

**OKLAHOMA ETHICS COMMISSION
APRIL 12, 2024, MINUTES FOR REGULAR MEETING**

1. Call to Order.

Upon notice, with the agenda being properly posted at the Commission's office at least twenty-four (24) hours prior to the commencement of the meeting and notice being filed in advance with the Office of the Secretary of State, a regular meeting of the Ethics Commission of the State of Oklahoma ["Commission"] was called to order on Friday, April 12, 2024 at 10:01 a.m. Chair Jarred Brejcha ["Brejcha"] opened the meeting, which was held in Room G-3 of the State Capitol Building, Oklahoma City, Oklahoma.

Determination of Quorum.

Roll was called to determine the existence of a quorum for the transaction of business. Commissioners answering present were, Eddie Fields ["Fields"], Howard Johnson ["Johnson"], Gregg Engle ["Engle"], Justin Meek ["Meek"] and Brejcha. A quorum of members was declared.

Staff & Visitors.

Commission staff members present at all, or part of the meeting were Executive Director Lee Anne Bruce Boone ["Bruce Boone"] and Tiffany Elczyn ["Elczyn"]. Interim Counsel to the Commission, Thomas Schneider ["Schneider"] from the Oklahoma Attorney General's office was also present.

Observing all or part of the meeting: Charles Outlaw, LegisOK; Michael McNutt, NonDoc Media; Melissa Jacques, Tulsa World; Joseph Pierce, Oklahoma Senate; and Denise Lawson, Attorney.

2. Open Meeting Act Compliance.

Chair Brejcha reviewed the *Affidavit of Posting* and affirmed compliance with the Oklahoma Open Meeting Act.

3. Introductions and Announcements.

None.

4. Announcements, consideration, discussion and possible action on the disqualification or recusal of a Commissioner or Commissioners pursuant to Ethics Rule 1.6 for any matter listed on the Commission agenda.

None.

5. Consideration, discussion, and possible action on minutes for the regular meeting and executive session held March 8, 2024.

Motion: Commissioner Fields moved to approve the minutes for the special meeting and executive session held March 8, 2024.

Second: Commissioner Johnson

Roll call vote: Fields – yes, Johnson - yes, Engle – yes, Meek – yes, Brejcha - yes

Motion carried.

6. Introduction and explanation of the March 31, 2024, Governor's Task Force Report on Campaign Finance and Election Threats. Executive Director Bruce Boone and/or Task Force Chair, A.J. Ferate

- a. Discussion and comments by Commissioners and staff
 - i. Report was provided by Director Bruce Boone. Task Force Chair, A.J. Ferate was invited to speak but could not make it due to a conflict. He would entertain coming to the Commission meeting in May if the Commission would like to ask questions or have him expand further. Bruce Boone was invited to speak to the task force but was not at all the task force meetings nor was she there during their discussions and recommendations. Director Bruce Boone provided an overview of some of the things included in the Task Force Report. She explained the Governor's task force was directed by executive order to identify any campaign finance loopholes that needed to be closed and any government interference in elections. Specifically for the Ethics Commission, the task force recommended (1) enforcement of the existing domicile requirement for treasurers of independent expenditure (IE) entities in Oklahoma, (2) the IE entity to be located in Oklahoma, (3) the IE have a working phone number answered by someone in Oklahoma for at least 5 hours a day, (4) personal certification by the treasurer that no campaign funds came from foreign sources under penalty of personal liability, (5) elimination of contribution limits for a person who donates directly to a candidate's or political parties depository account, (6) an increase up to \$15,000 in contributions from a limited partnerships, LLC's, tribes, PAC's and other non-corporate entities, and (7) unlimited transfers between political parties and their candidates. The task force also recommended that Oklahoma increase its cumulative reporting threshold to \$200 to align with the FEC and encourage a diversity of smaller contributors. There is a recommendation to redefine the definition of coordination under the Ethics Commission rules to allow up to the contribution limits recommendation. The report shows the need of ensuring cooperation among the tribes and the state regarding jurisdictional questions relating to election crimes and/or campaign finance violations. Finally, the task force would like the Commission to consider clarifying and re-asserting regulator authority over county and local officers, candidates, and their reporting violations. Director Bruce Boone explained that local regulation has never been funded or staffed and is a part of our budget request this year.
 - ii. Question by Commissioner Johnson about being able to hear pros and cons from other political organizations on the task force's recommendations.
 1. Comment by Chair Brejcha that he agreed that would be a good idea and that we should welcome all input.

