a charitable organization; or
  - (E) donated to a community activity.

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

### **257:10-1-21. Effective date of this chapter**

The effective date of this chapter was July 1, 1994. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1995 was July 1, 1995. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1996 was July 1, 1996. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1997 was July 1, 1997. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1998 was July 1, 1998. The effective date of the amendments of this chapter submitted to each House of the Legislature and to the Governor on February 1, 1999 was July 1, 1999. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 8, 2000 was July 1, 2000. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2001 was July 1, 2001. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2002 was July 1, 2002. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2003 was July 1, 2003. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2004 was July 1, 2004. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2005, unless otherwise specified, was July 1, 2005. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2006, unless otherwise specified, was July 1, 2006. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2007 and House Bill 2110 shall be July 1, 2007. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2008 was July 1, 2008. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2009 was July 1, 2009. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2010, was July 1, 2010. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2011, was July 1, 2011. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2012, shall be May 25, 2012.

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

### **257:10-1-22. Applicability of rules**

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

**CHAPTER 15.**  
**PERSONAL FINANCIAL DISCLOSURE**

Section

- 257:15-1-1. General purpose and authority
- 257:15-1-2. Exceptions to reporting requirements
- 257:15-1-3. Individuals required to file—Exemption
- 257:15-1-4. Deadline for filing statements
- 257:15-1-5. Liaison to Commission
- 257:15-1-6. Commission handling of statements of financial interests
- 257:15-1-7. Information required
- 257:15-1-8. Effective date of this chapter
- 257:15-1-9. Applicability of rules

**257:15-1-1. General purpose and authority**

The purpose of this chapter is to require those persons elected, appointed, and employed to administer the government on behalf of the people of the State of Oklahoma to make certain financial disclosures to demonstrate that fair and equitable treatment is given to all governmental decisions.

**257:15-1-2. Exceptions to reporting requirements**

This chapter does not require the disclosure of financial information concerning the following:

- (1) a spouse legally separated from the filer;
- (2) a former spouse;
- (3) a gift, devise, or inheritance from the filer's spouse, child, step-child, parent, step-parent, grandparent, step-grandparent, sibling, step-sibling, parent-in-law, sibling-in-law, nephew, niece, aunt, uncle, or first cousin or the spouse of that individual; and
- (4) a campaign contribution that is permitted and reported.

**257:15-1-3. Individuals required to file— Exemption**

- (a) The following individuals shall file a statement of financial interests or a statement of no change with the Commission:
  - (1) a state officer except for those excluded from the definition of a public member;
  - (2) the chief administrative officer and the first assistant administrative officer of a governmental entity;
  - (3) a state employee who determines state policy or who makes final spending decisions for the state or any governmental entity;
  - (4) an individual who is a candidate to become an elective officer; and
  - (5) a public member.
- (b) For purposes of Chapters 15 and 20, a person who makes final spending decisions shall include a person who:
  - (1) participates in the review and analysis of bid specifications;
  - (2) assists in the review and analysis of bids;
  - (3) recommends for selection bidders,
  - (4) prepares or approves requisitions for purchases against previously bid statewide or agency issued contracts,
  - (5) are in the claim preparation or approval process who can exercise discretion and

who can cause previously made purchasing decisions to be reviewed before payment is made.

- (c) A person who makes final spending decisions shall not include a person who:
  - (1) performs clerical duties related to purchasing and claim processing; or
  - (2) is involved in substantive purchasing duties but is restricted to individual purchases of less than twenty-five hundred dollars (\$2,500).
- (d) A full-time or adjunct faculty member of the Oklahoma State System of Higher Education, who neither determines state policy nor makes final spending decisions for the state or any governmental entity, shall not be required to file a statement of financial interests.

Amended Laws 1995. Amended Laws 1996. Amended Laws 1998. Amended Laws 2007.

#### **257:15-1-4. Deadline for filing statements**

- (a) Except as otherwise provided by this section, the statement of financial interests must be filed by May 15 of each year and shall include the required information for the preceding calendar year; provided:
  - (1) in the case of a candidate to become an elective officer, on or before the tenth day following the last day for filing the declaration of candidacy for the state office;
  - (2) in the case of:
    - (A) a state employee employed after December 31 but before April 15, the initial statement must be filed by May 15 or thirty (30) days after employment, whichever is later; and
    - (B) a state employee employed after April 15, the initial statement must be filed thirty (30) days after employment;
  - (3) in the case of:
    - (A) a public member or an appointee to an elective office who is appointed after December 31 but before April 15, the initial statement must be filed by May 15, thirty (30) days after appointment, or thirty (30) days after assuming the duties of the office, whichever is latest; and
    - (B) a public member or an appointee to an elective office who is appointed after April 15, the initial statement must be filed thirty (30) days after appointment, or thirty (30) days after assuming the duties of the office, whichever is later.
- (b) Every state officer and every state employee required to file a statement of financial interests pursuant to the provisions of Section 3 of this chapter shall file a final statement of financial interests within sixty (60) days of the date he or she ceases to serve as a state officer or state employee. A final statement of financial interests shall cover the period from January 1 through the date the filer ceased to serve as a state officer or state employee.
- (c) No individual shall be required to file more than one statement of financial interests in any calendar year except as required by Subsection (b) of this section or Section 7, Subsection (c) of this chapter. A filer who serves in both a compensated and uncompensated position with the state must file the statement of financial interests required by Subsection (a) of Section 7 of this chapter.

Amended Laws 1995. Amended Laws 1997. Amended Laws 1998. Amended Laws 2005.

#### **257:15-1-5. Liaison to Commission**

Every governmental entity created by the Oklahoma Constitution or by state statute, except those exempted in the definition of "public member" in Section 2 of Chapter 1 of this title, shall designate an employee or member who shall be responsible for filing in any manner specified by the Commission on or before December 31 of each year, a list of employees and/or members of governing boards or commissions, their mailing and electronic mailing addresses, who are required under Section 3 of this chapter to file statements of financial interests. The employee or member so designated shall notify each person identified on the list in writing of his or her obligation to file a statement of financial interests. Only those persons identified on the list shall be required to file a statement of financial interests. The intentional or inadvertent omission by another of a person from the list shall not subject such person to any liability resulting from the omission. The employee or member so designated shall notify the Commission of newly employed or appointed employees or members of governing boards or commissions, their mailing and electronic mailing addresses, who are required under Section 3 of this chapter to file statements of financial interests as soon as practicable after such employees or members assume the duties of office.

Amended Laws 1996. Amended Laws 2007. Amended Laws 2010.

#### **257:15-1-6. Commission handling of statements of financial interests**

(a) Except for candidates for state office, any person who is required to file a statement of financial interests shall be granted one thirty-day extension of his time for filing such a statement. In order to effect the extension, a declaration of his or her intention to defer the filing of the statement of financial interests must be filed not more than ten (10) days before the date the statement of financial interests is due.

(b) All paper copies of statements of financial interests required to be filed pursuant to the requirements of this chapter shall be certified.

Amended Laws 1996.

