

ENROLLED HOUSE  
JOINT  
RESOLUTION NO. 1077

BY: JOHNSON (Glen) of the  
HOUSE

and

CULLISON of the SENATE

A JOINT RESOLUTION RELATING TO ETHICS; DISAPPROVING PROPOSED RULES OF THE ETHICS COMMISSION; AMENDING 74 O.S. 1991, SECTIONS 4201, 4202, 4203, 4203.1, 4206, 4207, 4208, 4209, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4219.1, 4223, 4224, 4225, 4230, 4236, 4241, 4242, 4243.1, 4246 AND 4246.1, WHICH RELATE TO THE ETHICS COMMISSION ACT; MODIFYING LEGISLATIVE INTENT; MODIFYING AND PROVIDING DEFINITIONS; MODIFYING PROHIBITED ACTS OF MEMBERS AND EMPLOYEES OF THE COMMISSION; IDENTIFYING GROUNDS FOR DISQUALIFICATION OF COMMISSION MEMBERS; REQUIRING COMMISSION MEMBERS TO BE INFORMED OF CERTAIN FINANCIAL INTERESTS; PROVIDING PROCEDURE FOR REQUESTING DISQUALIFICATION; MODIFYING AND EXPANDING DUTIES OF THE COMMISSION; PROVIDING PROCEDURES FOR REQUESTING ETHICS INTERPRETATIONS; PROVIDING PROCEDURES FOR THE ADOPTION, AMENDMENT OR REPEAL OF RULES OF THE ETHICS COMMISSION; PROVIDING AND MODIFYING PROCEDURES GOVERNING ALLEGATIONS OF VIOLATIONS, INVESTIGATIONS, COMPLAINTS, SHOW CAUSE HEARINGS, LITIGATION OF COMPLAINTS AND SETTLEMENT AGREEMENTS; PROHIBITING THE DISCLOSURE OF AN AFFIDAVIT ALLEGING VIOLATIONS OF THE ETHICS COMMISSION ACT OR RULES OF THE COMMISSION AND PROVIDING AN EXCEPTION; PROHIBITING THE FILING OF AFFIDAVITS FOR A CERTAIN PERIOD; PROVIDING FOR THE WITHDRAWAL OF AFFIDAVITS; PROHIBITING THE FILING OF FRIVOLOUS AFFIDAVITS; MODIFYING SANCTIONS; REQUIRING NOTIFICATION OF FILING OBLIGATIONS; PROVIDING PROCEDURES FOR THE ASSESSMENT OF LATE FILING FEES; PROVIDING SANCTIONS FOR VIOLATIONS OF THE ETHICS COMMISSION ACT; REQUIRING THE DEPOSIT OF FINES TO THE CREDIT OF THE GENERAL REVENUE FUND; PROVIDING FOR THE APPORTIONMENT OF MONETARY PENALTIES; AUTHORIZING INVESTIGATIONS AND DISCIPLINARY ACTIONS BY A GOVERNMENTAL ENTITY; IDENTIFYING CONFIDENTIAL ACTIONS AND RECORDS; AUTHORIZING DISCLOSURE IN CERTAIN INSTANCES; PROVIDING SANCTIONS FOR DISCLOSURE OF CONFIDENTIAL INFORMATION BY MEMBERS OR EMPLOYEES OF THE ETHICS COMMISSION; MODIFYING REPORTING REQUIREMENTS REGARDING CONTRIBUTIONS AND EXPENDITURES BY CANDIDATES AND COMMITTEES; PROHIBITING CERTAIN ANONYMOUS CONTRIBUTIONS AND CASH CONTRIBUTIONS; REQUIRING WRITTEN INSTRUMENT FOR CONTRIBUTIONS AND EXPENDITURES EXCEEDING A STATED AMOUNT; REQUIRING RECEIPTS FOR CERTAIN EXPENDITURES; PROHIBITING CERTAIN EXPENDITURES BY PERSONS OTHER THAN THE COMMITTEE; PROVIDING PROHIBITIONS RELATING TO COMMITTEE SOLICITATIONS

AND FUNDS; REQUIRING STATEMENT PERTAINING TO INDEPENDENT EXPENDITURES; PROVIDING FOR CAMPAIGN DEPOSITORY AND CAMPAIGN ACCOUNTS; MODIFYING PROCEDURES GOVERNING REGISTRATION OF COMMITTEES; PROVIDING FOR THE DESIGNATION OF CANDIDATE COMMITTEES; REQUIRING STATEMENTS OF ORGANIZATION FOR COMMITTEES AND SPECIFYING THE CONTENTS THEREOF; DELETING CERTAIN FORMS; MODIFYING THE DESIGNATION OF PERSONS AUTHORIZED TO ACCEPT CONTRIBUTIONS AND MAKE EXPENDITURES; PROVIDING FOR COMMITTEE OFFICERS; PROVIDING PROCEDURES IN THE EVENT OF A VACANCY IN A COMMITTEE OFFICE; STATING DUTIES OF THE TREASURER; MODIFYING CONTENTS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTS; PROVIDING FOR THE DISPOSITION OF UNUSED CONTRIBUTIONS AND COMMITTEE ASSETS; PROVIDING FOR REPORTING ON CERTAIN COMPUTERIZED PRINTOUTS; PROVIDING PROCEDURE FOR REPORTING CONTRIBUTIONS ACCEPTED DURING CERTAIN PERIOD; PROVIDING PROCEDURE FOR REPORTING INDEPENDENT EXPENDITURES MADE DURING CERTAIN PERIOD; AUTHORIZING ALTERNATIVE FILINGS FOR COMMITTEES REGISTERED UNDER THE LAW OF THE UNITED STATES; PROVIDING FOR ATTRIBUTION AND AGGREGATION OF CONTRIBUTIONS; PROVIDING FOR EARMARKED CONTRIBUTIONS; DELETING OBSOLETE LANGUAGE; PROVIDING FOR THE DISPOSITION OF SURPLUS FUNDS OF COMMITTEES OTHER THAN CANDIDATE COMMITTEES; PROVIDING FOR THE TAX TREATMENT OF FINES; MODIFYING EXCEPTIONS TO PROHIBITED ACTS OF CORPORATIONS; PROHIBITING GIFTS TO MEMBERS OR EMPLOYEES OF THE CORPORATION COMMISSION; PROHIBITING FUNDRAISING EVENTS IN OKLAHOMA COUNTY DURING STATED PERIOD AND PROVIDING EXCEPTIONS; MODIFYING DEADLINES FOR FILING FINANCIAL DISCLOSURE STATEMENTS; MODIFYING PROCEDURES GOVERNING IDENTIFICATION OF PERSONS REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENTS; MODIFYING PROCEDURE FOR REQUESTING AN EXTENSION FOR FILING A FINANCIAL DISCLOSURE STATEMENT; MODIFYING THE CONTENTS OF A FINANCIAL DISCLOSURE STATEMENT; REQUIRING ABSTENTION FROM VOTING IN CERTAIN INSTANCES; MODIFYING REPORTING THRESHOLDS FOR LOBBYISTS REPORTS; ENUMERATING INFORMATION REQUIRED ON LOBBYISTS REPORTS; PROHIBITING DIVISION OF THE COST OF GIFTS; REQUIRING A LOBBYIST TO BE PRESENT WHEN A GIFT IS ACCEPTED; REQUIRING CERTAIN PERSONS TO REGISTER AS A LOBBYIST AND TO REPORT GIFTS; PROVIDING SANCTION; PROHIBITING CERTAIN ACTS BY CANDIDATES FOR STATE OFFICE, STATE OFFICERS AND STATE EMPLOYEES; MODIFYING PROHIBITED ACTS OF CLASSIFIED EMPLOYEES, LEGISLATORS AND STATEWIDE ELECTED OFFICERS; DELETING OBSOLETE LANGUAGE; PROVIDING SANCTION; PROHIBITING CERTAIN ACTS OF PUBLIC MEMBERS; REQUIRING DISQUALIFICATION OF CERTAIN STATE OFFICERS OR EMPLOYEES IN CERTAIN INSTANCES; EXCLUDING CERTAIN ELECTIONS FROM THE APPLICATION OF CERTAIN PROVISIONS; REPEALING 74 O.S. 1991, SECTIONS 4219.2, 4221, 4226, 4233, 4245 AND 4247, WHICH RELATE TO CRIMINAL SANCTIONS UNDER THE ETHICS COMMISSION ACT; PROVIDING FOR NONCODIFICATION; PROVIDING FOR CODIFICATION; AND PROVIDING EFFECTIVE DATES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 43RD OKLAHOMA LEGISLATURE:

SECTION 1. The rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution

and submitted to the Oklahoma Legislature and the Governor on February 4, 1992, are hereby disapproved.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 4201, is amended to read as follows:

Section 4201. It is the intent of the Legislature that the law reflect the following items:

1. That the operation of government be properly conducted so that public ~~officials~~ officers are independent and impartial and that a public office is not used for private gain other than the remuneration provided by law. Public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected ~~officials~~ officers and government employees in situations where conflicts may exist;

2. That the government attract those citizens best qualified to serve. Thus, the law against conflict 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. Public ~~officials~~ 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 ~~officials~~ officers to the public;

3. That the campaign process in this state operate to ensure that the people of this state elect their representatives in an informed and equitable manner and that qualified persons become candidates for public office with full confidence in the ability of the process to protect them from wrongful allegations of unlawful election practices;

4. That the Ethics Commission operates to encourage the disclosure of all information required by this act, to assist persons required to file information with the Commission in complying with this act and to make liberal and extensive use of ~~conciliation~~ settlement agreements allowed by this act ~~if a complaint of a violation is made.;~~

5. That the central function of the Ethics Commission Act is to prevent, rather than punish, unethical conduct. It is the further intent of the Legislature that referrals not be made to the appropriate authorities for prosecution except in cases of knowing and willful violations of this act which carry a criminal penalty;

6. That the Ethics Commission is authorized to promulgate rules of ethical conduct for campaigns for elective state office and for campaigns for initiatives and referenda and rules of ethical conduct for state officers and state employees pursuant to the provisions of Section 3 of Article XXIX of the Oklahoma Constitution;

7. That the Ethics Commission give certain portions of any rules promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution future effective dates in order to allow sufficient opportunity to publish, educate and allow those affected by the rules to become familiar with their provisions and to attribute emergency status only to those rules necessary to guard against conduct which is in substantial conflict with the proper discharge of duties in the public interest;

8. That the Ethics Commission is to develop an effective and comprehensive ethics education program designed to educate persons affected by such rules of their content;

~~5.~~ 9. That the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and pending legislative actions at every level of government;

~~6.~~ 10. That these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflict of interest without creating unnecessary barriers to public service be implemented;

~~7.~~ 11. That no officer or employee of any governmental entity or political subdivision of this state, and no member of the Legislature or legislative employee, have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activities; or incur any obligation of any nature that is in substantial conflict with the proper discharge of his duties in the public interest; and

~~8.~~ 12. That all public ~~officials~~ officers and public employees are agents of the people and hold their positions for the benefit of the people. They are bound to uphold the Constitution of the United States and the Constitution of this state and to perform efficiently and faithfully their duties under the laws of the federal, state and local governments. Such officers and employees must observe, in their official acts, high standards of ethics regardless of personal consideration, recognizing that promoting the public interest and maintaining the respect for their government must be a foremost concern.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 4202, is amended to read as follows:

Section 4202. As used in ~~this act, Section 4200 et seq. of this title~~ the Ethics Commission Act:

1. "Act" means the Ethics Commission Act, Section 4200 et seq. of this title;

2. "Address" means mailing address unless otherwise specified;

3. "Affiliated organization" or "connected organization" means any organization which directly or indirectly establishes, administers or financially supports a committee;

4. "Anything of value" includes 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,

h. a loan or forgiveness of indebtedness,

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,

m. a rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public,

n. a promise or offer of employment, or

o. any other thing of value that is pecuniary or compensatory in value to a person.

The term "anything of value" shall not include a campaign contribution properly received and reported, if reportable, as required by the Ethics Commission Act;

5. "Associated", when used with reference to an organization, means an organization 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 (\$5,000.00) of the outstanding equity;

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

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

2. 8. "Calendar quarter" means each three-month period of a calendar year, beginning on January 1, April 1, July 1 and October 1 of each year;

3. 9. "Campaign" means and includes all activities for or against the election of a candidate to a specific state or local office for a specific term or the passage or defeat of a ~~state question~~ ballot measure from the date of the first contribution, the making of the first expenditure, the filing of a declaration of candidacy or a public announcement of intent to seek such election, whichever is first;

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

- a. has filed a ~~notification and~~ declaration of candidacy for any public office with the Secretary of the State Election Board or the secretary of any county election board,
- b. is nominated as a substitute candidate pursuant to the provisions of Section 1-105 of Title 26 of the Oklahoma Statutes, or
- c. solicits or accepts contributions, makes expenditures or gives consent to an individual, organization or committee to solicit or accept contributions or make expenditures to secure election to any state or county office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is accepted or the expenditure is made.