- iii. Comment by Commissioner Fields on raising the contribution limits recommended and that accountability would need to be added so it is transparent. He explained that we should know who is putting money into the political entity. We need to know if funds came from in-state or out-of-state entities. When he was a candidate/legislator, he researched the political entity before accepting the contribution.
- iv. Question by Commissioner Johnson about out-of-state PAC versus in-state PAC reporting requirements. He expressed concern about raising contribution limits and said that he has not yet decided what limits would be acceptable for those entities.
- v. Question by Commissioner Meek about how big a role can and will this commission play in terms of the task force recommendations.
 - 1. Comment by Chair Brejcha that this is for all of us to decide, meaning as much or as little as we want. Some of these recommendations may require a commission rule.
- vi. Question by Chair Brejcha to Director Bruce Boone on how many of these task force recommendations would require additional Commission action versus those that may need clarification of existing rules or an advisory opinion to clarify. Chair Brejcha gave an example that the task force asked that we expand on the definition of coordination, but we do not define coordination in our current rules. He thinks people are wanting clarity and a definition of coordination and that the Commission should examine what recommendations are established and what recommendations are not established in our rules.
- vii. Comment by Commissioner Engle regarding the task force's recommendation that the Ethics Commission create disclosure rules about misrepresentation. He said that we currently have many rules in place about misrepresentation but there are those that will try to get around the rules with fake offices and fake phone numbers. He feels that what they are asking us to do is what we do naturally, keeping elections honest.
- viii. Question by Commissioner Johnson about our rules on legitimate phone numbers.
- ix. Comment by Commissioner Engle that the more we can define it would be good.
- x. Comment by Director Bruce Boone that the possibility of the task force using the Advisory Opinion process to clarify some of the definitions would be a great step.
- xi. Comment by Commissioner Fields regarding McGirt ruling. He said it was his understanding that the state of Oklahoma does not have any jurisdiction over tribal elections.
- xii. Comment by Counsel Schneider that the task force mention of McGirt probably came about from an absentee/in-person municipal election voting incident that questioned if the state of Oklahoma had jurisdiction.

- xiii. Comment by Director Bruce Boone that what Counsel Schneider said is correct and that the task force said it was an emerging consideration for the Ethics Commission. The task force is encouraging partnership between the tribes and the state on election crimes and campaign finance violations.

7. **Consideration, discussion, and possible action on Commissioner interest in working groups for rulemaking. Chair Brejcha and Executive Director Bruce Boone**