#### **257:15-1-7. Information required**

(a) **From compensated filers, candidates and commissioners.** A statement of financial interests of candidates, members of the Commission, and filers who receive compensation from the state, excluding public members who are members of boards of regents within the Oklahoma State System of Higher Education, must contain full and complete information concerning the following:

- (1) the name, birth date, mailing address, electronic mailing addresses, and work place telephone number of the filer;
- (2) the filing status of the filer including:
  - (A) whether the filer is a state officer or state employee, and if so, the filer's:
    - (i) position title,
    - (ii) governmental entity served,
    - (iii) term of office, if applicable, and
    - (iv) appointment or employment date, if applicable; and
  - (B) whether the filer is a candidate running in an election, and if so,
    - (i) the month and year of the general election or special general election for which the statement is being filed, and
    - (ii) the term of the office sought;
- (3) the name and mailing address of the entity and the type of income exceeding five thousand dollars (\$5,000) in amount or value received from a governmental entity by the filer or the filer's spouse or dependents;

- (4) the name, mailing address, and a description of the principal business activity of a person from whom income in cash or in-kind exceeding five thousand dollars (\$5,000) in amount or value was received by the filer and the type of income received. If income results from employment by, operation of, or participation in a proprietorship or partnership or professional corporation or business or nonprofit corporation or other person, the filer may list the proprietorship or partnership or professional corporation or business or nonprofit corporation or other person as the source and not each patron, customer, patient, client, or each oil or gas well of the proprietorship or partnership or professional corporation or business or nonprofit corporation or other person. For purposes of this section, "type of income" shall include, but not be limited to, dividends, profit sharing, proceeds from sales, rent, royalty, salary, stock splits, and wages;
  - (5) the name of any registered lobbyist or lobbyist principal with whom the filer has engaged in business from which income exceeding five thousand dollars (\$5,000) in amount or value was received, provided that the following shall not be required:
    - (A) the name of any registered lobbyist or lobbyist principal with whom the filer's employer, its subsidiaries, or parent company is engaged in business; and
    - (B) the name of any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal with whom the filer is engaged in business;
  - (6) the name of any entity from which an honorarium or honoraria, valued at more than two hundred dollars (\$200) over and above actual expenses paid to the filer, was received and the value of any such honorarium, which, for elective officers, shall be subject to the provisions of subsection (h) of Section 9 of Chapter 20 of the Rules of the Ethics Commission;
  - (7) the name of every business or entity in which the filer held securities valued at five thousand dollars (\$5,000) or more during the reporting period; provided, however, mutual funds and similar securities need be identified only by the type of investments made by the mutual fund or similar security;
  - (8) the name and address of all clients represented by the filer or the filer's spouse before a regulatory state governmental agency, as listed in Section 3 of Chapter 23 of this title, for compensation exceeding one thousand dollars (\$1,000) in amount or value during the preceding calendar year;
  - (9) every officership, directorship, trusteeship, or other fiduciary relationship held in an entity doing business with a governmental entity with which the filer is associated during the disclosure period and the term of such officership, directorship, trusteeship, or other fiduciary relationship; and
  - (10) professional or occupational permits or licenses held by the filer.
- (b) **From uncompensated filers.** A statement of financial interests of a filer who does not receive compensation from the state and from public members who are members of boards of regents within the Oklahoma State System of Higher Education must contain full and complete information concerning the following:
- (1) the name, birth date, mailing address, electronic mailing address, and work place telephone number of the filer;
  - (2) the filing status of the filer including the filer's:
    - (A) position title,
    - (B) governmental entity served,
    - (C) term of office, if applicable, and
    - (D) appointment or employment date, if applicable; and

- (3) the name and mailing address of the entity and the type of income exceeding five thousand dollars (\$5,000) in amount or value received from a governmental entity by the filer or the filer's spouse or dependents;
- (4) a list of categories or industries from which other income in cash or in-kind exceeding five thousand dollars (\$5,000) in amount or value was received by the filer;
- (5) the name of any registered lobbyist or lobbyist principal with whom the filer has engaged in business from which income exceeding five thousand dollars (\$5,000) in amount or value was received, provided that the following shall not be required:
  - (A) the name of any registered lobbyist or lobbyist principal with whom the filer's employer, its subsidiaries, or parent company is engaged in business; and
  - (B) the name of any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal with whom the filer is engaged in business;
- (6) the name of any entity from which an honorarium or honoraria, valued at more than two hundred dollars (\$200) over and above actual expenses paid to the filer, was received and the value of any such honorarium;
- (7) the principal business activity of every business or entity in which the filer held securities valued at five thousand dollars (\$5,000) or more during the reporting period; provided, however, mutual funds and similar securities need be identified only by the type of investments made by the mutual fund or similar security;
- (8) every officership, directorship, trusteeship, or other fiduciary relationship held in an entity doing business with a governmental entity with which the filer is associated during the disclosure period and the term of such officership, directorship, trusteeship, or other fiduciary relationship; and
- (9) professional or occupational permits or licenses held by the filer.
- (c) **Supplement.** A supplement to the statement of financial interests required by Subsection (a) of this section shall be filed with the Commission within ten (10) days of a filer or a filer's spouse contracting with or receiving payments from new clients required to be reported under Paragraph (8) of Subsection (a) of this section.
- (d) **Statement of no change.** A statement of no change must include the same information as required by Subsection (a) Paragraphs (1) and (2), or Subsection (b) Paragraphs (1) and (2), and a statement that all required information was reported for the previous calendar year and there has been no change in the information reported for the previous calendar year. It shall be certified.
- (e) **Forms.** The information shall be filed on forms prescribed by the Commission or utilizing form software provided by the Commission.

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

#### **257:15-1-8. Effective date of this chapter**

Statements of financial interests filed pursuant to the provisions of this chapter shall cover the calendar year of 1994 and each year thereafter and shall be filed no earlier than January 1, 1995. Such statements shall be filed no later than the final dates for same as previously set forth in this chapter. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1995 was July 1, 1995. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1996 was July 1, 1996. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor

on February 3, 1997 was July 1, 1997. The effective date of the amendments to this chapter submitted to each House of the Legislative and to the Governor on February 3, 1998 was July 1, 1998. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2005 was July 1, 2005. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2007 and House Bill 2110 was July 1, 2007. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2010, was July 1, 2010.

Amended Laws 1995. Amended Laws 1996. Amended Laws 1997. Amended Laws 1998. Amended Laws 2005.  
Amended Laws 2007. Amended Laws 2010.

**257:15-1-9. Applicability of rules**

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



**CHAPTER 20.**  
**ETHICS AND CONFLICTS OF INTEREST**

Section

- 257:20-1-1. General purpose and authority
- 257:20-1-2. Buying or selling state employment or appointments to state office
- 257:20-1-3. Accountability
- 257:20-1-4. Misuse of office
- 257:20-1-5. Ownership prohibited by certain state officers in certain government securities
- 257:20-1-6. Representation by state officers and state employees
- 257:20-1-7. Votes, deliberations, and discussions by legislators or statewide elective officers
- 257:20-1-8. Votes, deliberations, and discussions by public members
- 257:20-1-9. Restraints on solicitation or acceptance of anything of value—Disclosure
- 257:20-1-10. State officers' and state employees' private interests in public contracts
- 257:20-1-11. Actions taken while negotiating for employment
- 257:20-1-12. Effective date of this chapter
- 257:20-1-13. Applicability of rules

**257:20-1-1. General purpose and authority**

- (a) The rules of this chapter have been adopted for the purpose of complying with the provisions of the Oklahoma Constitution, Article XXIX, Section 3 (B). The Ethics Commission finds that the proper operation of state government requires:
  - (1) that a state officer or state employee be independent and impartial;
  - (2) that government policy and decisions be made through the established processes of state government;
  - (3) that a state officer or state employee not use state office to obtain private benefits;
  - (4) that a state officer or state employee avoid action which creates the appearance of using state office to obtain a private or inappropriate benefit; and
  - (5) that the public have confidence in the integrity of its government and state officers and state employees.
- (b) It is the intent of the Ethics Commission:
  - (1) to protect against conflicts of interest and establish standards of conduct of elective officers and state employees in situations where conflicts may exist;
  - (2) to attract those citizens best qualified to serve. Thus the rules against conflicts of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. State officers should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when such interests conflict with the responsibility of such officers to the public;
  - (3) to discourage state officers and state employees from acting upon a private or business interest in the performance of a public duty;
  - (4) to develop public confidence in persons seeking or holding state office or employment, to enhance the dignity of state government, and to make it attractive to citizens who are motivated to public service;
  - (5) that state officers and state employees shall exercise their powers and prerogatives without prejudice or favoritism.