The term "candidate" shall include a person whose candidacy is unopposed, but shall not include any person who has withdrawn ~~such notification and~~ a declaration of candidacy;

5. 11. "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;

12. "Charitable organization" means an organization described in Section 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;

6. 13. "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 this title;

14. "Commission" means the Ethics Commission;

~~7.~~ 15. "Committee" means a candidate committee, political action committee, political party, or organization;

~~8.~~ 16. "Compensation" means ~~money, service, facility or thing of value or financial benefit which is received or is to be received in return for or in connection with services rendered or to be rendered:~~

- a. an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, or transfer of money or anything of value, or
- b. a contract, or other written obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, or transfer of money, service, facility or thing of value or financial benefit which is received or is to be received in return for or in connection with services rendered or to be rendered.

The term "compensation" shall not include reimbursement of expenses if the reimbursement is paid at a daily rate by statute to public officers or public employees for meals, lodging or expenses or if the reimbursement does not exceed the amount actually expended for the expenses and is substantiated by an itemization of expenses;

~~9.~~ "Complainant" means a person filing a complaint pursuant to the provisions of Section 4207 of this title;

~~10.~~ "Contributor" means and includes every person or committee who makes a contribution;

~~11.~~ 17. "Contribution" means and includes ~~any money, property, or in-kind services, including but not limited to, printing or engraving, radio or television time, billboards, advertising, subscription, forgiveness of indebtedness, personal or professional services or any other thing of value whatsoever which is given or loaned to be used in a campaign.:~~

- 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 a committee or for influencing the results of an election, including a ballot measure election, or reducing the debt of a candidate for election to state or county office,
- b. an expenditure paid to a committee and made by a person or committee, other than a candidate's committee, with the cooperation of, or in consultation with, a committee, a candidate, candidate committee, or candidate's treasurer or that is made in concert with, or at the request or suggestion of, a candidate, candidate committee, or candidate's treasurer,
- 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 when the candidate or committee has knowledge of the discounted services or products,
- d. anything of value accepted by a committee that is transferred from another committee or other source,
- e. the purchase of tickets for an event such as a meal, reception, rally, and a similar fundraising event of a committee,
- f. the candidate's own money used on behalf of that candidate's candidacy, or
- g. the granting of a discount or rebate:
  - (1) not extended to the public generally, or
  - (2) by a television or radio station not extended equally to all candidates for the same office.

The term "contribution" shall not include:

- a. ~~money loaned to a candidate in connection with his own campaign by a bank, savings and loan association or credit union which is to be repaid with interest at a rate comparable to that of loans for equivalent amounts for other purposes~~ 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 the recipient's status as a public officer or public employee or a candidate for state or local office by the institution,
- b. the value of services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, candidate committee, organization, political action committee, state question ballot measure committee, political party or federal political committee,
- c. for purposes of the contribution limits set forth in Section 4216 of this title, the transfer of any funds by a political action committee to another political action committee, provided the ~~committee has~~ committees have been established as provided by law ~~if~~ 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 organization, or
- d. any payment made 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,
- e. a payment made by an individual for the individual's own travel expenses on behalf of a committee if the payment is made with an understanding or agreement that the payment will be repaid to the individual,
- f. 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); provided, if the occupant hosts more than one (1) such event in an election cycle for the same beneficiary, all subsequent payments that exceed Five Hundred Dollars (\$500.00) in the aggregate shall be considered a contribution,
- g. a communication by a corporation, labor organization or association aimed at its members, owners, stockholders, executive administrative personnel or their families, or
- h. a tender of a contribution if the tender is expressly and unconditionally rejected and returned to the contributor within six (6) business days of receipt of the tender and is not used, including as collateral, or is transferred to the state as provided by law if the contribution is an anonymous contribution exceeding Two Hundred Dollars (\$200.00);

18. "Contributor" means and includes every person or committee who makes a contribution;

~~12. "Commission" means the Ethics Commission~~

19. "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 regular business day, any such report or document may be filed on the immediate next regular business day;

~~13.~~ 20. "Election" means a Primary, Run-off Primary, General, or Special Election in which a candidate or ~~state question~~ ballot measure is on the ballot;

~~14.~~ 21. "Election board" means the State Election Board in reference to candidates who file a declaration of candidacy with the State Election Board, or the appropriate county election board in reference to candidates who file a declaration of candidacy with the county election board;

22. "Election cycle" means the period beginning the day after the General Election, up to and including the day of the following General Election, including a Primary or Runoff Primary Election or a Special Primary and the following Special General Election;

23. "Elective officer" means an individual elected to a state or county office or an individual who is appointed to fill a vacancy in an elective state or county office;

~~15.~~ 24. "Expenditure" means a purchase, payment, distribution, contribution, loan, advance, compensation, reimbursement, fee deposit, transfer of funds between committees or gift of money securement, or any other thing anything of value, ~~or services including but not limited to postage, telephone, telegraph, printing, advertising, travel, lodging, meals or entertainment for which payment is made with private or public funds, and includes a contract, promise or agreement to make an expenditure, whether or not legally enforceable~~ made to influence the results of an election, or reduce the debt of a candidate for election to office.

An expenditure shall 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,
- 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 expressly and unconditionally rejected and returned to the person making the expenditure within six (6) business days of receipt of the transfer;

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

~~16. "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;~~

26. "Family member" means an individual who is a spouse, parent, stepparent, stepchild, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild of a public officer or public employee or is a member of a public officer's or public employee's household;

27. "Gift" means anything of value to the extent that consideration of equal or greater value is not received. Provided, the term "gift" shall not include:

- a. a campaign contribution,
- b. printed informational promotional material,
- c. material relating to an issue which is or may be the subject of legislation or official action,
- d. anything of value that:

- (1) is not used, and
- (2) 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,
- e. a gift, devise, or inheritance from a family member of the recipient, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subparagraph,
- f. a plaque or trophy with a value that does not exceed One Hundred Fifty Dollars (\$150.00),
- g. reimbursement for actual expenses incurred by a state officer or state employee for travel, subsistence, hospitality, entertainment or other costs of attending and participating in a meeting, program, trade mission or other activity of any organization if:
  - (1) (a) the state officer or state employee serves on a panel or otherwise participates in the meeting, program, trade mission or other activity,
  - (b) the purpose of such travel, subsistence, hospitality, entertainment or other expense is to serve, inform or educate the state officer or state employee, or
  - (c) the meeting, program, trade mission or other activity is related to economic development; and
  - (2) such reimbursement is paid from funds of the organization;

~~17.~~ 28. "Governmental entity" means any department, commission, authority, council, board, bureau, committee, legislative body, agency, public trust, or other establishment of the executive, legislative or judicial branch of the State of Oklahoma or political subdivision thereof. For purposes of rules promulgated by the Ethics Commission pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, the term "governmental entity" shall not include entities of political subdivisions of the State of Oklahoma;

29. "Immediate family" means an unemancipated child residing in a person's household, a spouse of such person, or an individual claimed by such person or such person's spouse as a dependent for tax purposes;

~~18.~~ 30. "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;

31. "Independent expenditure" means an expenditure made by a committee to advocate the election or defeat of a clearly identified candidate, or, taken as a whole and in context, expressly urges a particular result in an election, but which is not made to, controlled by, coordinated with, requested by, or made upon consultation with a candidate, committee, or treasurer of a candidate or committee;

32. "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;

~~19.~~ 33. "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;

34. "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;

~~20.~~ 35. "Lobbying", or any derivative of the word thereof, means promoting, opposing or attempting to influence any official action; but shall not include any person representing himself or a client in a professional capacity in a court proceeding or before any governmental entity;

~~21.~~ 36. "Local office" means all elective offices for which declarations of candidacy are filed with the secretary of any county election board;

~~22.~~ 37. "Ministerial action" means an action that a person performs in a prescribed manner which involves no discretionary judgment;

~~23.~~ 38. "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;

~~24.~~ 39. "Organization" ~~includes~~ means a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, union, education or action group or committee or entity with two or more persons having a joint or common political interest;

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

41. "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;

42. "Party committee" means the generally recognized organization which, according to the bylaws of the political party, is responsible for the daily operation of the party at a state or local level;

~~25.~~ 43. "Person" means an individual, corporation, association, firm, partnership, labor union or labor organization, committee, club or other organization, or a group of persons who are voluntarily acting in concert;

~~26.~~ 44. "Political action committee" means a combination of at least two individuals, or a person other than an individual:

- a. with the primary or incidental purpose of:
  - (1) supporting or opposing a candidate or political party, except those required to file with the Federal Election Commission, or
  - (2) supporting or opposing a ~~state question~~ ballot measure, and
- b. which accepts contributions or makes expenditures aggregating at least Two Hundred Dollars (\$200.00) during a calendar year~~†~~.

A political action committee shall not include a political party, party committee or candidate committee;

~~27.~~ 45. "Political party" means any political party so recognized for the purpose of having candidates appear on the ballot;

~~28.~~ 46. "Public employee" means ~~any person who is employed by and receives compensation from any governmental entity, but shall not mean independent contractors or public officials~~ a state or county employee;

47. "Public member" means a state officer appointed to a compensated or uncompensated part-time position on a state governmental entity. A public member shall not lose this status by

receiving reimbursement of expenses or a per diem payment for services. The term "public member" shall not include:

- a. members of governmental entities which are advisory to the legislative, executive, or judicial branches of state government;
- b. Foster Care 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;

~~29.~~ 48. "Public official officer" means an elected or appointed official in the executive or legislative branch of the State of Oklahoma or a state officer or an officer of any political subdivision thereof of the state;

49. "Registered lobbyist" means a person required to register under the provisions of Section 4227 of this title and who is not exempt from registration under the provisions of Section 4228 of this title;

~~30.~~ 50. "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;

~~31.~~ 51. "Respondent" means a person named in a complaint filed pursuant to the provisions of Section 4207 of this title against whom an affidavit or complaint alleging a violation of the Ethics Commission Act or rules of the Commission is filed or against whom an assessment of late filing fees is made;

~~32.~~ 52. "Source" means the name, address, and description of the principal business activity of a person or organization, with respect to a contribution or income, the entity from which such contribution or income is obtained; provided, the term "source" shall not include individual clients, customers or patients;

~~33.~~ 53. "State employee" means an elected or appointed officer or employee of the executive, judicial, or legislative branch of state government any state governmental entity, except members of the House of Representatives or State Senate, and an employee, other than an adjunct professor, in the service of an institution of higher education comprising The Oklahoma State System of Higher Education;

~~34.~~ 54. "State office" means all elective offices for which declarations of candidacy are filed with the Secretary of the State Election Board; and

55. "State officer" means an elected or appointed officer in a state governmental entity;

~~35.~~ 56. "Substantial financial interest" means an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of ownership or interest in a business entity, or as a result of salary, gratuity or other compensation or remuneration from any person, partnership, organization, or association. The term "substantial financial interest" includes, but is not limited to, an ownership interest of five percent (5%) or more in a business enterprise or an interest in an entity from which dividends of One Thousand Dollars (\$1,000.00) or more were derived during the preceding calendar year; and

57. "Transfer" means the movement or exchange of anything of value between committees.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 4203, is amended to read as follows:

Section 4203. A. Any references to the Oklahoma Ethics Commission or the Oklahoma Council on Campaign Compliance and Ethical Standards shall be construed to refer to the Ethics

Commission created in Section 1 of Article XXIX of the Oklahoma Constitution.

B. 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 political party or committee;
3. Permit his name to be used, or make contributions, in support of or in opposition to any candidate or ~~proposition~~ ballot measure;

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;

5. Lobby or assist a lobbyist; provided a member or employee of the Commission may ~~lobby~~ provide information on matters directly affecting this act, Section 4200 et seq. of this title, at the request of any member of the Legislature;

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. ~~For purposes of this subsection, "substantial financial interest" shall mean an ownership interest of five percent (5%) or more in a business enterprise or an interest in a nonpublicly traded entity from which dividends of One Thousand Dollars (\$1,000.00) or more were derived during the preceding calendar year.~~ A member or employee of the Commission holding a substantial financial interest in a ~~publicly traded~~ 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 4203.1 of this title;

7. Be employed by the state or any county in any other capacity, whether or not for compensation; ~~or~~

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 ~~state department, agency, board or commission, except a court of law~~ governmental entity; or

9. Represent any person as an attorney before the Commission; provided, an employee of the Commission may act as a lawyer before the Commission in the course of the employee's official duties.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 4203.1, is amended to read as follows:

Section 4203.1 A. 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 an attorney for 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 acting as a lawyer in the proceeding,~~

e. is known by the member to have an interest that could be substantially affected by the outcome of the proceeding, or

d. 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 the member or spouse or the spouse of such person is representing any person as an attorney in the proceeding.

B. A member 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 and persons within the third degree of consanguinity to him or his spouse and the spouses of such persons.

~~C. A member disqualified by the terms of this section may, instead of withdrawing from the proceeding, disclose on the record the basis of the disqualification. If, based on such disclosure, the respondent agrees in writing that the member's relationship is immaterial or that the financial interest is insubstantial, the member is no longer disqualified, and may participate in the proceeding. The agreement, signed by the respondent, shall be incorporated in the record of the proceeding.~~ Any party may request the disqualification of a member of the Ethics Commission on the ground of his inability to give a fair and impartial hearing, by filing a request stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined by the other members of the Commission as soon as practicable after the request is filed.