- a. Explanation by Director Bruce Boone on her recommendations for the rulemaking process. She stated that the Commission values the importance of this work and suggested dividing the recommendations into three different informal working groups. The working groups will look at the data the task force utilized along with other state's data on reporting. She recommended expanding the meeting locations to areas where the commissioners live and invite the public and stakeholders (PAC's, legislators, or citizens with an interest) to come into the process. The working groups would bring forth recommendations that could become advisory opinions or promulgations for rules. She asked counsel to advise on the open meetings act.
 - i. Comment by Counsel Schneider on the definition of a public meeting as a majority of a public bodies' members coming together to conduct public business. His recommendation is two members, at the most, per group to bring information gained back to the whole commission to comply with the open meeting act.
 - ii. Comment by Director Bruce Boone that she has received a lot of interest from the legislature wanting to have some input or involvement in the rule making process. She feels that these working groups would give them a chance to be involved and do more detailed work allowing time in open meetings to be the most productive.
 - iii. Comment by Commissioner Engel that the commission has talked about doing these working groups in the past but has not done them yet.
 - iv. Comment by Chair Brejcha that there is precedent of the commission doing working groups in the past. Questioned how it should be divided?
 - v. Comment by Director Bruce Boone that we could divide it out by subject areas like the task force has it, independent expenditures (IE), cumulative reporting threshold which could be combined with the IE's, then the definition of coordination.
 - vi. Comment by Commissioner Engle that if we focus on those three areas we would be within what they are asking. He felt since they asked for those three things specifically that would be a good place to start.
 - vii. Question by Commissioner Johnson about the topics of the regional public hearings. Could the public comment on all the topics or would it be one topic per meeting?
 - viii. Comment by Director Bruce Boone that since they are not official open meetings the public may come with additional subject matter that may be used for future

consideration.

- ix. Comment by Commissioner Engle that these public hearing will need to be moderated to keep on track.
- x. Comment by Director that it will be important to limit the discussion to the subject matter to dive in deep and come with recommendations.
- xi. Comment by Chair Brejcha that he likes the more focused approach and doing a good job with a few things than trying to be too expansive.
- xii. Comment by Counsel Schneider that these regional public meetings provide for more flexibility in subject matter since they do not fall under the Open Meetings Act.
- xiii. Question by Chair Brejcha to Director Bruce Boone about how much definition and direction is she looking for today? He asked her if she wanted to decide on which commissioners will take specific subject matter in the meeting or after this meeting.
- xiv. Comment by Director Bruce Boone suggesting the commissioners think about it more outside of this meeting and let her know what subject matter interests them. She suggested setting up the public meetings after session ends to have any rules ready by the deadline for the next legislative session.
- xv. Comment by Counsel Schneider that he recommends formalizing the working groups at the next meeting. Suggested inviting Chair Ferate to the next meeting to dive into the details and have a better understanding of what the ask is from the Task Force.

Motion: Commissioner Fields moved for Director Bruce Boone to start working with the Commission and coming up with procedures/policies to look at the recommendations from the Governor's Task Force.

Amended Motion: Commissioner Fields added for Director Bruce Boone to begin developing these working groups.

Second: Commissioner Meek

Roll call vote: Fields – yes, Meek – yes, Johnson – yes, Engle - yes, Brejcha - yes

Motion carried.

8. Executive Director's Report. Director Bruce Boone.

- a. Commission Financials: Quarterly Report for 3rd Quarter FY 2024
 - i. Director Bruce Boone explained the new infographic she created for the 3rd Quarter Financial report. She is working with OMES on developing a financial report that is

Campaign Finance Ethics Rule 2.

Second: Commissioner Fields.

Roll call vote: Engle – yes, Fields – yes, Meek – abstain, Johnson – yes, Brejcha – yes

Motion carried.

14. New Business.

None.

15. Adjournment. Chair Brejcha.

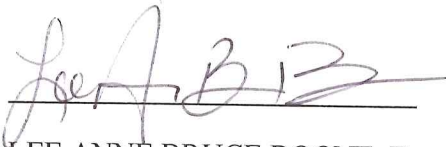
Motion: Commissioner Engle moved to adjourn the meeting.

Second: Commissioner Meek

Roll call vote: Engle – yes, Meek – yes, Fields – yes, Johnson – yes, Brejcha - yes

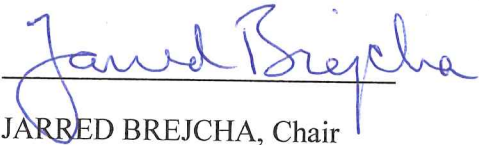
Motion carried.

Meeting ended at 11:56 a.m.



LEE ANNE BRUCE BOONE, Executive Director

Approved on behalf of the Commission:



JARRED BREJCHA, Chair