**257:20-1-2. Buying or selling state employment or appointments to state office**

- (a) Candidates for state office, state officers, and state employees shall not, directly or indirectly, solicit, receive or agree to receive anything of value, or campaign contributions, for agreeing to appoint, appointing or procuring the appointment of another person to any state office or agreeing to employ, employing or procuring the employment of another person in any position as a state employee.
- (b) Nothing in Subsection (a) of this section shall be construed to include matters within the purview of the Oklahoma Personnel Act, Sections 840 et seq. and 841 et seq. of Title 74 of the Oklahoma Statutes.

**257:20-1-3. Accountability**

- (a) All state officers and all state employees:
  - (1) shall support, obey, and defend the Constitution and laws of the State of Oklahoma; and
  - (2) shall not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to his or her office, other than the compensation allowed by law.
- (b) Nothing in Subsection (a) of this section shall be construed to include matters within the purview of the Oklahoma Personnel Act, Sections 840 et seq. and 841 et seq. of Title 74 of the Oklahoma Statutes.

**257:20-1-4. Misuse of office**

- (a) No state officer or state employee shall use or attempt to use his or her official position to solicit or secure special privileges, exemptions or compensation for himself, herself or others, except in the performance of his or her duties or as may be allowed by law. "Attempt" shall mean that the state officer or state employee intended to violate this section and performed any overt act toward accomplishing the violation of this section. Such prohibited activity, except as provided by statute, shall not include:
  - (1) writing letters or orally communicating recommendations for hiring, reclassifying, terminating or promoting a state employee; recommendations for acceptance of an applicant into an institution of higher education, a special program or organization; recommendations of an individual for special recognition or honors; or if no state funds or property are used, writing letters or orally communicating any recommendations for hiring, reclassifying, terminating or promoting any person;
  - (2) an employee of an institution within The Oklahoma System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or involving the authorized use of the facilities, equipment, or services of the institution; or
  - (3) promoting or soliciting funds for civic, community or charitable organizations or civic, community or charitable fund-raising events for which the state officer or state employee receives no thing of value, or promoting businesses or industries for which the state officer or state employee receives no thing of value. For purposes of this subsection, "thing of value" shall not include any costs of a state

officer or state employee's participation in a fund-raising event or promotion paid for from funds of a charitable organization.

- (b) No state officer or state employee, except in the performance of his or her duties, shall disclose or offer to disclose confidential information acquired by reason of his or her official position to any person, group or others not entitled to receive such confidential information, nor shall he or she use such information for his or her personal gain or benefit.
- (c) No state officer or state employee shall:
  - (1) receive or solicit any compensation that would impair his or her independence of judgment for his or her services as an officer or employee of any state agency, from any source other than the state, unless otherwise provided by law; or
  - (2) accept or solicit other employment which would impair his or her independence of judgment in the performance of his or her public duties.Provided, the activities prohibited by this subsection shall not include an employee of an institution within The Oklahoma State System of Higher Education receiving income from ownership interest in a technology or other intellectual property or in a business enterprise commercializing the technology or other intellectual property, or receiving income as a consultant, adviser, or employee of such business enterprise, when such technology or other intellectual property is the result of research conducted by the employee in the performance of his or her duties on behalf of the institution or the authorized use of the facilities or services of the institution.
- (d) No legislator or statewide elective officer shall be employed by or receive any commission, fee, or other compensation from the state, except:
  - (1) the compensation and allowance for expenses provided by law to such legislator or statewide elective officer;
  - (2) compensation from serving in the Oklahoma National Guard or the Oklahoma State Guard; or
  - (3) income from government pension or retirement plans.

Amended Laws 1996. Amended Laws 1998. Amended Laws 1998. Amended Laws 2009, SB 94, emerg. eff. June 5, 2009. Amended Laws 2010. Amended Laws 2011.

#### **257:20-1-5. Ownership prohibited by certain state officers in certain government securities**

No state officer of a governmental entity shall own any interest in any bond, obligation or security issued by or in the name of such governmental entity, unless such interest is a part of a mutual fund or similar security.

#### **257:20-1-6. Representation by state officers and state employees**

- (a) A statewide elective officer shall not receive or agree to receive compensation for representing or assisting any person or business in any transaction involving the state; or represent another person for a fee before any state department, agency, board or commission. The provisions of this subsection shall not:
  - (1) apply to the practice of law before any court; or
  - (2) preclude a statewide elective officer from acting on behalf of a constituent to determine the status of a matter before a state department, agency, board, commission, institution or instrumentality without accepting compensation therefor.
- (b) A legislator shall not receive or agree to receive compensation for representing or assisting any person or business in any transaction involving the state; or represent

another person, firm, corporation or entity for a fee before any state department, agency, board or commission. The provisions of this subsection shall not:

- (1) apply to the practice of law before any court; or
  - (2) preclude a member of the Legislature from acting on behalf of a constituent to determine the status of a matter before a state department, agency, board, commission, institution or instrumentality without accepting compensation therefor.
- (c) A state officer or state employee shall not represent another person as an attorney in any matter before the Commission.
- (d) A state officer or state employee shall not represent another person before the governmental entity the state officer or state employee serves.
- (e) These restrictions shall not apply to the following:
- (1) purely ministerial matters which do not require discretion on the part of the entity;
  - (2) representation by a state officer or state employee in the course of the officer's or employee's official duties;
  - (3) self-representation by the state officer or state employee;
  - (4) representation by the state officer or state employee in matters arising out of or rules promulgated pursuant to the Oklahoma Personnel Act; or
  - (5) representation by the state officer or state employee in a grievance before an institution of the Oklahoma State System of Higher Education so long as such representation is consistent with the rules relating to such grievances.
- (f) The restrictions set forth in this section do not apply if the state officer or state employee is testifying under oath to facts that are within the individual's knowledge, or as an expert witness who does not accept compensation other than regularly provided for by law or rule for subpoenaed witnesses.

Amended Laws 1996.

**257:20-1-7. Votes, deliberations, and discussions by legislators or statewide elective officers**

- (a) A legislator or statewide elective officer shall not introduce or cause to have introduced, request the introduction of, promote, or vote on any legislation if the statewide elective officer or legislator or a child, adopted child, step-child or spouse of the officer or legislator or a business or entity with which the legislator or officer or a member of the immediate family of the legislator or officer is associated has:
- (1) a pecuniary interest in; or
  - (2) a reasonably foreseeable benefit from;
- the legislation. A reasonably foreseeable benefit includes detriment to a business competitor to the legislator or statewide elective officer, to a business competitor of a member of the immediate family of the legislator or officer, or to a business competitor of a business or entity with which the legislator or officer or child, adopted child, step-child or spouse of the legislator or officer is associated.
- (b) A legislator or statewide elective officer may introduce or cause to have introduced, request the introduction of, promote, or vote on legislation if the only pecuniary interest or reasonably foreseeable benefit that may accrue to the legislator or officer, child, adopted child, step-child or spouse of the legislator or officer, or business or entity with which a legislator or officer or a child, adopted child, step-child or spouse of a legislator or officer is associated is incidental to the legislator's or officer's, child's, adopted child's, step-child's or spouse's or business or entity's position, or which accrues to the legislator or officer, child, adopted child, step-child or spouse of the legislator or officer, or business or entity as a member of a profession, occupation, or large class, whichever is

applicable, to no significantly greater extent than the pecuniary interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.