D. The Chief Justice of the Supreme Court shall appoint a member of the Court on the Judiciary to replace any member of the Commission who disqualifies himself or who is disqualified pursuant to the provisions of this section to serve with respect to that particular proceeding only. The Executive Director of the Commission shall notify the Chief Justice in writing of any such disqualification. Such notice shall be confidential and not open for public inspection.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 4206, is amended to read as follows:

Section 4206. A. The Ethics Commission shall:

1. Serve as the official repository for financial disclosure statements, statements of organization, independent expenditure reports, campaign contributions and expenditures reports, lobbyist registrations and reports and such other documents filed by committees, candidates or candidate committees for state or county office and public ~~officials~~ officers and public employees of state and county government as pertain to its duties;

2. Accept and file any information voluntarily supplied that exceeds the requirements of this act; provided, the Commission shall not require the disclosure of any information other than as specifically provided by this act;

3. ~~Distribute~~ Promulgate and distribute forms upon which information shall be provided as required by this act ~~and,~~ produce and distribute copies of this act, Article XXIX of the Oklahoma Constitution and rules of the Ethics Commission to ~~the~~ persons required to submit forms and provide an adequate supply of such forms to each county election board ~~and to,~~ the State Election Board and to the clerks of the appropriate political subdivisions for distribution to all candidates, committees, ~~officials~~ officers, and employees required to submit such forms. The promulgation of such forms shall be pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes;

4. Make campaign contributions and expenditures reports, lobbyists' registrations and reports, political action committees' registrations, statements of organization and financial disclosure

statements filed with it available during regular business hours to the public ~~subject to~~ in accordance with 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 and statements shall be removed from the office of the Commission. No records or materials of the Commission shall be subject to disclosure pursuant to the Open Records Act unless expressly provided for in this act. 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;

5. 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 ~~two (2)~~ five (5) years from the date of receipt;

6. Issue ethics interpretations pertaining to the provisions of this act or the rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution when requested by any person or committee ~~under~~ who may be subject to the jurisdiction of the Commission and publish its ethics interpretations annually; provided, that failure of a person to request an ethics interpretation shall have no relevance in any subsequent proceeding under this act or rules of the Ethics Commission involving such person. Provided further, such interpretation shall be binding on the Commission in any subsequent proceeding under this act or rules of the Ethics Commission. Sufficient deletions shall be made by the Commission in published ethics interpretations to prevent the disclosure of the identity of the persons involved in the situations presented in the ~~ethical~~ ethics interpretations;

7. Pursuant to a complaint filed under the provisions of Section 4207 of 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;

8. Conduct investigations, ~~inquiries,~~ and hearings as provided by law concerning its violations of the Ethics Commission Act or rules of the Commission governing ethical conduct ~~of~~ 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 a ~~complaint~~ an affidavit;

9. As provided in Section 4207 of this title, prosecute in the district court of the county where the violation occurred violations of the Ethics Commission Act or the rules of the Commission governing ethical conduct for campaigns for elective state office, campaigns for initiatives and referenda and for ethical conduct of state officers and state employees. Where uncertainty exists as to the county in which a violation occurred, the Commission may prosecute in any county where the evidence indicates the violation might have been committed;

10. Settle investigations and accept payment of fines without court order. Fines paid shall be deposited in the General Revenue Fund of the State of Oklahoma;

11. ~~Enforce and collect such late filing fees as provided for by this act. The Commission shall establish a procedure by which an employee of or person contracting with the Commission shall conduct a hearing regarding any late filing fee imposed upon written request. The hearing shall be conducted within thirty (30) days of~~

~~the request. The decision of the person conducting the hearing may be appealed to the Commission upon written request; and;~~

~~10. 12. Initiate and continue programs for the purpose of educating officials officers, employees and citizens of this state on matters of ethics and government service. The Commission shall publish and make available to the public and to persons subject to the provisions of the Ethics Commission Act or the rules of the Commission explanatory information concerning the Ethics Commission Act and such rules, including information regarding the enforcement thereof. The Commission may conduct research concerning state governmental ethics and implement the educational programs it considers necessary to effectuate the provisions of this paragraph. The Commission shall work with the Oklahoma Library for the Blind and Physically Handicapped toward rendering the Ethics Commission Act, Article XXIX of the Oklahoma Constitution and the rules of the Commission in both braille and on audio tape; and~~

~~13. No later than December 1 of each year, report to each person responsible for making an appointment to the Commission on the Commission's activities in the preceding fiscal year. Such report shall contain the names and duties of each employee of the Commission and a summary of the Commission's determinations and ethics interpretations. The Commission shall prevent disclosure of the identity of a person involved in an investigation or ethics interpretation or a person filing or named in an affidavit or complaint. The report may contain other information on matters within the Commission's jurisdiction and recommendations for legislation as the Commission deems desirable.~~

B. After public hearing, the Commission shall promulgate rules of ethical conduct for campaigns for elective state office, 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.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4206.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

Any person who may be affected by the existence or application of any provision of the Ethics Commission Act or rules of the Commission may request in writing an interpretation or ruling regarding the application of such provision to the facts or hypothetical set of facts furnished with the request. Such request shall state fully the facts pertaining to the situation of the requesting party and the applicable statutes or rules about which the request is made. The request shall be assigned to administrative staff for review. Thereafter, the Commission shall make a final determination of the interpretation. The interpretation of the provision shall be furnished in writing to the person making the request within a reasonable time thereafter. The petition shall be on a form promulgated by the Commission.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4206.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

Any person may request the Commission to adopt, amend or repeal a rule relating to ethical conduct for campaigns for elective state office, for campaigns for initiatives and referenda and for state officers and state employees pursuant to the provisions of Section 3 of Article XXIX of the Oklahoma Constitution, or other rules of the Commission. 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 request shall be considered by the Commission and, if approved, notice shall be given that such

proposal will be formally considered for adoption. Provided, if 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 of the decision shall be sent to the person who submitted the request. The request shall be on a form promulgated by the Commission.

SECTION 9. AMENDATORY 74 O.S. 1991, Section 4207, is amended to read as follows:

Section 4207. A. A person alleging that a violation of the Ethics Commission Act or rules of the Commission promulgated in accordance with Section 4206 of this title and Section 3 of Article XXIX of the Oklahoma Constitution has been committed may file an affidavit with the Commission pursuant to this section. Except as otherwise provided in this section, ~~complaints~~ affidavits alleging violations of the provisions of this act or rules of the Commission by persons, committees, candidates, public ~~officials~~ officers or public employees of state or county government shall be filed with the Ethics Commission. The Commission shall not accept a ~~complaint~~ an affidavit alleging a violation by a candidate for local office other than county office.

B. ~~The Commission shall not initiate any investigation or other proceedings~~ No action provided by this section may be taken except:

1. ~~Pursuant to a complaint~~ Upon receipt of an affidavit which meets the requirements of this section and which alleges that a violation of the Ethics Commission Act has been committed;

2. Pursuant to the provisions of subsection C of Section 4209 of this title; or

3. ~~Pursuant to a~~ Upon receipt of an affidavit which meets the requirements of this section and which alleges that a violation of a rule promulgated by the Commission in accordance with subsection B of Section 4206 of this title and Section 3 of Article XXIX of the Oklahoma Constitution has been committed.

C. ~~Complaints~~ An affidavit filed pursuant to the provisions of this section shall be made in writing and signed by the person making the ~~complaint~~ affidavit and shall be verified and notarized. Each ~~complaint~~ affidavit shall state specifically the sections of this act or rules of the Ethics Commission that the person named in the ~~complaint~~ affidavit is alleged to have violated and the date of the alleged violation, which shall not be more than ~~two (2)~~ three (3) years before the date the ~~complaint~~ affidavit is filed. The person filing the affidavit shall prepare the affidavit, or, at his request, the Executive Director of the Commission may draft the affidavit on his behalf. The Executive Director also may assist any such person in identifying the statutory sections or rules applicable to the allegations in the affidavit.

D. The Executive Director shall be authorized, without action of the Commission, to refuse to accept any ~~complaint~~ affidavit which does not meet the requirements of this section and shall notify the person filing the ~~complaint~~ affidavit of the reasons for such refusal. ~~The Executive Director shall, without action of the Commission, forward any complaint filed with the Commission, over which the Court on the Judiciary has jurisdiction to the Court on the Judiciary.~~ The Executive Director shall forward any ~~complaint~~ affidavit alleging a violation by a member or employee of the Commission to the Council on Judicial Complaints, which shall be authorized to refer the complaint to the district attorney of the county in which the alleged violation occurred or where the evidence indicates the violation might have been committed; provided, however, the Council on Judicial Complaints shall notify the Speaker of the House of Representatives and the President Pro Tempore of the Senate as soon as practicable after receiving information

constituting an impeachable offense relating to a member of the Ethics Commission.

~~D. If the Commission determines that information the Commission has received provides an adequate basis for the belief that a violation of its rules governing ethical conduct of campaigns for elective state office, campaigns for initiatives and referenda or state officers and state employees has been committed, an investigation may be conducted with respect to the alleged violation.~~

~~If the Commission finds probable cause to believe that a violation of its rules has occurred, it may, upon its own motion, make a complaint in writing, stating the name of the person who is alleged to have committed a violation of such rules, and set forth the particulars thereof. A complaint initiated by the Commission must be signed by a majority of the members of the Commission.~~

~~E. If a verified complaint has been filed, or if the Commission has issued its own complaint pursuant to the provisions of subsection D of this section, and subsequently the Commission finds probable cause to believe that a violation of its rules has occurred, other than the violation alleged in the complaint, the Commission may amend the complaint upon its own motion and include the violation. An amended complaint issued by the Commission must be signed by a majority of the members of the Commission. The Commission shall forward a copy of the amended complaint, and a general statement of the applicable laws or rules with respect to the amended complaint, to the complainant and respondent. Except with respect to affidavits referred to the Council on Judicial Complaints or those refused by the Executive Director, all affidavits alleging a violation of the Ethics Commission Act or the rules of the Ethics Commission received by a member or employee of the Commission shall be presented by the Executive Director or designee to the Commission, in executive session, at the next meeting of the Commission following receipt of such affidavit. If at least three members of the Commission determine in executive session that an affidavit provides probable cause to believe that a violation of the Ethics Commission Act or the rules of the Ethics Commission has occurred, the Commission shall:~~

~~1. Notify the respondent within five (5) business days of the executive session at which the affidavit was presented that the affidavit was filed and provide the respondent with a copy of the affidavit. Such notification shall be by certified mail;~~

~~2. Afford the respondent twenty (20) days to provide information to the Commission with regard to the allegations in the affidavit. Upon written request by the respondent, the chairman of the Commission may extend the time for response an additional twenty (20) days; and~~

~~3. Consider any such information offered by the respondent.~~

~~F. No person shall disclose the contents of a complaint, his intention to file a complaint, the fact that a complaint has been filed or his knowledge of another person's intention to file a complaint; provided, the respondent may disclose the entire contents of a complaint and any related materials at any time in the proceedings. If the respondent so discloses, any provisions of this act prohibiting disclosure of information shall be waived and the complaint and all records and materials related thereto shall be open for public inspection.~~

~~G. No complaint alleging any violation of the provisions of Sections 4211 through 4221 of this title by a candidate or by any person in connection with a campaign for state or county office may be filed with, received by or initiated by the Commission during the period beginning on the first day of the period for filing declarations of candidacy for the office and ending on the day after~~

~~certification of the results of the election at which the office is filled.~~

~~H. A copy of any complaint filed with the Commission that meets the requirements of subsection C of this section or a copy of any complaint initiated by the Commission, and a general statement of the applicable laws or rules with respect to the complaint, shall be sent by certified mail to the person named in the complaint. Such person shall have twenty (20) days from the day of receipt of the copy of the complaint to file a written response to the complaint. Upon written request by the person, the chairman of the Commission may extend the time for response an additional twenty (20) days.~~

~~I. A complaint may be withdrawn by the complainant at any time during the proceedings outlined in this section with the consent of the Commission and the respondent.~~

~~J. Upon the filing of a complaint, After consideration in executive session of any information furnished by the respondent, the Commission shall determine, upon a vote of at least three (3) members thereof, may:~~

~~1. Determine if the complaint matter may be resolved by action on the part of either party or by a conciliation settlement agreement pursuant to the provisions of subsection § W of this section or if;~~

~~2. Dismiss the complaint should be dismissed. If not, the Commission may cause affidavit; or~~

~~3. Order an investigation to be conducted and may order a hearing to be held pursuant to the provisions of Section 309 et seq. of Title 75 of the Oklahoma Statutes with respect to the alleged violation.~~

~~G. Before the Commission may subpoena witnesses, administer oaths, take testimony, or require the production for examination of books or papers with respect to an investigation, the Commission shall, by resolution adopted by a vote of a majority of the members serving, define the nature and scope of its inquiry.~~

~~H. In an investigation conducted under this section, the Commission may:~~

~~1. Require an individual to submit in writing verified reports and verified answers to questions relevant to the proceedings conducted under this section;~~

~~2. 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;~~

~~3. Order testimony taken by deposition before an individual designated by the Commission who has the power to administer oaths, and to 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.~~

~~I. Upon completion of an investigation, the Commission may refer a copy of the investigatory record to another prosecuting authority. Such referral shall not impair the ability of the Commission to take any action otherwise provided for by the Ethics Commission Act.~~

~~J. The Executive Director or designee shall present in executive session all information produced by an investigation, including any information supplied by the person investigated. If the Commission finds probable cause to believe:~~

~~1. That a violation of the Ethics Commission Act or rules of the Commission has occurred;~~

~~2. That the respondent is the one who committed the violation;~~  
~~and~~

~~3. That the jurisdiction in which the violation occurred has been ascertained, or where uncertainty exists, the jurisdiction in~~

which the evidence indicates the violation may have been committed has been ascertained;  
the Commission may file a complaint in writing, stating the name of the person or persons alleged to have committed such violation, and setting forth the particulars thereof. The complaint must be signed by at least three (3) members of the Commission. The Commission shall, within seven (7) business days, forward to the respondent a copy of the complaint and a specific statement of the applicable laws or rules with respect to the complaint, and how the alleged conduct violates such laws or rules.

K. The Commission shall order a show cause hearing to be held no later than sixty (60) days after the filing of a complaint by the Commission. The respondent shall have twenty (20) days from the date of receipt of the copy of the complaint to file a written response to the complaint. Upon written request by the respondent, the chairman of the Commission may extend the time for response an additional twenty (20) days.

L. The respondent shall have the right to be present during any of the proceedings except the final deliberations and the right to appear with counsel and shall be notified that the ~~investigation and hearing may result in a referral of the complaint to the appropriate authority for prosecution if a criminal penalty is provided in this act for~~ of the violation cited in the complaint. The ~~complainant~~ person who originally filed the affidavit on which the complaint is based shall not be present except at such times as he may be required to provide testimony.

~~K.~~ M. The rules of evidence shall apply to any hearings held pursuant to the provisions of this section.

~~L.~~ N. All proceedings held pursuant to the provisions of this section shall be conducted in executive sessions. All records relating to any such complaint, review or investigation shall be confidential and not open for public inspection.

~~M.~~ O. The Commission shall cause a record to be made of such proceedings and shall request a hearing officer to conduct the proceedings and advise the Commission as necessary. The hearing officer shall be an attorney licensed to practice law in this state. The ~~Court Administrator~~ Administrative Director of the Courts shall designate hearing officers. The Executive Director or designee shall present the complaint and any evidence supporting the complaint. The Commission shall determine:

1. The order of the proceedings;
2. The order in which the Executive Director or designee and the respondent and his counsel are to put on testimony and evidence, cross-examine witnesses and present arguments; and
3. Such other matters as may be necessary to ensure orderly proceedings. The Commission may request the assistance of the hearing officer in making such determinations.

~~N.~~ P. At the conclusion of the hearing, the Commission shall conduct final deliberations and shall determine if the complaint may be resolved by a ~~conciliation~~ settlement agreement. No other person shall be present at such deliberations; provided, after such determination, the Commission may request the assistance of the Executive Director.

~~O.~~ Q. At the conclusion of final deliberations, the Commission shall set forth its determination in writing with findings of fact and conclusions of law. Such written decision with findings of fact and conclusions of law must contain one of the following orders:

1. A dismissal of the complaint;
2. An order reflecting the terms of a ~~conciliation~~ settlement agreement with the respondent pursuant to the provisions of ~~subsection S of~~ this section; or
3. For complaints alleging a violation of the Ethics Commission Act or rules of the Commission for which a civil penalty is provided

~~and which govern ethical conduct of campaigns for elective state office, campaigns for initiatives and referenda or state officers and employees, an order directing the Executive Director or designee to prosecute the complaint in the district court in the county where the violation occurred; or~~

~~4. For complaints alleging a violation of this act for which a criminal penalty is provided, an order referring the complaint and all material gathered by the Commission concerning the alleged violation to the appropriate authority for prosecution or action; provided, such referral shall only be made upon the affirmative vote of a majority of the members serving that there is probable cause to believe that the respondent committed a knowing and willful violation of the sections of this act cited in the complaint. If the Commission refers the complaint for prosecution or action, the records of any proceedings held pursuant to the complaint shall be transcribed.~~

~~As used in this section, "appropriate authority" means the district attorney of the county in which the violation occurred; provided, for Section 4246 of this title, "appropriate authority" means the appropriate House of the Legislature pursuant to Section 30 of Article V of the Oklahoma Constitution. If uncertainty exists as to the county in which the violation occurred, the Commission may prosecute in, or refer complaints to the district attorney of, any county in which the evidence indicates the violation might have been committed.~~

~~P. If the appropriate authority declines to prosecute or take action, the investigation and order and all materials related thereto shall remain confidential. If the Executive Director or designee or other appropriate authority decides to prosecute or take action, where the evidence indicates the violation may have been committed; provided, such order shall be made only upon a determination that there is clear and convincing evidence that the respondent violated one or more provisions of the Ethics Commission Act or the rules of the Commission.~~

~~R. Upon issuance of an order pursuant to the provisions of paragraph 3 of subsection Q of this section, the Commission shall authorize the Executive Director or designee to litigate the complaint in district court and to seek an appropriate penalty prescribed in Section 13 of this act. In such instance, the respondent shall be entitled to a copy of any report prepared by the Commission concerning the complaint and only that material presented at trial shall become open for public inspection. If the Commission dismisses the complaint, all materials related to the investigation shall be destroyed by the Commission six (6) months after the date of dismissal unless such materials are required for prosecution of filing a frivolous ~~complaint~~ affidavit pursuant to the provisions of Section 4208 of this title.~~

~~Q. S. If the Commission authorizes the Executive Director or designee to litigate the complaint in district court and the respondent prevails in such litigation, the Commission shall reimburse the respondent for any reasonable attorneys' fees awarded by the court, including any costs incurred by the respondent, which the respondent paid in connection with the litigation or with the affidavit or complaint from which the litigation originated.~~

~~T. In making a determination pursuant to the provisions of subsection ~~Q~~ Q of this section, the Commission may exercise such discretion as it deems necessary to provide fairness to the accused and to maintain confidence in the public ~~officials~~ officers and employees who are subject to the provisions of this act.~~

~~R. U. Any person disclosing any material made confidential pursuant to the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00). If the Commission upon~~

a vote of a majority of the members serving determines that confidential information has been disclosed, it shall forward any materials related to such disclosure, along with any information it deems necessary, to the appropriate district attorney.

V. A complaint may be amended by the Commission as follows:

1. If the Commission has issued a complaint and subsequently the Commission finds clear and convincing evidence to believe that a violation or violations of the Ethics Commission Act or the rules of the Commission has occurred other than a violation or violations alleged in the complaint, the Commission may amend the complaint to include any additional alleged violation;

2. An amended complaint issued by the Commission shall be signed by at least three members of the Commission; and

3. The Commission shall, within seven (7) business days, forward to the respondent a copy of the amended complaint and a specific statement of the applicable statutes or rules with respect to the amended complaint and how the alleged conduct violates the statutes or rules.

~~S. W. 1. A conciliation respondent and the Commission may enter into a settlement agreement at any time to resolve any complaint filed may be entered into by the Commission and the respondent at any time during the proceedings provided for in this section a matter. A conciliation settlement agreement, unless violated, shall be a bar to any other action by the Commission or the district attorney. A conciliation settlement agreement shall not be made public unless such disclosure is made part of the agreement. A conciliation settlement agreement may include, but not be limited to, one or more of the following:~~

a. a requirement that the respondent pay a civil penalty of:

~~1. Up to Five Thousand Dollars (\$5,000.00) for a respondent who is a statewide elected official, a candidate for statewide elective office or a committee for a candidate for statewide elective office;~~

~~2. Up to Five Thousand Dollars (\$5,000.00) or up to the combined total of expenditures and contributions not reported, whichever is greater, for a respondent who is a person or committee supporting or opposing a state question; or~~

~~3. Up to Two Thousand Five Hundred Dollars (\$2,500.00) for a respondent who is a person or committee other than those specified in paragraphs 1 and 2 of this subsection.~~

~~Such penalties shall be deposited with the State Treasurer to the credit of the General Revenue Fund. prescribed in Section 13 of this act,~~

b. a requirement that the respondent conform his conduct to the requirements of this title or the rules of the Ethics Commission, or

c. forfeiture of gifts, receipts or profits obtained through a violation of the Ethics Commission Act or the rules of the Commission.

2. If the Commission finds, or either party alleges, that a conciliation settlement agreement has been violated, the Commission shall conduct a hearing under the procedures specified in this section to determine if the conciliation settlement agreement has been violated and, if so, if whether the affidavit or complaint should be referred to the appropriate authority for prosecution prosecuted. A conciliation settlement agreement may be amended by the Commission.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4207.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. No person shall disclose the contents of an affidavit, his intention to file an affidavit, the fact that an affidavit has been filed or his knowledge of another person's intention to file an

affidavit; provided, the respondent may disclose the entire contents of an affidavit and any related materials at any time in the proceedings. If the respondent so discloses, any provisions of the Ethics Commission Act prohibiting disclosure of information shall be waived and the affidavit and all records and materials related thereto shall be open for public inspection.

B. No affidavit alleging any violation of the provisions of Sections 4211 through 4221 of Title 74 of the Oklahoma Statutes or alleging any violation of the rules of the Ethics Commission relating to campaigns for elective state office by a candidate or by any person in connection with a campaign for state or county office may be filed with or received by the Commission during the period beginning on the first day of the period for filing declarations of candidacy for the office and ending on the day after certification of the results of the election at which the office is filled.

C. An affidavit may be withdrawn by the person who originally filed the affidavit at any time during the proceedings provided for in Section 4207 of Title 74 of the Oklahoma Statutes with the consent of the Commission and the respondent.

SECTION 11. AMENDATORY 74 O.S. 1991, Section 4208, is amended to read as follows:

Section 4208. A. It shall be unlawful to file a frivolous ~~complaint affidavit~~ with the Ethics Commission. A person shall be deemed to have filed a frivolous ~~complaint affidavit~~ if:

1. he has submitted or has caused or conspired with the ~~complainant person filing the affidavit~~ to submit substantially the same ~~complaint affidavit~~ to the Commission within the preceding six (6) months;

2. to the best of his knowledge, the ~~complaint affidavit~~ is not accurate or is not well grounded in fact; or

3. the ~~complaint affidavit~~ is made for an improper purpose, including harassment of any person named in the ~~complaint affidavit~~.

B. If the Commission upon a vote of a majority of the members ~~-serving~~ determines that a frivolous ~~complaint affidavit~~ has been filed, it shall ~~forward the complaint, along with any information it deems necessary, to the appropriate district attorney. Any person convicted of filing a frivolous complaint shall be guilty of a misdemeanor and shall be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00)~~ pursue a complaint as provided for in Section 4207 of this title.

SECTION 12. AMENDATORY 74 O.S. 1991, Section 4209, is amended to read as follows:

Section 4209. A. The Commission shall send by first class mail a notice of obligation to file and appropriate forms for filing reports or statements required by Sections 4211 through 4221 of this title or financial disclosure statements not less than ten (10) days before the first day a report or statement is due. The Commission shall send a notice of obligation to file a pre-election report to a committee if information provided on the statement of organization indicates probable involvement by the committee in a particular election.

B. A person or committee shall not be relieved of any reporting responsibilities if:

1. The Commission fails to send a notice or form; or

2. The person or committee does not receive a notice or form.

C. 1. The Ethics Commission shall post in public view in its office a list of those delinquent in filing any statements or reports required by this act. It shall send a delinquency notice to the appropriate person within twenty-four (24) hours of the filing deadline by registered or certified mail and may impose late filing fees as provided by law. ~~If any person has not filed any statement or report within forty-eight (48) hours after receipt of such notice, the Commission may, on its own motion, institute proceedings~~

~~against such person pursuant to the provisions of Section 4207 of this title; provided, the provisions of subsection C of Section 4207 of this title shall not apply to proceedings instituted pursuant to the provisions of this section.~~

2.
  - a. The Commission shall assess late fees whenever an investigation reveals facts which the Commission has probable cause to believe are a material violation of the reporting provisions of the Ethics Commission Act. A hearing is not required prior to the imposition of a late filing fee under this section. The respondent shall be notified of the assessment by certified mail. The respondent shall have thirty (30) days from receipt of the notice of assessment to request in writing a hearing on the assessment. The hearing shall be conducted within thirty (30) days of the date of the request. All proceedings held for appealing an assessment of late filing fees shall be conducted pursuant to Article II of the Administrative Procedures Act, Sections 309 through 323 of Title 75 of the Oklahoma Statutes.
  - b. The respondent shall be notified of the date of the hearing no later than twenty (20) days before the hearing.
  - c. The Executive Director or designee shall provide the respondent, at his or her request, with copies of all materials to be presented by the Executive Director or designee at the hearing.
  - d. All records generated or collected as a result of that investigation are exempt from public inspection and copying under the Ethics Commission Act.
3.
  - a. When the Executive Director and the respondent agree that some or all of the facts are uncontested, the Executive Director and respondent shall prepare a stipulated statement of fact for presentation to the Commission or hearing officer.
  - b. The Commission or hearing officer may ask that additional facts be presented if the stipulation is deemed to be inadequate.
  - c. The Commission or the hearing officer shall refer the matter to the Executive Director for further investigation or other action consistent with the Commission's or hearing officer's deliberations if the stipulated statement of fact is not approved.
4.
  - a. An assessment hearing shall be heard either by an employee of the Commission or by a person contracting with the Commission.
  - b. The hearing officer may order the consolidation or joinder of hearings or appeals if to do so would expedite the processing of the assessments and not adversely affect the interests of the parties.
  - c. All hearings before the hearing officer or the Commission shall be held in executive session and shall be recorded. That portion of a hearing constituting deliberations in executive session need not be recorded. A written transcript or a copy of the tape recording of the hearing, other than that portion of a hearing constituting deliberations in executive session, shall be made available to any person alleged to have filed a late report upon written request and payment of appropriate reimbursement costs for reproduction.
  - d. Upon conclusion of an assessment hearing, the hearing officer shall prepare and present to the Commission

findings of fact, conclusions of law, and a proposed order of assessment. A copy of the findings of fact, conclusions of law and the proposed order shall be served upon the Executive Director and the respondent.