- (c) Nothing in this subsection shall allow a legislator or a member of the immediate family of a legislator, a statewide elective officer, or a business or entity with which the legislator or statewide elective officer is associated to contract with a governmental entity except as provided in Subsection (b) of Section 10 of this chapter.

Amended Laws 2002. Amended Laws 2006

#### **257:20-1-8. Votes, deliberations, and discussions by public members**

- (a) A public member shall not participate in the discussion on, vote on, influence, or attempt to influence an official action of the governmental entity the public member serves on if the public member or a member of the immediate family of the public member or a business or entity with which the public member or a member of the immediate family of the public member is associated, has:

- (1) a pecuniary interest in; or
- (2) a reasonably foreseeable benefit from;

the matter under consideration by the governmental entity of which the public member is a member. A reasonably foreseeable benefit includes detriment to a business competitor of the public member, to a business competitor of a member of the immediate family of a public member or to a business competitor of a business or entity with which the public member or a member of the immediate family of the public member is associated. The public member's abstention must be recorded in the governmental entity's minutes.

- (b) A public member may participate in the discussion on, vote on, or influence or attempt to influence an official action if the only pecuniary interest or reasonably foreseeable benefit that may accrue to the public member or a member of the immediate family of a public member or business or entity with which the public member or member of the immediate family of the public member is associated is incidental to the public member's, immediate family member's or business or entity's position, or which accrues to the public member, immediate family member or business or entity as a member of a profession, occupation, or large class, whichever is applicable, to no significantly greater extent than the pecuniary interest or potential benefit could reasonably be foreseen to accrue to all other members of the profession, occupation, or large class.
- (c) Nothing in this section shall allow a public member or a member of the immediate family of the public member or a business or entity with which the public member or a member of the immediate family of the public member is associated to contract with the governmental entity over which the public member has jurisdiction.

Amended Laws 2003. Amended Laws 2009

#### **257:20-1-9. Restraints on solicitation or acceptance of anything of value—Disclosure [Effective Nov. 1, 2013]**

- (a) **Influence of official act, fraud or official duty.** No state officer and no state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for the state officer or employee or for any other person or entity, in return for being:
  - (1) influenced in the performance of an official act;
  - (2) influenced to commit, aid in committing, collude in, or allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or

(3) induced to perform or fail to perform an act in violation of the state officer's or state employee's official duty.

(b) **Soliciting individually or on behalf of a regulatory governmental entity prohibited.** No state officer and no state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive or agree to receive anything of value individually or for or on behalf of a governmental entity from a business entity, its employees, officers or board members, or a person who has greater than a ten percent (10%) interest in such entity if the rates, charges, prices or fees charged by the business entity are subject to regulation by the governmental entity which the officer or employee serves. This provision does not apply to a campaign contribution properly received and reported, which is exempt from the definition of anything of value in Section 2 of Chapter 1 of this title, or to anything of value accepted on behalf of the state of Oklahoma pursuant to Subsection (f) of this subsection.

(c) **Calendar year limits on things of value.**

(1) **State officers and state employees.** No state officer, state employee or an immediate family member of such state officer or state employee shall, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign receive or agree to receive things of value in a calendar year which, in the aggregate, are valued at more than one hundred dollars (\$100) from a person who the state officer or state employee knows or should know:

(A) is a lobbyist or lobbyist principal, provided that the following shall not be subject to this subsection:

(i) things of value received as a result of or arising out of employment by, or doing business with, a lobbyist or lobbyist principal; and

(ii) things of value received from any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal if the donor is excepted in subparagraph (D) of Paragraph (2) from the definition of "anything of value" in Section 2 of Chapter 1 of this title, or if there exists between the recipient and the donor a close personal relationship of long standing in which the mutual exchange of gifts on special occasions, such as holidays or anniversaries, has become customary;

(B) is seeking to do business or doing business with the governmental entity of which the state officer's or state employee's office or employment is a part; or

(C) has an economic interest in actions or matters before or affecting the governmental entity of which the state officer's or state employee's office or employment is a part.

A thing or things of value given by a lobbyist; the lobbyist principal by whom the lobbyist is employed or retained; or a stockholder, partner, agent, affiliate, member, employee or officer of the lobbyist principal or lobbyist principals by whom the lobbyist is employed or retained are aggregated for purposes of the disclosure threshold and calendar year limits, regardless of how the thing or things of value are funded if, and only if, the thing or things of value are given at the specific direction, and on behalf of, the lobbyist principal. Lobbyists principals of contract lobbyists shall not be aggregated together for purposes of this provision. If more than one lobbyist is retained or employed by a lobbyist principal, the disclosure and calendar year limits of the first lobbyist to register on behalf of the lobbyist principal for a calendar year are aggregated with each additional lobbyist, employed or retained by the same lobbyist principal.

(d) **Prohibition versus limit-Exception.** Nothing in Subsection (c) shall allow a state officer or state employee to accept anything of value in violation of Subsection (a) of this

section. Subsection (c) shall not apply to public members when things of value are received but are not given as a result of the public member's status as a public member.

(e) **Exceptions for state officers and employees of judicial branch and corporations.** Nothing in this section shall allow:

- (1) a judicial officer, juror, referee, arbitrator or umpire to accept anything of value from a corporation or any other person, knowing that person to be a party in interest or the attorney or counsel of a party in interest to any action or proceeding then pending or about to be brought before him or her pursuant to Section 386 of Title 21 of the Oklahoma Statutes; or
- (2) a corporation to influence elections or official duty by contributions of money or anything of value pursuant to Section 40 of Article IX of the Oklahoma Constitution.

(f) **Exceptions for forms of compensation, gifts to state, gifts to charitable organizations, officers/directors of professional organizations, humanitarian efforts for state officers and state employees and financial aid awards, tuition waivers, scholarships, educational grants.** Nothing in this section shall prohibit the acceptance or require the disclosure of:

- (1) compensation, bonuses, dividends, interest payments, employee benefits, expense reimbursements or other forms of compensation or earnings on investments;
- (2) anything of value which is accepted by the Governor, President Pro Tempore of the Senate, Speaker of the House of Representatives or Chief Justice of the Supreme Court, on behalf of the state of Oklahoma or a governmental entity pursuant to Section 381 et seq. of Title 60 of the Oklahoma Statutes. In order to be deemed accepted, the appropriate state officer must be notified in writing of any gift received by a governmental entity, or person on behalf of a governmental entity, within ten (10) days of receipt of the gift. Notice of acceptance must be received from the appropriate state officer within the next thirty (30) days. Upon lack of a response from the appropriate state officer within thirty (30) days of receipt of the notice, the gift is deemed rejected and must be returned to the donor; or
- (3) the solicitation or acceptance of anything of value for or from a charitable organization when the solicitation or acceptance is directly related to the purposes or mission of the organization;
- (4) the solicitation or acceptance of anything of value for or from a tax-exempt professional organization established by state statute or rules passed by the Oklahoma Supreme Court when a state officer or state employee is a member, officer or director of the organization and the receipt of anything of value results from the state officer or state employee attending a function, meeting or seminar on behalf of, or as a representative of, the organization; or
- (5) the solicitation or acceptance of a thing or things of value by or on behalf of a state officer or state employee, or an immediate family of a state officer or state employee, as a humanitarian effort to assist a victim of a catastrophic accident or life threatening disease, illness or disability, or a victim of a natural disaster or similar event;
- (6) the acceptance or award of need-based or merit-based financial aid awards, tuition waivers, scholarships and educational grants, in any form, accepted or awarded to a state officer, a state employee or a family member of a state officer or state employee.