5. a. The proposed order of the hearing officer may be appealed to the Commission upon written request of the respondent received by the Commission within thirty (30) days of the respondent's receipt of notification of the proposed order. Both the respondent and the Executive Director shall be afforded an opportunity to file exceptions and present briefs and oral argument to the Commission at its next regular meeting or at a special meeting called for that purpose. The Commission shall consider the whole record or such portions as shall be cited by the parties.
- b. After either a hearing by the Commission or a review by the Commission of the proposed order of the hearing officer, the Commission may find that:
  - (1) the respondent did not violate the Ethics Commission Act, as alleged, and rescind the assessment,
  - (2) the respondent violated the Ethics Commission Act, as alleged, and confirm the assessment imposed, or
  - (3) the respondent violated the Ethics Commission Act, as alleged, and modify the assessment imposed; provided, that before an assessment may be modified other than by lowering the assessment, the respondent shall be given notice and an opportunity to be heard by the Commission.
- c. Upon the conclusion of an assessment appeal hearing, the Commission:
  - (1) shall issue a final order setting forth in writing its findings of fact, conclusions of law and decision on the merits of the case, and
  - (2) shall deliver, either in person or by mail, to each respondent and their representative a copy of the findings of fact, conclusions of law and final order.

6. When an assessment for late filing fees is not appealed or when the Commission issues a final order to an appeal confirming assessed late filing fees, and the respondent fails to pay the assessment within thirty (30) days of the time for filing an appeal or the entry of the order, the Commission shall pursue collection in district court.

7. For good cause shown, any candidate, state officer, state employee or other person failing to file reports as provided for in the Ethics Commission Act, may request the Commission to set aside all or part of any late filing fees assessed.

8. The Commission or hearing officer, for good cause shown, may set aside or assess all or part of any late filing fees imposed. For purposes of this paragraph good cause includes, but is not limited to:

- a. omissions or errors of third persons not under the control of the person or entity against whom the late filing fee has been assessed, or
- b. the failure of the United States mail or of common carriers to timely deliver documents which have been timely transmitted and properly addressed for delivery to the Commission.

Any finding of good cause shall be stated in the findings of fact and shall be based exclusively on the evidence and on matters officially noticed at the assessment hearing.

9. a. A final order of the Commission may be reconsidered only upon:  
(1) the written request of the respondent, or  
(2) the motion or written request of a Commission member who voted for the assessment when the final order was made.
- b. Such a request for reconsideration shall be served, or motion made, within ten (10) days after entry of the final order of which reconsideration is sought.
- c. A request or motion for reconsideration shall specify the grounds therefor which are limited to those grounds specified in Section 317 of Title 75 of the Oklahoma Statutes.
- d. Upon being notified of a final order as provided in Section 312 of Title 75 of the Oklahoma Statutes, the respondent may treat the final order as final for the purpose of petitioning for judicial review.
- e. When a request for reconsideration is served or motion made, enforcement of the final order of which reconsideration is sought shall be stayed and the decision shall not be final until the Commission has acted on the reconsideration.
- f. The Commission shall act on the reconsideration at the next meeting at which it practicably may do so by:  
(1) deciding whether to reconsider its final order, and  
(2) if it decides to do so, either affirming or amending its final order: provided, that before a final order may be amended other than by lowering an assessment, the respondent shall be given notice and an opportunity to be heard if, and in the same manner as, required for the final order.

10. The Commission, upon request by its staff or the respondent, may subpoena persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other records which the Commission deems relevant or material. Such subpoena shall be issued and may be enforced in the form and manner set forth in Section 315 of Title 75 of the Oklahoma Statutes.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The penalties for violations of the Ethics Commission Act shall be as follows:

1. Every candidate or committee failing to file statements of organization, reports of contributions and expenditures or statements of inactivity on or before the days specified in Sections 4212, 4213 and 4215 of Title 74 of the Oklahoma Statutes shall be assessed by the Ethics Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day after such report or statement is due that it remains unfiled; provided, the total amount of such fees assessed per report or statement shall not exceed One Thousand Dollars (\$1,000.00). Every committee campaigning in support or opposition of a ballot measure which fails to file reports of contributions and expenditures or statements of inactivity on or before the days specified in Section 4215 of Title 74 of the Oklahoma Statutes shall be assessed by the Commission a late filing fee of up to One Thousand Dollars (\$1,000.00) for each day after such report or statement is due that it remains unfiled; provided, the total amount of such fees assessed per report or statement shall not exceed Ten Thousand Dollars (\$10,000.00). The treasurer, except for treasurers of candidate committees, may be

liable for the late fee. Failure to file a report or statement shall be deemed to be a separate offense for each day that the report or statement remains unfiled after it becomes due. Candidates or candidate committees shall not pay such fees from campaign funds;

2. Every individual failing to file a financial disclosure statement on or before the dates specified in Section 4223 of Title 74 of the Oklahoma Statutes shall be assessed by the 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). Failure to file a financial disclosure statement shall be deemed to be a separate offense for each day that the statement remains unfiled after it becomes due. Such fees shall not be paid from campaign funds;

3. If the Commission prosecutes a violation of any provision of the Ethics Commission Act or rules of the Commission pursuant to the provisions of Section 4207 of Title 74 of the Oklahoma Statutes, the Commission may recommend to the district court, and the district court may assess, one or a combination of the following penalties:

- a. not to exceed Five Hundred Dollars (\$500.00) per violation for an inadvertent violation or a violation which was not knowingly or willfully committed by a person required to file a registration, report or statement,
- b. for willful violations:
  - (1) not to exceed Two Thousand Dollars (\$2,000.00) per violation for failure to file reports or statements, which shall be in addition to any late fees assessed under paragraph 1 or 2 of this subsection,
  - (2) for a violation other than failure to file reports or statements, not to exceed Fifteen Thousand Dollars (\$15,000.00) per violation, or an amount up to three times the total amount of an unlawful contribution or expenditure, whichever is greater,
  - (3) for third and subsequent violations, not to exceed Twenty-five Thousand Dollars (\$25,000.00) per violation or an amount up to three times the total amount of an unlawful contribution or expenditure, whichever is greater,
  - (4) in the case of a state officer or state employee who has violated the provisions of Sections 4241 through 4247 of Title 74 of the Oklahoma Statutes, the person may be prohibited from making, on behalf of any other person, except the state, an appearance before, or with the intent to influence, an oral or written communication to the governmental entity in which the former officer or employee served, on a matter for not more than five (5) years,
  - (5) in the case of a state officer liable to impeachment, a recommendation to the presiding officer of each chamber of the Legislature that the officer be removed from office,
  - (6) in the case of a state officer or state employee in the classified or unclassified service, a recommendation to the appropriate appointing authority that the state officer or state employee be censured or removed from office or employment, or that the state employee be suspended from employment,

- (7) in the case of a member of the Legislature, a recommendation to the presiding officer of the appropriate chamber of the Legislature that the legislator be censured or removed from office,
- (8) in the case of a judge, a recommendation to the Chief Justice of the Oklahoma Supreme Court and to the presiding officer of each chamber of the Legislature that the judge be censured or removed from office,
- (9) in the case of a violation in connection with a campaign for state or county office, forfeiture of all or part of a prohibited contribution or return of all or part of a prohibited contribution to the original contributor,
- (10) in the case of a violation of the provisions of Sections 4241 through 4247 of Title 74 of the Oklahoma Statutes, forfeiture of gifts, receipts or profits obtained through a violation or the voiding of a state action obtained through a violation, or
- (11) for filing a frivolous affidavit pursuant to the provisions of Section 4208 of Title 74 of the Oklahoma Statutes, not to exceed Ten Thousand Dollars (\$10,000.00) per violation.

B. Fees and other monies collected by the Commission pursuant to the provisions of this section shall be deposited by the Commission with the State Treasurer to the credit of the General Revenue Fund.

C. For purposes of determining the apportionment of a monetary penalty imposed pursuant to this section, if two or more persons are responsible for an inadvertent violation, they shall be equally liable for a proportionate share of the penalty. If two or more persons are responsible for a willful violation, each person shall be jointly and severally liable for the penalty.

D. Nothing in this section shall be construed to 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.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4209.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The following Ethics Commission actions and records shall be confidential and not open for public inspection:

1. Settlement agreements, unless disclosure is made a part of such agreement;
2. Affidavits, complaints or information received from any person alleging a violation of the Ethics Commission Act or rules of the Commission;
3. Deliberations held in executive sessions of the Commission to discuss affidavits, investigations, complaints, settlement ranges or offers, decisions, recommendations, and pending litigation;
4. Records and materials obtained or work products prepared by the Commission, its staff, or its attorney in connection with an affidavit, investigation or complaint; and
5. Any records or materials of the Commission which are not in the Ethics Commission Act expressly made subject to the Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

B. Notwithstanding the provisions of subsection A of this section, information received from any source pertaining to violations of the Ethics Commission Act or rules of the Commission and records and materials obtained by the Commission, its staff, or its attorney in connection with an affidavit, investigation or

complaint may, in the discretion of the Commission, be disclosed to a law enforcement commission, officer, or prosecuting authority to fulfill the purposes of the Ethics Commission Act. Such information shall be disclosed to the respondent upon request.

C. If the Commission, upon a vote of a majority of the members, determines that any information or record made confidential by the provisions of the Ethics Commission Act 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.

SECTION 15. AMENDATORY 74 O.S. 1991, Section 4211, is amended to read as follows:

Section 4211. A. If a candidate or committee has accepted one or more contributions, or made one or more expenditures during a reporting period, the ~~designated agent~~ treasurer shall be required to file a complete written report of all contributions and expenditures as provided for in this act. If a candidate or committee has not accepted any contributions and has made no expenditures during a reporting period, the ~~designated agent~~ treasurer shall file a statement of inactivity as provided for in Section 4214 of this title.

B. Every candidate or candidate committee for state or county office and every committee, except for committees supporting or opposing municipal or school board candidates, which receives a contribution which exceeds Two Hundred Dollars (\$200.00) in a campaign shall file reports with the Ethics Commission. Every candidate or candidate committee for local office other than county office shall file reports with the clerk of the appropriate political subdivision.

C. Every candidate and committee shall report the sources name and mailing address of the source of each contribution which exceeds Two Hundred Dollars (\$200.00) in the aggregate during the campaign or calendar year.

D. Every committee, except for candidate committees, that makes a contribution to another candidate or committee in an amount which exceeds Two Hundred Dollars (\$200.00) in the aggregate during the campaign or calendar year shall report the contribution as an expenditure as provided by Section 4214 of this title; provided, this subsection shall not authorize any contribution otherwise prohibited by law.

E. A person shall not make to a committee and a committee shall not accept an anonymous contribution exceeding Two Hundred Dollars (\$200.00). The recipient of an anonymous contribution of more than Two Hundred Dollars (\$200.00) shall not keep the contribution, but shall within two (2) business days of receipt remit the contribution to the Commission for immediate deposit to the General Revenue Fund.

F. An individual shall not make to a candidate or candidate committee and a candidate or candidate committee shall not accept a contribution of more than One Hundred Dollars (\$100.00) in cash. An individual shall not make a contribution of more than One Hundred Dollars (\$100.00), other than an in-kind contribution, except by written instrument containing the name of the donor and the name of the payee.

G. A committee shall not make a contribution in cash. A committee shall not make a contribution, other than in kind, except by written instrument containing the name of the donor and the name of the payee.

~~E.~~ H. If a contributor makes more than one contribution to a candidate or committee and any of such contributions are of a value less than Two Hundred Dollars (\$200.00) in the aggregate during the campaign a calendar year, then such contributions shall be reported whenever the aggregate value or amount of such contributions and the

theretofore unreported contributions to such candidate or committee exceeds Two Hundred Dollars (\$200.00).

~~F.~~ I. Contributions of a value Two Hundred Dollars (\$200.00) or less during the reporting period shall be reported as one aggregate total without identifying the contributors thereof; provided the source and nature of all corporate contributions to a committee or person for or against a ~~state question~~ ballot measure shall be reported to the Ethics Commission, pursuant to Section 4215 of this title, regardless of the amount of such contributions. All corporate contributions to a committee or person for or against a ~~state question~~ ballot measure shall be segregated from, and may not be commingled with, a fund established by such person or committee to contribute to candidates or committees which support or oppose candidates.

~~G.~~ J. Expenditures made by a candidate or candidate committee from the candidate's own funds, including but not limited to, any funds loaned to him by a bank, savings and loan association or credit union, and on his own behalf shall not be considered as contributions but shall be reported as expenditures.

K. An expenditure may not be authorized or made by a committee while there is a vacancy in the office of treasurer. An expenditure of more than One Hundred Dollars (\$100.00), except for expenditures made from the candidate's own funds may not be made in cash and must be made by written instrument drawn upon the campaign account containing the name of the committee and the name of the recipient.

L. An expenditure of more than Fifty Dollars (\$50.00) in cash shall be accounted for by a written receipt indicating:

1. The date of the expenditure;
2. The amount of the expenditure;
3. The name and address of the recipient; and
4. The item or service purchased.

M. 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.

N. 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 shareholders, directors, executive and administrative personnel, and their families; or

4. A person to, directly or indirectly, reimburse a person for a contribution to a candidate, committee, or political party.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4211.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A committee which makes an independent expenditure of One Hundred Dollars (\$100.00) or more for a written or broadcast communication to voters supporting or opposing a candidate shall state in a clear and conspicuous manner within the communication the name of the person who paid for the communication and that the communication is not authorized by any candidate or candidate committee. The provisions of this section shall not apply to a

means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4211.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. A 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. Expenses paid on behalf of a committee, except for expenditures of not more than One Hundred Dollars (\$100.00) in cash, shall be drawn from a campaign account and issued on a check signed by the candidate or the treasurer or the chair of said committee.

D. All contributions accepted by the committee, directly or indirectly, shall be deposited by the treasurer in a campaign account within six (6) business days after acceptance. All contributions accepted by any person on behalf of a committee shall be provided to the treasurer not later than five (5) business days after acceptance.

E. A committee shall be required to disclose the location of its campaign account or accounts to the Ethics Commission.

SECTION 18. AMENDATORY 74 O.S. 1991, Section 4212, is amended to read as follows:

Section 4212. A. ~~Committees shall register with the Ethics Commission within ten (10) days of organization or within ten (10) days of receiving or expending more than Two Hundred Dollars (\$200.00). The form shall require the following information:~~

- ~~1. The name and address of the committee;~~
- ~~2. The name and address and relationship of any affiliated or connected organizations;~~
- ~~3. The name, address and position of the designated agent of the committee;~~
- ~~4. The name and address of the chairman, vice-chairman and treasurer of the committee and its staff director, if any;~~
- ~~5. If the committee is authorized by a candidate, the name, address, office and party affiliation of the candidate; and~~
- ~~6. A listing of all banks, safety deposit boxes or other depository used by the committee.~~

~~B. The form shall be as follows:~~

~~REGISTRATION: Committees  
Please type or print clearly in ink.~~

~~1. NAME OF COMMITTEE: (Full Exact Name, Do not abbreviate)~~

~~Street Address~~

~~City State Zip~~

~~2. PURPOSE OF COMMITTEE: (Check only one, then provide additional information on line checked)~~

~~Candidate Candidate's Name Office Sought District/County/  
(Last, First, County  
Middle)~~

~~(-)~~

~~Ballot Committee Name or Description State Question# For Against  
(Initiative, of state question (-) (-)~~

~~Bond, Levy,  
Recall, etc.)  
(-)~~

~~Special Interest (Associated with a business, association,  
labor union, or similar organization)  
(-)~~

~~Other (Explain fully on an attached sheet) Brief Description  
(-)~~

~~3. DURATION: Will \_\_\_\_\_ 4. DATE: General/ 5. FEC ID NUMBER:  
committee continue \_\_\_\_\_ Special \_\_\_\_\_ (Federal  
beyond next election? \_\_\_\_\_ Election \_\_\_\_\_ Committees  
MM/DD/YY \_\_\_\_\_ Only)  
( ) Yes ( ) No~~

~~6. OFFICERS: Name (Last, \_\_\_\_\_ Address (Street,  
First, Middle) \_\_\_\_\_ City, State, Zip)~~

~~Chairman \_\_\_\_\_~~

~~Vice~~

~~Chairman \_\_\_\_\_~~

~~Treasurer \_\_\_\_\_~~

~~Staff~~

~~Director \_\_\_\_\_~~

~~7. DESIGNATED AGENT: Name \_\_\_\_\_ Daytime Phone No. \_\_\_\_\_~~

~~Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_~~

~~8. DEPOSITORIES: Please list all banks, safety boxes or other  
depositories used by the above-named organization,  
committee or party. List primary depository  
first; use attached sheet if necessary.~~

~~Institution Name \_\_\_\_\_ City \_\_\_\_\_ Description (Account,  
Safety Deposit Box...)  
& Number \_\_\_\_\_~~

~~9. CONNECTED ORGANIZATIONS: List all affiliated or connected  
organizations and indicate their relationship to  
this committee. List primary connected  
organization first; use attached sheet  
if necessary.~~

~~Organization Name \_\_\_\_\_ Address (Street, City, \_\_\_\_\_ Relationship  
State, Zip) \_\_\_\_\_~~

~~10. CERTIFICATE: \_\_\_\_\_ We certify that the above information  
is true, complete and correct.~~

Chairman's Signature      Date                      Designated Agent's      Date  
Signature

~~C. Any change in submitted information shall be reported within ten (10) days after the date of change.~~

1. A candidate shall designate a candidate committee by filing a statement of organization with the Ethics Commission no later than ten (10) days after accepting or expending Five Hundred Dollars (\$500.00) or filing a declaration of candidacy, whichever is earlier. A candidate shall not designate more than one (1) candidate committee.

2. The statement of organization for a candidate committee shall include the following:

- a. the name of the candidate and the full name of the candidate committee,
- b. the name and party affiliation, if any, of the candidate,
- c. the complete mailing address and telephone number of the candidate,
- d. the date the committee was organized,
- e. the office being sought by the candidate,
- f. the full name, mailing address, telephone number, and principal place of business of the chair, the treasurer, and, if appointed, a deputy treasurer,
- g. the full name and address of each depository in which the committee will maintain a campaign account,
- h. written acceptance of appointment by the chair and treasurer, and
- i. a certification of the statement by the candidate and the treasurer.

Except for a change in information relating to committee officer vacancies which shall be subject to the provisions of Section 4213 of this title, the candidate shall notify the Commission, in writing, of a change in information previously reported in a statement of organization no later than ten (10) business days after the change.

B. 1. A committee other than a candidate committee, including an out-of-state committee, which contributes or expends in excess of Five Hundred Dollars (\$500.00) shall file a statement of organization with the Commission no later than five (5) days after making the contribution or expenditure.

2. 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,
- b. the complete mailing address and telephone number of the committee,
- c. the date the committee was organized,
- d. the purpose of the committee,
- e. an indication as to whether the committee is a party committee,
- f. the name and mailing address of a corporation, labor organization or other association or organization 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 or organization, the committee shall specify the trade, profession, or primary interest of contributors to the committee,
- g. the full name, mailing address, telephone number and principal place of business of the chair,
- h. the full name, mailing address, telephone number and principal place of business of the treasurer, and, if appointed, of a deputy treasurer,

- i. 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 measure or measures,
- j. the full name, mailing address, telephone number and principal place of business of the custodian of the books and accounts if other than the designated officers,
- k. the full name and address of each depository in which the committee will maintain a campaign account,
- l. written acceptance of appointment by the chair and treasurer, and
- m. a certification of the statement by the chair and the treasurer.

Except for a change in information relating to committee officer vacancies which shall be subject to the provisions of Section 4213 of this title, the chair shall notify the Commission, in writing, of a change in information previously reported in a statement of organization no later than ten (10) business days after the change.

SECTION 19. AMENDATORY 74 O.S. 1991, Section 4213, is amended to read as follows:

~~Section 4213. A. Every candidate or committee shall designate a person, who may be the candidate himself for a candidate committee, to be the agent of the committee for the receipt and expenditure of contributions for reporting purposes. The agent may designate as many subagents as he deems fit. The chairperson of a committee may remove the designated agent and designate another agent at any time. The chairperson or agent may remove a subagent and designate other subagents at any time. The designations of agents and subagents shall be made in writing and filed with the Ethics Commission for candidates or candidate committees for state and county office and with the clerk of the appropriate political subdivision for candidates or candidate committees for local office other than county office. No person shall act as any agent or as a subagent until after his designation is so filed.~~

~~B. The form for designation of agent shall be as follows:  
State of Oklahoma~~

~~DESIGNATION OF AGENT~~

~~Please type or print clearly in ink.~~

~~NAME OF CANDIDATE OR COMMITTEE:~~

~~(Do not abbreviate.)~~

~~Business Address (Street or Box, City, State, Zip)~~

~~CHECK YOUR FILING STATUS: (mark only one box)~~

~~( ) A CANDIDATE COMMITTEE. Name of authorized candidate committee (if any):~~

~~( ) A POLITICAL ACTION COMMITTEE. Name of Corporation or Organization:~~

~~( ) A POLITICAL PARTY. Central Committee/District/County/Club:~~

~~( ) AN AGENT. Name of candidate or committee represented:~~

~~Candidates or Candidate Committees Only: (fill in each applicable blank for candidate)~~

~~Office Title: Position No.: District/City/County~~

~~Date of Primary Election: Date of Runoff Date of General Primary Election: Election:~~

DESIGNATION OF AGENT: Name Daytime Phone No.  
Address City State Zip

DESIGNATION OF SUBAGENTS:  
Name Address Daytime Phone Number

AGENT/SUBAGENTS REMOVED:  
Name Term of Service (from date of appointment to present)

CERTIFICATE: I certify that the above information is true, complete and correct.

Candidate, Chairman or Agent's Signature (person serving as appointing authority) Date

C. Each agent shall maintain written records of all contributions and expenditures handled by him and shall require each of his subagents to maintain a written record of all contributions and expenditures handled by each such subagent. A person may be the chair, treasurer, or both the chair and treasurer of a committee. A committee officer shall be required to accept the appointment, in writing, on the statement of organization filed by the committee pursuant to the provisions of Section 4212 of this title. The treasurer of the committee, other than an out-of-state committee, shall be required to be a resident of this state. A candidate may not serve as a treasurer, except as treasurer of the candidate's own committee. A deputy treasurer may also be appointed and serve in the treasurer's capacity if the treasurer is unable to perform the treasurer's duties. The designation of one or more deputy treasurers may be made on the statement of organization.

B. A treasurer or chair may be removed from office by the candidate. When a vacancy occurs in a candidate committee office, the candidate shall:

- 1. Notify the Commission no later than five (5) business days after the vacancy occurs;
- 2. Assume the duties and responsibilities of the vacant office;
- 3. Notify the Commission of any appointment of an officer to fill the vacancy; and
- 4. Provide to the Commission all information required by the statement of organization, for the new appointee, no later than five (5) business days after the appointment.

If a candidate dies and there is no living committee officer, the executor of the candidate's estate shall dissolve the committee as soon as is practicable pursuant to Section 4214 of this title and within the time limits imposed for probating an estate.

C. When a vacancy occurs in an office of a committee other than a candidate committee, the committee shall:

- 1. Notify the Commission no later than five (5) business days after the vacancy occurs;
- 2. Designate an individual qualified under the Ethics Commission Act to assume the duties and responsibilities of the vacant office no later than five (5) business days after the vacancy occurs;

3. Notify the Commission of the appointment of an officer to fill the vacancy; and

4. Provide to the Commission all information required by the statement of organization, for the new appointee, no later than five (5) business days after the appointment.

D. A committee treasurer shall maintain and preserve an account of the following:

1. The total of contributions accepted by the committee;

2. The full name and address of each person making a contribution exceeding Two Hundred Dollars (\$200.00), including the date and amount of the contribution;

3. The total of expenditures made by or on behalf of the committee;

4. All receipted bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure; and

5. Any other documentation necessary to file the reports required by the Ethics Commission Act.

E. A committee treasurer shall have the following additional duties:

1. To maintain and preserve all receipted bills and accounts required by this act for at least three (3) years;

2. Upon the receipt of an in-kind contribution, to establish or estimate the fair market value of the contribution;

3. To file, in a timely manner, the reports or statements required by the Ethics Commission Act on the forms promulgated by the Commission;

4. To sign any report submitted to the Commission and attest to the accuracy and veracity of the report;

5. To file an amended report as required by the Ethics Commission Act if he has knowledge of an error or omission on a report of the committee that has previously been filed.

F. 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:

1. Demand by the candidate or committee;

2. Removal or resignation of an agent or subagent a treasurer;

or

3. The expiration of his the treasurer's appointment, whichever shall first occur.

~~D.~~ G. No committee shall solicit, accept or make a contribution on behalf of any individual candidate without expressed permission of the candidate.