Provided, nothing in this subsection shall authorize the solicitation or acceptance of anything of value in violation of the provisions of Subsection (a) of this section.

- (g) **Ban on borrowing from lobbyists.** No state officer or state employee shall directly or indirectly borrow money from a lobbyist, or an immediate family member of a lobbyist, or an entity controlled by or employing a lobbyist. This subsection shall not apply to:
- (1) a loan of money made by a commercial lending institution, in the regular course of business, on the same terms ordinarily available to members of the public, and which is not secured or guaranteed by a lobbyist or lobbyist principal or any other person on behalf of a lobbyist or lobbyist principal; or
  - (2) a loan from a father, stepfather, father-in-law, mother, stepmother, mother-in-law, sister, step sister, brother, step brother, child, step child, adopted child or their spouses.
- (h) **Ban on elective officers receiving cash or cash equivalent honoraria.** Except for the compensation an elective officer is entitled to by law for the performance of official duties, no elective officer shall solicit or accept cash, check or cash equivalent compensation for an article, appearance or speech, or for participation at an event, unless the article, appearance or participation is made as part of the normal course of business in the member's private occupation.

Amended Laws 1995. Amended Laws 1996. Amended Laws 1997. Amended Laws 2001. Amended Laws 2003. Amended Laws 2006. Amended Laws 2007. Amended Laws 2008. Amended Laws 2009. Amended Laws 2010. Amended SB 908 (2013).

## **257:20-1-10. State officers' and state employees' private interests in public contracts**

### **(a) Prohibition on contracting with state – Exceptions.**

- (1) **State officers and state employees.** No state officer or state employee shall sell, offer to sell or cause to be sold, rent or lease either as an individual or through any business enterprise in which he holds a substantial financial interest, goods, services, buildings or property to the governmental entity with which the officer or employee is associated or to any business entity licensed or regulated by the governmental entity which the officer or employee serves. This section shall not apply to students who are engaged in bona fide work-study programs at institutions of higher education within the Oklahoma State System of Higher Education.
- (2) **Limited exceptions.** Paragraph (1) of this subsection shall not apply to:
  - (A) a state officer if real property is acquired from the state officer by condemnation proceedings; or
  - (B) a state employee if real property is acquired from the state employee either by condemnation proceedings or the price to be paid for such property is approved in writing by the appointing authority of the agency acquiring such property and by the Governor.

### **(b) Contracting with current or former legislators and statewide elective officers— Exceptions.** No legislator or statewide elective officer shall sell or cause to be sold, rent or lease either as an individual or through any business enterprise in which he holds a substantial financial interest, goods, services, buildings or property to any governmental entity. No state officer or state employee, acting in his or her official capacity, shall enter into any contract in which the state officer or state employee knows that a person who is then or has been a legislator within the previous year, or a member of such person's immediate family, has a substantial financial interest. The provisions of this subsection shall not apply to a contract of employment with an immediate family member of a legislator, together with any renewal, promotion or lateral transfer of such employment contract to another governmental entity, which is:

- (1) in existence on July 1, 1994;
- (2) in existence prior to the legislator's term of office;



- (3) in existence prior to marriage to the legislator; or
- (4) with a student employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, and who is regularly enrolled, as defined in Paragraph 11 of Section 840.8 of Title 74 of the Oklahoma Statutes, in an institution of higher education comprising the Oklahoma State System of Higher Education.

No legislator or statewide elective officer shall attempt to influence or perform an official function requiring the exercise of discretion relating to a contract with any governmental entity if a member of the legislator's or statewide elective officer's immediate family has a substantial financial interest in such contract.

- (c) **Exceptions.** Subsections (a) and (b), except as prohibited by law, shall not apply to:
  - (1) contracts with state employees for goods or services valued at less than five thousand dollars (\$5,000);
  - (2) contracts with state employees entered into after public notice by the governmental entity and compliance with competitive bidding procedures; and
  - (3) employment contracts entered into with former legislators.
- (d) **Exceptions for care of DHS clients only.**
  - (1) **Care of children in need of treatment.** Employees of the Department of Human Services are authorized to contract with qualified former state employees, or the spouses of state employees, or other relatives of state employees, for the purpose of providing direct care or treatment services to clients of the Department who are mentally retarded or have other developmental disabilities or are delinquent, children in need of supervision, or in need of treatment, or deprived. Provided, however, that rates of payment and other terms and conditions of contracts entered into pursuant to this section shall be established by the Commission for Human Services and shall be no more favorable than contracts for such services with persons who were not employed by the Department of Human Services nor related to an individual employed by the Department of Human Services.
  - (2) **Limitations on return to state employment.** A state employee terminating state employment to provide direct care or treatment services to clients of the Department of Human Services who are mentally retarded or have developmental disabilities, are delinquent, children in need of supervision, or in need of treatment, or deprived may not return to state employment for a period of one hundred eighty (180) days after date of termination from contracts with the Department of Human Services for direct care or treatment services to clients of the Department of Human Services who are mentally retarded or have developmental disabilities or are delinquent, children in need of supervision, or in need of treatment, or deprived.
  - (3) **Exceptions for contracting with employees of OU Health Sciences Center.** Notwithstanding Subsection (a) of this section, employees of the Department of Human Services are authorized to employ or contract with personnel of the University of Oklahoma Health Sciences Center, directly or indirectly, to obtain professional services for the Oklahoma Medical Center or clients of other programs administered by the Department of Human Services.
  - (4) **Exceptions for Foster care, respite care, or services to children.** Notwithstanding Subsection (a) of this section, employees of the Department of Human Services are authorized to contract with qualified state employees, or the spouses of state employees, or other relatives of state employees, for the purpose of providing foster care, respite care, and attendant services to children in the custody of the Department.

**257:20-1-11. Actions taken while negotiating for employment**

A state officer or a state employee shall promptly disqualify prior to recommending or taking any official action in a matter affecting a person with whom the state officer or state employee is negotiating for employment.

**257:20-1-12. Effective date of this chapter**

The effective date of this chapter was July 1, 1994. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1995 was July 1, 1995. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1996 was July 1, 1996. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1997 was July 1, 1997. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1998 was July 1, 1998. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2001 was July 1, 2001. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2002 was July 1, 2002. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2003 was July 1, 2003. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2004 was July 1, 2004. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2006, unless otherwise specified, was July 1, 2006. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2007 and House Bill 2110 was July 1, 2007. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2008 was July 1, 2008. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2009 was July 1, 2009. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2010, was July 1, 2010. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2011, was July 1, 2011.

Amended Laws 1995. Amended Laws 1996. Amended Laws 1997. Amended Laws 1998. Amended Laws 2001. Amended Laws 2002. Amended Laws 2003. Amended Laws 2004. Amended Laws 2006. Amended Laws 2007. Amended Laws 2008. Amended Laws 2009. Amended Laws 2010. Amended Laws 2011.

**257:20-1-13. Applicability of rules**

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

**CHAPTER 23.  
LOBBYING DISCLOSURE**

Section

- 257:23-1-1. General purpose and authority
- 257:23-1-2. Anything of value reporting by lobbyists—Preservation of accounts, books, etc.
- 257:23-1-3. Things of value to state officers or state employees of regulatory governmental entities
- 257:23-1-4. Rules of construction
- 257:23-1-5. Effective dates
- 257:23-1-6. Applicability of rules

**257:23-1-1. General purpose and authority**

The rules of this chapter have been adopted for the purpose of complying with the provisions of the Oklahoma Constitution, Article XXIX, Section 3 (A). The purpose of this chapter is to provide for the disclosure of lobbying activities to influence state government, and for other purposes.

**257:23-1-2. Anything of value reporting by lobbyists—Preservation of accounts, books, etc.**

- (a) **Required reports.** Effective January 1, 2011, every lobbyist shall file registrations required by Section 4250 of Title 74 of the Oklahoma Statutes and reports required by this section by Internet access only at the address specified by the Commission. The reports shall include the activities specified in this section. The reports shall be filed whether or not the person has taken any action which is required to be reported pursuant to the provisions of this section. The reports shall be filed between the first and twentieth day of January and the first and twentieth day of July of each calendar year which shall cover the activities during the period following the last report.
- (b) **Disclosure of things of value.** The report shall be signed by the lobbyist, who shall attest to the report's accuracy and veracity, and the signature shall be notarized. The reports shall include the information specified in Subsection (d) of this section for things of value given to an elective officer or the immediate family member of an elective officer by the lobbyist or any lobbyist principal by whom the lobbyist is employed or retained, the costs of which exceed ten dollars (\$10) in the aggregate or things of value given to a state officer, excluding an elective officer, state employee, or the immediate family member of a state officer, excluding an elective officer, or a state employee, by the lobbyist or any lobbyist principal by whom the lobbyist is employed or retained, the costs of which exceed ten (\$10) in the aggregate during a six-month period beginning January 1 and ending June 30 or beginning July 1 and ending December 31.
- (c) **Limits on things of value and exceptions.** Lobbyists or lobbyist principals shall not give things of value which, in the aggregate, are valued at more than one hundred dollars (\$100) annually to any state officer or state employee, or the immediate family member of a state officer or a state employee, provided that the following shall not be subject to this subsection:
  - (1) things of value given by a lobbyist or lobbyist principal as a result of or arising out of employment of, or the lobbyist or lobbyist principal doing business with a state officer or state employee or the recipient; and
  - (2) things of value given to the recipient by any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal if the donor is excepted in subparagraph (D) of Paragraph (2) from the definition of "anything of value" in Section 2 of Chapter 1 of this title, or if there exists between the

recipient and the donor a close personal relationship of long standing in which the mutual exchange of gifts on special occasions, such as holidays or anniversaries, has become customary.

A thing or things of value given by a lobbyist; the lobbyist principal by whom the lobbyist is employed or retained; or a stockholder, partner, agent, affiliate, member, employee or officer of the lobbyist principal or lobbyist principals by whom the lobbyist is employed or retained are aggregated for purposes of the disclosure threshold and calendar year limits, regardless of how the thing or things of value are funded if, and only if, the thing or things of value are given at the specific direction, and on behalf of, the lobbyist principal. Lobbyist principals of contract lobbyists shall not be aggregated together for purposes of this provision. If more than one lobbyist is retained or employed by a lobbyist principal, the disclosure and calendar year limits of each lobbyist to register on behalf of the lobbyist principal for a calendar year are aggregated with each additional lobbyist, employed or retained by the same lobbyist principal. Lobbyist principals retaining or employing more than one lobbyist may designate one lobbyist to file the reports required by this section. Such reports shall include all the information required for things of value given by all lobbyists, as well as by others who are giving on behalf of the lobbyist principal. If the single report method is used, other lobbyists representing the same lobbyist principal shall indicate on their reports the identity of the individual reporting on behalf of them for the lobbyist principal, but shall not list those items on their own report.

(d) **Contents of reports.** The information to be reported pursuant to the provisions of Subsection (b) of this section shall be as follows:

- (1) The full name and electronic mailing address of the lobbyist or other person filing the report;
- (2) The name and position of the state officer or state employee to whom the thing of value was given;
- (3) The date the thing of value was given;
- (4) The nature of the thing of value given;
- (5) The amount of the expenditure made by the lobbyist or lobbyist principal for the thing of value;
- (6) The name of the lobbyist principal or lobbyist principals on whose behalf the thing of value was given, if any; and
- (7) The date and total expenditure for food and beverages provided at any event to which all members of the Legislature are invited; the date and total expenditure for food and beverages provided at any meeting of a political caucus of either House of the Legislature; the identity of the caucus; the date and total expenditure for food and beverages provided at an event to which all members of a legislative 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 the members of the committee or subcommittee. A lobbyist reporting the date and total expenditure for food and beverages provided at any of the foregoing events need not report the names of individuals who participated, but must maintain in his or her records a list of all participants at an event to which all members of a legislative committee or subcommittee are invited.

(e) **Prohibition against dividing costs among lobbyist principals or other lobbyists.** For purposes of reporting things of value as required by this section, a lobbyist giving a thing of value on behalf of more than one lobbyist principal shall not divide the cost of the thing of value by the number of participating lobbyist principals. Nor may a lobbyist divide the cost of a thing of value with other lobbyists for any single expenditure. A

- single event during any calendar year, disclosed pursuant to Paragraph (7) of Subsection (d) of this section, is hereby excepted from this subsection.
- (f) **Presence of lobbyist—exception for nominal things of value.** Except for a single event during any calendar year, disclosed pursuant to Paragraph (7) of Subsection (d) of this section, a lobbyist who gives a thing of value to a state officer or state employee must be present when the thing of value is accepted by the recipient unless the thing of value is of no more than ten dollars (\$10) in value.
  - (g) **Reporting of things of value given on behalf of lobbyist or lobbyist principal.** A lobbyist shall also report things of value when given by other persons on behalf of the lobbyist or the lobbyist principal at the specific direction of the lobbyist or lobbyist principal if they were made with the knowledge of the lobbyist. When other persons, including lobbyist principals, give things of value that the lobbyist is required to report, the other persons shall provide a full, verified account of such things of value to the lobbyist at least seven (7) days before the reports of the lobbyists are due to be filed. When exact values are not known and not ascertainable, a good faith estimate of the fair market value shall be reported.
  - (h) **Exception for campaign contributions.** Any information required to be reported pursuant to the provisions of Chapter 10 of this title is not required to be reported pursuant to the provisions of Sections 2 and 3 of this chapter.
  - (i) **Form for lobbyist reporting.** The form or computer diskette with form software for reports of lobbyists shall be prescribed by the Ethics Commission.
  - (j) **Record-keeping requirements.** Each lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made pursuant to this section for four (4) years from the date of filing of the reports containing the items.
  - (k) **Exceptions to reporting.** Nothing in this section shall prohibit the giving or require the disclosure of the giving of anything of value by:
    - (1) a charitable organization or an organization described in Section 501 (c) of Title 26 of the United States Code, 26 U.S.C., Section 501 (c), as it currently exists or as it may be amended; or
    - (2) a tax-exempt professional organization established by state statute or rules passed by the Oklahoma Supreme Court, to a state officer or state employee, who is an officer or director of the organization, when receipt of anything of value results from the state officer or state employee attending a function, meeting or seminar on behalf of, or as a representative of, the organization.

Amended Laws 1995. Amended Laws 1996. Amended Laws 2006. Amended Laws 2007. Amended Laws 2008. Amended Laws 2009. Amended Laws 2010. Amended Laws 2012.