SECTION 20. AMENDATORY 74 O.S. 1991, Section 4214, is amended to read as follows:

Section 4214. A. ~~The campaign contributions and expenditures reports shall disclose:~~

~~1. The carryover from a previous campaign or cumulative period. For purposes of this act, a cumulative period shall begin on the first day of an even-numbered year and end on the last day of an odd-numbered year;~~

~~2. The grand total of contributions from the last campaign contributions and expenditures report unless beginning a new campaign or cumulative period;~~

~~3. The specific identification of each contributor who gives a contribution which exceeds Two Hundred Dollars (\$200.00), including:~~  
~~a. the date the contribution is accepted,~~  
~~b. the contributor's address, and~~  
~~c. a specific description of the contribution;~~

~~4. The aggregate value of all contributions received from each such contributor during the campaign for candidates and candidate committees or during the current calendar year for other committees;~~

~~5. The aggregate total of all contributions in the amount of Two Hundred Dollars (\$200.00) or less;~~

~~6. The total sum of all contributions during the current reporting period;~~

~~7. The grand total of all contributions for the campaign or cumulative period to date;~~

~~8. The grand total of expenditures from the last campaign contributions and expenditures report, unless beginning a new campaign or cumulative period;~~

~~9. All campaign expenditures in detail by categories or objects of expenditure;~~

~~10. The total of all expenditures during the current reporting period; and~~

~~11. The grand total of all expenditures for the campaign or cumulative period to date.~~

~~B. Such reports shall be certified by the candidate, the principal officer of the committee, or the designated agent. No fictitious names shall be used on the reports. The reports shall show the correct name of the person actually making the contribution.~~

~~C. The form of the campaign contributions and expenditures reports shall be as follows:~~

~~1. For all campaigns, except those for or against a state question:~~

~~CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT~~

~~DATE OF REPORT \_\_\_\_\_, 19\_\_\_\_~~

~~\_\_\_\_\_  
Name of Candidate or Committee~~

~~\_\_\_\_\_  
Address of Candidate or Committee~~

~~Office Sought: \_\_\_\_\_ Report Period:~~

~~From \_\_\_\_\_ To \_\_\_\_\_~~

~~(Beginning of Period) \_\_\_\_\_ (End of Period)~~

~~Listed below are the contributions received and the expenditures made which are required by law to be reported.~~

~~Carryover from Previous Campaign or Cumulative Period \$ \_\_\_\_\_~~

~~CONTRIBUTIONS~~

~~Grand Total of Contributions~~

~~from Previous Report \_\_\_\_\_ \$ \_\_\_\_\_~~

<del>Date Accepted</del>	<del>Name and Address of contributors of more than \$200.00</del>	<del>Nature of Contribution: Cash, Check, or In-Kind (Describe)</del>	<del>Amount</del>	<del>Total contributions by contributor during campaign or calendar year</del>
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____
_____	_____	_____	\$ _____	\$ _____

~~Total of other contributions \$200.00 or less this reporting period (not itemized) \_\_\_\_\_ \$ \_\_\_\_\_~~

~~Total contributions this reporting period \_\_\_\_\_ \$ \_\_\_\_\_~~

~~Grand Total - All contributions for campaign or cumulative period \_\_\_\_\_ \$ \_\_\_\_\_~~

~~EXPENDITURES \_\_\_\_\_ Amount~~

~~Previous Grand Total of Expenditures from Last Report \_\_\_\_\_ \$ \_\_\_\_\_~~

~~\_\_\_\_\_~~





~~Chairperson's or Designated Agent's~~

Signature

~~D.~~ The form for campaign contributions and expenditures reports shall require the following information:

1. Committee name and address;
2. Type of report (for the required period);
3. If a pre-election report, the election date;
4. Cash on hand at the beginning of the reporting period;
5. With respect to contributions:
  - a. the total sum of all contributions accepted during the current reporting period,
  - b. the total of contributions accepted for the campaign or calendar year-to-date,
  - c. the aggregate total of contributions of Two Hundred Dollars (\$200.00) or less accepted during the reporting period,
  - d. for each contribution in excess of Two Hundred Dollars (\$200.00) in the aggregate accepted during the reporting period:
    - (1) the name and address of the contributor,
    - (2) the date accepted,
    - (3) the amount, and
    - (4) the nature of the contribution, and
  - e. the total amount of contributions of each contributor contributing in excess of Two Hundred Dollars (\$200.00) to the campaign-to-date for candidate committees and year-to-date for other committees;
6. With respect to loans, promissory notes or security agreements which are campaign contributions to be used by or for the benefit of the candidate or committee made by any person:
  - a. the total amount of such loans, promissory notes, or security agreements received during the reporting period,
  - b. the total amount of such loans, promissory notes, or security agreements for the campaign-to-date for candidate committees and year-to-date for other committees,
  - c. the total amount of such loans, promissory notes, or security agreements of Two Hundred Dollars (\$200.00) or less received during the reporting period,
  - d. for each such loan, promissory note, or security agreement in excess of Two Hundred Dollars (\$200.00) in the aggregate from one source during the reporting period:
    - (1) the date and amount,
    - (2) the name and address of the lending institution,
    - (3) the name and address of each lender, guarantor or endorser,
    - (4) the year-to-date total, and
    - (5) the terms of the loan, promissory note, or security agreement including the interest rate and repayment schedule;
7. With respect to in-kind contributions, the same information as required for monetary contributions, including a description of the in-kind contribution;
8. With respect to other receipts:
  - a. the total of refunds, rebates (other than those that qualify as contributions), interest, or other receipts not previously identified during the reporting period, and the campaign-to-date for candidate committees and year-to-date total for other committees, and
  - b. 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;

9. The aggregate total of contributions, loans, and other receipts during the reporting period, and the campaign-to-date aggregate total for candidate committees and year-to-date aggregate total for other committees and separate totals for in-kind contributions;

10. With respect to expenditures:

- a. the total of expenditures made during the reporting period and the year-to-date total,
- b. the amount of expenditures made during the reporting period and for the campaign-to-date for candidate committees or year-to-date for committees other than candidate committees in each of the following categories:
  - (1) advertising,
  - (2) radio and television,
  - (3) signage,
  - (4) contributions to other committees,
  - (5) mail and postage,
  - (6) office rent, utilities, equipment and supplies,
  - (7) personal services,
  - (8) petition circulation,
  - (9) printing,
  - (10) telephone/telecommunications, and
  - (11) miscellaneous;

11. With respect to independent expenditures:

- a. the total of independent expenditures made during the reporting period and the year-to-date total,
- b. the total of independent expenditures made during the reporting period in excess of Two Hundred Dollars (\$200.00) in the aggregate to one entity, and
- c. the amount and date of each independent expenditure in excess of Two Hundred Dollars (\$200.00) in the aggregate during the reporting period, and the name and address of the entity, the beneficiary and purpose of the expenditure, and the year-to-date total;

12. With respect to loans made:

- a. the total value of loans made to others during the reporting period and the campaign-to-date total for candidate committees and year-to-date total for other committees, and
- b. the amount and date of each loan made in excess of Two Hundred Dollars (\$200.00) in the aggregate to one entity during the reporting period, the name and address of the recipient of the loan, the terms of the loan (repayment schedule and interest rate), the purpose, and the campaign-to-date total for candidate committees and year-to-date total for other committees;

13. With respect to the unpaid balance of loans, promissory notes, or security agreements which were campaign contributions:

- a. the total balance of such loans, promissory notes, or security agreements owed by the committee,
- b. the total balance of such loans, promissory notes, or security agreements in excess of Two Hundred Dollars (\$200.00) in the aggregate owed by the committee to one entity,
- c. the balance of such loans, promissory notes, or security agreements owed by the committee, itemized by name and address, and the date of the loan, promissory note, or security agreement if more than Two Hundred Dollars (\$200.00) is owed to one entity,

- d. the total balance of such loans, promissory notes, or security agreements owed to the committee,
  - e. the total balance of such loans, promissory notes, or security agreements in excess of Two Hundred Dollars (\$200.00) in the aggregate owed to the committee by one entity, and
  - f. the balance of such loans, promissory notes, or security agreements owed to the committee, itemized by name and address, and date of the loan, promissory note, or security agreement, if in excess of Two Hundred Dollars (\$200.00) is owed by one entity;
14. With respect to transfers to other committees:
- a. the total amount of transfers to other committees for the reporting period,
  - b. the total amount of all transfers to other committees for the campaign-to-date for candidate committees and the year-to-date for other committees,
  - c. the total of transfers to other committees in the amount of Two Hundred Dollars (\$200.00) or less in the aggregate made during the reporting period, and
  - d. the name and address of each recipient of a transfer in excess of Two Hundred Dollars (\$200.00) in the aggregate during the reporting period; the date tendered and amount of a transfer; the nature of the transfer; and the total transfers to the recipient for the campaign-to-date for candidate committees and year-to-date for other committees; and
15. With respect to expenditures incurred:
- a. the total amount of all expenditures incurred. 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 reported as an expenditure when the payment is made,
  - b. the total amount of expenditures incurred in excess of Two Hundred Dollars (\$200.00) in the aggregate owed to one entity, and
  - c. a list of expenditures incurred which shall be reported by category as specified in paragraph 10 of this subsection.

B. Such reports shall be certified by the candidate or the treasurer.

~~D.~~ C. A statement of inactivity ~~must~~ shall include the following information:

1. The candidate or candidate committee, political party or organization's political action committee's name and address; and

2. The type of report for which the statement is substituted (for the required period); and

3. A statement by the ~~designated agent~~ treasurer verifying that a contribution was not ~~received~~ accepted and an expenditure was not made during the reporting period.

D. Interest earned shall not be considered to be a contribution, and a filing fee paid by the candidate shall not be considered to be an expenditure.

E. Dissolution Procedures

1. A candidate may not file a "final" report or a candidate committee may not dissolve until:

- a. after a Primary Election or a Run-off Primary Election in which the candidate is elected or defeated,
- b. after the General Election in which the candidate's name appears on the ballot,

- c. after the last day for filing a declaration of candidacy for a candidate who is unopposed in the Primary, Run-off Primary and General Election,
- d. after a candidate's name has been stricken from the ballot pursuant to Section 5-127 of Title 26 of the Oklahoma Statutes, or
- e. after withdrawal of the candidate's candidacy pursuant to Sections 5-115 or 5-116 of Title 26 of the Oklahoma Statutes.

2. A ~~political~~ party committee may dissolve only after the political party itself dissolves.

3. A political action committee or an organization may dissolve only after it determines that it will not accept contributions or make expenditures.

4. A final campaign contributions and expenditures report may be filed at the time or before a scheduled filing is due. The form must:

- a. be marked "final", and
- b. include a list of the material assets worth Fifty Dollars (\$50.00) or more, and detail their disposition.

5. 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.

6. Unused contributions and ~~campaign~~ committee assets must be disposed of by candidates ~~or~~, candidate committees or committees other than candidate committees according to Section 4217 of this title.

F. Reports shall be filed on a form promulgated by the Commission. Except as otherwise provided by this subsection, a report filed must be typed or printed in black ink on forms supplied by the Commission, or on legible direct reproductions of the forms. 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.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4214.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A contribution of Five Hundred Dollars (\$500.00) or more accepted from one source after the closing date for the pre-election reporting period, but before the date of the next election, shall be reported to the Commission on a form promulgated by the Commission within twenty-four (24) hours of acceptance by hand delivery, facsimile transmission, telegram, or express delivery service. This contribution shall also be included on the next report filed by the committee. For purposes of this section, a tendered contribution shall be deemed accepted unless the tender is expressly and unconditionally rejected and returned to the contributor within six (6) business days of receipt of the tender and is not used, including as collateral, or is transferred to the state as provided by law if the contribution is an anonymous contribution exceeding Two Hundred Dollars (\$200.00).

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4214.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A committee that makes an independent expenditure of Five Hundred Dollars (\$500.00) or more after the closing date of a pre-election reporting period shall report the expenditure to the Commission within twenty-four (24) hours of making the expenditure on a form promulgated by the Commission by hand delivery, facsimile transmission, telegram, or express delivery service. The report shall include the name and address of the person to whom the expenditure was made and the purpose of the expenditure. This information shall be included on the next report filed by the committee. For purposes of this section, a tendered contribution shall be deemed accepted unless the tender is expressly and unconditionally rejected and returned to the contributor within six (6) business days of receipt of the tender and is not used, including as collateral, or is transferred to the state as provided by law if the contribution is an anonymous contribution exceeding Two Hundred Dollars (\$200.00).

SECTION 23. AMENDATORY 74 O.S. 1991, Section 4215, is amended to read as follows:

Section 4215. A. The reports of contributions and expenditures or statements of inactivity shall be filed with the Ethics Commission for candidates or candidate committees for state and county office and committees supporting or opposing state or county candidates and organizations, or with the clerk of the appropriate political subdivision for municipal or school board candidates, candidate committees, and committees supporting or opposing municipal or school board candidates, as follows:

1. The reports of a candidate or committee as herein defined shall be filed on or before the tenth day preceding the date of the Primary Election and shall include all contributions accepted and all expenditures made from the date on which the earliest contribution was received or expenditure was made, whichever was earlier, through a period of time ending fifteen (15) days preceding the date of the Primary Election.