### **257:23-1-3. Things of value to state officers or state employees of regulatory governmental entities**

Any person who:

- (1) is employed or retained by another for financial or other compensation to perform services that include promoting, opposing or attempting to influence any executive or administrative action by a governmental entity, including, but not limited to, the promulgation of rules and regulations and the setting of rates, 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;
- (2) is seeking to do business or doing business with a governmental entity; or

- (3) has an economic interest in actions or matters before or affecting a governmental entity;

shall be required to file, by paper form, the same report required to be filed by lobbyists by Section 2 of this chapter if, and only if, such person gives anything or things of value to a state officer or state employee the cost of which exceeds fifty dollars (\$50.00) in the aggregate during a six-month period beginning January 1 and ending June 30 or beginning July 1 and ending December 31. This provision shall not apply, however, to things of value received as a result of or arising out of employment by, or doing business with, a lobbyist or lobbyist principal; and things of value received from any director, stockholder, partner, agent, affiliate, member, employee or officer of a lobbyist principal as a result of a personal or casual relationship with the recipient. Provided further, this provision shall not apply to things of value given to a public member when not given as a result of the public member's status as a public member.

Amended Laws 1995. Amended Laws 1996. Amended Laws 2001. Amended Laws 2007.

#### **257:23-1-4. Rules of construction**

Nothing in this chapter shall be construed to prohibit, or to authorize the Ethics Commission or any court to prohibit lobbying activities or lobbying contacts by any person, regardless of whether such person is in compliance with the requirements of this chapter.

Amended Laws 1995.

#### **57:23-1-5. Effective dates**

The effective date of this chapter was January 1, 1995. Lobbyist expenditure reports filed pursuant to the provisions of this chapter were due no earlier than July 1, 1995. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1995 was July 1, 1995. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1996 shall be July 1, 1996. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2001 was July 1, 2001. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2006, unless otherwise specified, was July 1, 2006. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2007 and House Bill 2110 was July 1, 2007. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2008 was July 1, 2008. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2009 was July 1, 2009. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2010, was July 1, 2010. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 7, 2012, shall be January 1, 2013.

Amended Laws 1995. Amended Laws 1996. Amended Laws 2001. Amended Laws 2006. Amended Laws 2007. Amended Laws 2008. Amended Laws 2009. Amended Laws 2010. Amended Laws 2012.

#### **257:23-1-6. Applicability of rules**

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

**CHAPTER 30**  
**INVESTIGATIONS, COMPLAINTS, SETTLEMENTS, AND LITIGATION**

Section

- 257:30-1-1. General purpose and authority
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**257:30-1-1. General purpose and authority**

The purpose of this chapter is to establish a procedure for investigating, settling, or prosecuting violations of the Commission's rules as mandated in Article XXIX, § 4 (A) of the Oklahoma Constitution.

**257:30-1-2. Receiving information**

- (a) A member or an employee of the Commission may accept from any source allegations and related information concerning a violation of this title; provided, however, that no allegation of a violation shall be accepted from an anonymous source except as provided hereafter in Section 30-1-3 of this chapter.
- (b) The Commission shall not accept an allegation alleging a violation of this title 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.
- (c) Upon receipt of an allegation alleging a violation of this title, the Executive Director shall cause a unique identifying number to be assigned to the allegation for consideration by the Commission. The unique identifying number shall begin with the last two digits of the year the allegation was received, followed by a hyphen and consecutive numbering beginning with the number (1) for the first allegation received during that year. Immediately following the unique identifying number, the Executive Director shall insert either the word "verified" for verified allegation or the word "unverified" for unverified allegations, to be followed by one of the following:
  - (1) allegation alleging violation of a campaign finance reporting rule (for an alleged violation of any provision of Chapter 10 of this title);
  - (2) allegation alleging violation of a financial disclosure rule (for an alleged violation of any provision of Chapter 15 of this title);
  - (3) allegation alleging violation of a conflict of interest rule (for an alleged violation of any provision of Chapter 20 of this title) or
  - (4) allegation alleging violation of a lobbying disclosure rule (for an alleged violation of any provision of Chapter 23 of this title).If an allegation alleges violations of multiple categories, each category shall be indicated in identifying the allegations.
- (d) Allegations received by a member or an employee of the Commission shall be documented in writing by the member or employee of the Commission and made a part of the confidential records of the Commission.

- (e) The Executive Director shall provide to the Commission all information received for the Commission to determine whether to initiate an investigation.

Amended Laws 2013.

### **257:30-1-3. Investigations**

- (a) If the Commission determines that information it has received provides an adequate basis for the belief that a violation of this title may have occurred, and that an investigation of the suspected violation is warranted, it may authorize an investigation in executive session by:

- (1) a majority vote on the basis of written verified information; or
- (2) a unanimous vote on the basis of information provided other than in a written verified form.

The Commission may authorize an investigation based on information developed by the Commission staff from a review of registrations, reports and statements required to be filed under this title or based upon independent research or inquiry by the Commission staff, provided the Commission staff subscribes to a verified allegation alleging violation of one or more rules. Should a Commissioner or the Commission staff receive an allegation of a violation of one or more rules from an anonymous source, the Commission may authorize the staff to conduct an independent review of registrations, reports and statements required to be filed under this title or to conduct other independent research or inquiry. Under no circumstances shall an investigation be authorized based exclusively on information received from an anonymous source.

- (b) Within twenty (20) days of the authorization to conduct an investigation, the Executive Director or designee shall notify the subject or subjects of the investigation in writing of the existence of the investigation.
- (c) Before the Commission's employees may subpoena witnesses, administer oaths, take testimony, or require the production for examination of books or papers with respect to an investigation, pursuant to Subsection (d) of this section, the Commission shall, by a vote of a majority of the members serving, define the nature and scope of its inquiry.
- (d) In an investigation conducted under this section, the Commission may delegate to its employees the right to:
  - (1) request an individual to submit to an interview for the purpose of furnishing answers to questions relevant to the proceedings conducted under this section;
  - (2) issue subpoenas for the purpose of the production of documentary evidence relating to the investigation, administer oaths, and require by subpoena the attendance and testimony of witnesses, whether at hearings or depositions, consistent with Title 12 of the Oklahoma Statutes;
  - (3) order testimony taken by deposition and compel such testimony and the production of evidence by subpoena; and
  - (4) pay witnesses the same fees and mileage reimbursement paid in similar circumstances by the courts of the state.

- (e) Upon completion of an investigation, the Commission may, in its discretion, refer a copy of the investigatory record to the appropriate prosecuting authority for prosecution or action; provided that, if prosecution or action is not commenced within a reasonable period of time as determined by the Commission, it may proceed under Section 4 of this chapter.

- (f) If the Respondent discloses the contents of an information or the fact that an information has been filed against him or her, any provisions of this Chapter prohibiting disclosure of the information by the Commission may be waived and the information and written correspondence between the Respondent and the Commission's staff or independent contractors may be open for public inspection.

Amended Laws 1998. Amended Laws 2002. Amended Laws 2013.



#### **257:30-1-4. Complaints**

- (a) **Initiation of a complaint.** The Executive Director or designee shall present in executive session all information produced by an investigation, including any information supplied by the person investigated. A complaint may be initiated by the Commission as follows:
- (1) If the Commission finds sufficient evidence to believe:
    - (A) that a violation of this title has occurred;
    - (B) that the Respondent has committed the violation; and
    - (C) that the jurisdiction in which the violation occurred has been ascertained, or where uncertainty exists, the jurisdiction in which the evidence indicates the violation might have been committed has been ascertained; then the Commission may make a complaint in writing, stating the name of the person(s) alleged to have committed such violation, and setting forth the particulars thereof.
  - (2) The complaint must be signed by a majority of the members of the Commission serving.
  - (3) The Commission shall, within twenty (20) business days of the executive session at which the Commission determined that the complaint be initiated, serve, by a Commission staff member, the Respondent with a copy of the complaint and a specific statement of the applicable rule(s) with respect to the complaint, and how the alleged conduct violates the rule(s).
- (b) **Litigation of complaint.** The Commission shall authorize its attorney:
- (1) to litigate the complaint in district court pursuant to Article XXIX, Section 4 (A) of the Oklahoma Constitution and seek an appropriate penalty recommended by the Commission under Section 11 of Chapter 1 of this title; or,
  - (2) where appropriate, to settle the complaint within a range of penalties set forth in Section 11 of Chapter 1 of this title which are appropriate for the violation.
- (c) **Amendment of information or complaint.** Prior to filing a case in district court, an information or a complaint may be amended by the Commission as follows:
- (1) If the Commission has ordered an investigation on an information or issued a complaint and subsequently the Commission finds sufficient evidence to believe that a violation(s) of this title has occurred other than or in addition to the violation(s) alleged in the information or complaint, the Commission may amend the information or complaint and include the additional violation(s).
  - (2) An amended information or complaint issued by the Commission must expressly contain alleged facts to justify the amendments and be signed by a majority of the members of the Commission serving.
  - (3) The Commission shall, within twenty (20) business days of the executive session in which the Commission determined that an amended information or complaint be issued, serve, by a Commission staff member, the Respondent with a copy of the amended information or complaint, and a specific statement of the applicable rule(s) with respect to the amended information or complaint, and how the alleged conduct violates the rule(s).
- (d) Nothing herein shall prohibit the amendment of a petition filed in district court as may be consistent with Oklahoma District Court Rules and Title 12 of the Oklahoma Statutes.
- (e) A decision by the Commission does not limit the power of:
- (1) either chamber of the legislature to discipline its own members or to impeach a state officer;
  - (2) a governmental entity to discipline its officers or employees; or

- (3) the Attorney General, district attorneys, or a multi-county grand jury to investigate and/or prosecute alleged crimes.

Amended Laws 1998. Amended Laws 2003.

#### **257:30-1-5. Resolution of investigations other than by complaints**

- (a) The Commission may resolve any possible violation of this chapter by the following:
  - (1) after prior notice and an opportunity to be heard, issuing a private reprimand to the Respondent for an inadvertent violation;
  - (2) after prior notice and an opportunity to be heard, issuing a public reprimand to the Respondent;
  - (3) electing to enter into a settlement agreement.
- (b) The Commission may, at any time, enter into a settlement agreement with the Respondent to resolve any complaint or investigation. A settlement agreement, unless violated, shall be a bar to any other action by the Commission on the violation or violations specifically covered by the settlement agreement.
- (c) A settlement agreement may include, but shall not be limited to:
  - (1) a requirement that the Respondent pay a civil penalty in accordance with Section 11 of Chapter 1 of this title;
  - (2) a requirement that the Respondent's conduct be conformed to the requirements of this title;
  - (3) forfeiture of gifts, receipts or profits obtained through a violation of this title; or
  - (4) a combination of the above, as necessary and appropriate, consistent with this title.
- (d) Following its consideration of an allegation alleging a violation of one or more provisions of this title, the Commission may make a public finding that the allegation was frivolous or was made for an improper purpose and, if so, may publicly identify the person or persons who made the allegation or allegations. For purposes of this subsection, "frivolous" shall be defined in the same manner as 12 O.S. §2011 and existing state precedent.

Amended Laws 1997. Amended Laws 2000. Amended Laws 2010. Amended Laws 2013.

#### **257:30-1-6. Public inspection or confidentiality of actions and records relating to alleged violations**

- (a) **Confidential Commission actions and records.** The following Commission actions and records are confidential and not open for public inspection:
  - (1) information received from any source alleging violations of this title, except as may be filed in district court. The Commission may refer to such matters on the public agenda by the internal matter number assigned by the Commission or its employees or independent contractors rather than by the name of the individual accused of an ethics violation;
  - (2) deliberations which shall include discussion of ethics interpretations, investigations, complaints, settlement ranges or settlement offers, decisions, and recommendations, and discussions on pending litigation, all of which shall be held in executive sessions of the Commission; and
  - (3) confidential communications between the Commission and its attorney or attorneys concerning a pending investigation, claim, or action if the Commission, with the advice of its attorney or attorneys, determines that disclosure will seriously impair the ability of the Commission to process the claim or conduct a pending investigation or litigation in the public interest; and

- (4) private reprimands for inadvertent violations. The Commission shall within 10 days of issuance, publish private reprimands without the name of the subject or subjects of the private reprimands.
- (b) **Commission actions and records open for public inspection.** The following Commission actions and records are open for public inspection:
  - (1) Public reprimands;
  - (2) Settlement agreements;
  - (3) Names of respondents and allegations contained in any complaint initiated by the Commission and any other information as may be filed in district court; and
  - (4) Names of respondents and allegations contained in any record transmitted by the Commission to a law enforcement agency, officer, or prosecuting authority.
- (c) **Disclosure to a respondent or law enforcement authority.** Notwithstanding Subsection (a) of this section, the record of a matter that is the subject of an investigation shall be disclosed upon written request to:
  - (1) a Respondent or the subject of an investigation, or the attorney for a Respondent or subject of an investigation; provided that disclosure of the record to the Respondent or the subject of an investigation or to an attorney for a Respondent or subject of an investigation record shall be limited to a copy of the complaint, a copy of all statements made by the Respondent, a copy of all sworn statements by persons other than the Respondent, and any and all exculpatory evidence; or
  - (2) a law enforcement agency, officer, or prosecuting authority to fulfill the purposes of this title.
- (d) **Disclosure when necessary in investigation.** Notwithstanding Subsection (a) and (b) of this section, a record or any part of a record may, in the discretion of the Commission, be disclosed when necessary in the course of an investigation to such persons as are material to the investigation.
- (e) **Disclosure by staff or independent contractor in investigation.** Notwithstanding anything in this section, an employee or independent contractor of the Commission may, when necessary in the course of an investigation, disclose a record or any part of a record to such persons as are material to the investigation.
- (f) **Disclosure upon referral for prosecution.** Notwithstanding anything in this chapter, a record or any part of a record containing information indicating that a violation of law, whether state or federal, has occurred or may have occurred, may be transmitted to a law enforcement agency, officer, or prosecuting authority.

Amended Laws 2010.

#### **257:30-1-7. Period of limitations**

- (a) An information shall state the date of the alleged violation, which shall not be more than three (3) years before the date an investigation is ordered by the Commission.
- (b) Litigation under this title shall be commenced no later than four (4) years after the date that the violation is alleged to have been committed.
- (c) Nothing herein shall bar proceedings against a person who by fraud or concealment prevents discovery of a violation of this title.

Amended Laws 1998. Amended Laws 2002.

**257:30-1-8. Effective date of this chapter**

The effective date of this chapter was July 1, 1994. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 6, 1995 was July 1, 1995. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1997 was July 1, 1997. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 1998 was July 1, 1998. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 8, 2000 was July 1, 2000. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 5, 2002 was July 1, 2002. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 3, 2003 was July 1, 2003. The effective date of the amendments to this chapter submitted to each House of the Legislature and to the Governor on February 2, 2010, was July 1, 2010.

Amended Laws 1995. Amended Laws 1997. Amended Laws 1998. Amended Laws 1998. Amended Laws 2000.  
Amended Laws 2002. Amended Laws 2003. Amended Laws 2010.

**257:30-1-9. Applicability of rules**

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

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