2. A further report of a candidate or committee, as herein defined, shall be filed on or before the tenth day preceding the date of the Runoff Primary Election and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 1 of this section through the fifteenth day preceding the date of the Runoff Primary Election.

3. A further report of a candidate or committee, as herein defined, shall be filed on or before the tenth day preceding the date of the General Election and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 2 of this section through the fifteenth day preceding the date of the General Election.

4. A further report of a candidate or committee, as herein defined, shall be filed on or before the fortieth day after the date of the General Election, or, in the case of a state question, the election wherein the question was voted upon, and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 3 of this section through the thirtieth day after the date of the General Election.

5. The reports of committees accepting contributions or making expenditures for or against a ~~state question~~ ballot measure shall be filed with the Ethics Commission as follows:

- a. In the case of a campaign for or against an initiative or referendum petition or a legislative referendum, a report shall be filed on or before the fifth day after the initiative or referendum petition or measure containing a legislative referendum is filed with the Secretary of State. The report shall cover the period beginning with the date on which the earliest contribution was accepted or expenditure was made,

whichever was earlier, through the day before the petition or measure is filed with the Secretary of State,

- b. In the case of a campaign for or against an initiative or referendum petition or a legislative referendum, a further report shall be filed on or before the tenth day of the month following the month during which the initiative or referendum petition or measure containing a legislative referendum is filed with the Secretary of State. The report shall include all contributions accepted and expenditures made from the close of the reporting period required by subparagraph a of this paragraph through the end of the month during which the petition or measure is filed with the Secretary of State,
- c. In the case of a campaign for or against an initiative or referendum petition or a legislative referendum, a further report shall be filed on or before the tenth day of the second month following the month during which the initiative or referendum petition or measure containing a legislative referendum is filed with the Secretary of State. The report shall include all contributions accepted and expenditures made from the close of the reporting period required by subparagraph b of this paragraph through the end of the month following the month during which the petition is filed with the Secretary of State,
- d. In the case of a campaign for or against an initiative or referendum petition or a legislative referendum, a further report shall be filed on or before the tenth day of the third month following the month during which the initiative or referendum petition or measure containing a legislative referendum is filed with the Secretary of State. The report shall include all contributions accepted and expenditures made from the close of the reporting period required by subparagraph c of this paragraph through the end of the second month following the month during which the petition is filed with the Secretary of State,
- e. In the case of a campaign for or against an initiative or referendum petition or a legislative referendum, a further report shall be filed on or before the tenth day of the fourth month following the month during which the initiative or referendum petition or measure containing a legislative referendum is filed with the Secretary of State. The report shall include all contributions accepted and expenditures made from the close of the reporting period required by subparagraph c of this paragraph through the end of the third month following the month during which the petition is filed with the Secretary of State,
- f. In the case of a campaign for or against an initiative or referendum petition which fails to qualify to be placed on the ballot, an additional report shall be filed on or before the thirty-fifth day after the deadline for filing the signed copy of the petition, or on or before the thirty-fifth day after the date of notification that the measure has failed to qualify, whichever is earlier. In the case of a legislative referendum which fails to qualify to be placed on the ballot, an additional report shall be filed on or before the thirty-fifth day after the date of notification that the measure has failed to qualify.

The report shall include all contributions accepted and expenditures made from the close of the prior reporting period required by this paragraph through the thirtieth day after either the deadline for filing the signed copy of the petition or the thirtieth day after the date of notification that the measure has failed to qualify, whichever is earlier, or in the case of a legislative referendum, the thirtieth day after the date of such notification,

- g. In the case of a campaign for or against a ~~state question~~ ballot measure which has qualified for the ballot, an additional report shall be filed on or before the fifteenth day after the date of notification that the measure has qualified for the ballot. The report shall include all contributions accepted and expenditures made from the close of the reporting period required by subparagraph d of this paragraph through the tenth day after the date of notification that the measure has qualified for the ballot,
- h. In the case of a campaign for or against a ~~state question~~ ballot measure which has qualified for the ballot, further reports shall be filed monthly up to and including the month following the month of the election that the state question will appear on the ballot. Reports shall be filed within ten (10) calendar days following the end of the preceding month and shall include all contributions accepted and expenditures made during the preceding month,
- i. In the case of a campaign for or against a ~~state question~~ ballot measure which has qualified for the ballot, a pre-election report shall be filed no later than the tenth day before the election that the state question will appear on the ballot. The report shall include all contributions accepted and expenditures made from the close of the reporting period of the last monthly report through a period of time ending fifteen (15) days prior to the date of the election. Provided, that the monthly report shall substitute for the pre-election report if the closing period of the monthly report is less than fifteen (15) days before said election,
- j. In the case of a campaign for or against a ~~state question~~ ballot measure, supplemental reports shall be required as provided by paragraph 6 of this section,
- k. Committees supporting or opposing campaigns for or against an initiative or referendum petition or legislative referendum filed before July 1, 1991, shall not be subject to the requirements of paragraph 5, subparagraphs a through h of this section.

6. If any contributions are accepted or any expenditures made within six (6) months after the close of the reporting period required by paragraph 4 of this section, or, in the case of a ~~state question~~ ballot measure, the date of the election wherein the ~~question~~ ballot measure was voted upon, the candidate or committee, as herein defined, shall file a supplemental report within six (6) months and ten (10) days after the date of the General Election, or, in the case of a ~~state question~~ ballot measure, the election at which the ~~question~~ ballot measure was voted upon, together with the names of the contributors and the purpose for which the expenditures were made. Such report shall include all contributions accepted and expenditures made from the close of the reporting period required by paragraph 4 of this section, or in the case of a ~~state question~~

ballot measure, the date of the election wherein the question was voted upon through six (6) months after the date of the General Election or, in the case of a ~~state question~~ ballot measure, the date of the election wherein the ~~question~~ ballot measure was voted upon. Provided further, that if any contributions are accepted or expenditures are made in connection with such campaign after said six-month period same shall also be fully reported not later than January 15 of each year thereafter. Such reports shall include all contributions accepted and expenditures made from the close of the reporting period of the report most recently filed through December 31 of the previous year.

7. B. Reports may be filed by mail or delivered to the Commission or the clerk of the appropriate political subdivision by hand, facsimile transmission, telegram or express delivery service but the same must be received by the Commission or the clerk of the appropriate political subdivision not later than ~~4:30~~ 5:00 p.m. ~~of~~ on the day specified for filing in order to be deemed timely filed.

8. C. Candidates for President of the United States, United States Senator or United States Representative may, in lieu of filing the reports prescribed ~~herein~~ by the Ethics Commission Act, file with the Commission copies of campaign contribution and expenditure reports required by the laws of the United States.

D. Committees registered under the laws of the United States may, in lieu of filing the reports required by the Ethics Commission Act, file with the Commission copies of campaign contributions and expenditures reports required by the laws of the United States.

SECTION 24. AMENDATORY 74 O.S. 1991, Section 4216, is amended to read as follows:

Section 4216. A. No person or family may contribute more than Five Thousand Dollars (\$5,000.00) to a committee, except for a candidate committee, in any calendar year. No person or family may contribute more than Five Thousand Dollars (\$5,000.00) to a candidate for state office or 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, or to a candidate committee authorized by such a candidate to receive contributions or make expenditures on his behalf, nor more than One Thousand Dollars (\$1,000.00) to a candidate for other local office or to an organization authorized by such a candidate to receive contributions or make expenditures on his behalf for a campaign.

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

C. These restrictions do not apply to a committee supporting or opposing ~~an initiative or referendum petition or a legislative referendum~~ a ballot measure or to a candidate making a contribution of his own funds to his own campaign.

D. For purposes of the contribution limitations specified in this section, the following provisions shall apply:

1. Two or more political action committees shall be 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 corporate parent-subsidary relationship, or
- d. have bylaws so stating;

2. A candidate committee and a committee other than a candidate committee shall be treated as a single committee if the committees both have the candidate or a member of the candidate's immediate family as an officer;

3. Contributions by a husband and wife shall be aggregated; and

4. Contributions by unemancipated 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.

E. A loan which is a contribution shall be considered to be a contribution from the maker and guarantor thereof and shall be subject to the contribution limits of this section. A loan to a candidate or candidate committee shall be by written agreement.

F. For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate.

SECTION 25. AMENDATORY 74 O.S. 1991, Section 4217, is amended to read as follows:

Section 4217. A. Contributions accepted by any candidate or candidate committee shall be used to defray any campaign expenditures or any ordinary and necessary expenses incurred by the person in connection with his duties as a holder of the public office including, but not limited to, expenses for use in a future election campaign, for political activity, for community activity or for nonreimbursed public office related expenses. Said contributions shall not be used for any other purposes.

Contributions and any interest income earned on said contributions which are not used in this manner within forty-eight (48) months of the date of the General Election which is intended to result in the final election of a single individual to the office at stake shall be disposed of as follows:

1. 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;

2. Donated to the campaign of any other political candidate or to any political party officially recognized by the State Election Board;

3. Donated to a charitable organization ~~qualified for a tax exemption pursuant to the provisions of the Internal Revenue Code;~~ or

4. Retained by the candidate or candidate committee for use in a future election.

B. Any person who receives contributions for a campaign but does not file a ~~notification and~~ declaration of candidacy for public office with the Secretary of the State Election Board or the secretary of any county election board, or any person who has withdrawn such ~~notification and~~ declaration of candidacy, shall be governed by the provisions of this section.

C. 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. Such a committee with an unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further the committee's purposes shall designate how the surplus funds are to be distributed. Surplus funds of such committees may be donated to the General Revenue Fund of the State of Oklahoma, returned to the contributors pursuant to a formula approved by the committee or donated to another committee.

D. Contributions shall not be used for any purposes other than those provided for in this section.

SECTION 26. AMENDATORY 74 O.S. 1991, Section 4218, is amended to read as follows:

Section 4218. A. A person who contributes money to a political party or to a candidate shall be entitled to deduct the amount contributed, not to exceed One Hundred Dollars (\$100.00) in any one taxable year, from his adjusted gross income in the computation of Oklahoma income tax.

B. A fine, penalty, reimbursement or other payment ordered by the Commission or a district court in connection with making the government whole for a transaction improperly entered into by a state officer, state employee or a member of the immediate family of a state officer or state employee does not qualify for a state tax credit or deduction.

SECTION 27. AMENDATORY 74 O.S. 1991, Section 4219, is amended to read as follows:

Section 4219. A. No corporation chartered under the laws of this state, or foreign corporation admitted to do business in this state, shall contribute to any campaign fund of any political party of this state or to any other person for the benefit of such party or its candidates, nor shall ~~they it~~, through any agent, officer, representative, employee, attorney, or any other person or persons, so contribute. Nor shall any such corporations 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 political party, or to any representative of a political party, or to any other person for it, or to any candidate upon the ticket of any political party. The provisions of this section shall apply to candidates and organizations as well as political parties.

B. The provisions of this section shall not prohibit:

1. A bank, savings and loan association or credit union from 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 loans for equivalent amounts for other purposes; ~~or~~

2. A corporation from contributing to a campaign fund for or against a state ballot measure or local question;

3. Voter registration and campaigns by a corporation aimed at encouraging its shareholders, directors and employees and their families to vote in any election; or

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

C. When any official, agent, attorney, or employee of a corporation has been shown to have violated the provisions of this section, it shall be presumed that he was acting for such corporation, and the burden shall be upon the accused corporation to show that such official, agent, attorney or employee was not acting for it or with its sanction.

SECTION 28. AMENDATORY 74 O.S. 1991, Section 4219.1, is amended to read as follows:

Section 4219.1 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~~ gifts other than as provided by the Ethics Commission Act 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 Ethics Commission Act 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~~ gifts or gratuities from any such person, firm or association.

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4219.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

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 the earliest. Provided, the restrictions of this section shall not apply to:

1. Any member of the Legislature whose legislative district 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 elected office or for election to the United States House of Representatives, United States Senate or other elective federal office.

SECTION 30. AMENDATORY 74 O.S. 1991, Section 4223, is amended to read as follows:

Section 4223. A. Any person elected to an office for which a declaration of candidacy is required to be filed with the State Election Board as provided in Section 5-102 of Title 26 of the Oklahoma Statutes or the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes, except any person required to file financial disclosure pursuant to the provisions of any federal law, shall file a Financial Disclosure Statement with the Ethics Commission on or before ~~the fortieth day after each General Election~~ April 30 of each year.

B. Any candidate for an office for which a declaration of candidacy is required to be filed with the State Election Board as provided in Section 5-102 of Title 26 of the Oklahoma Statutes or the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes shall file a Financial Disclosure Statement with the Commission ~~on or before the tenth day following the last day for~~ at the time of filing the declaration of candidacy for the office.

C. Any person retained in an office for which a declaration of candidacy is required to be filed with the Secretary of State as provided in Section 11-101 of Title 26 or Section 30.16 of Title 20 of the Oklahoma Statutes shall file a Financial Disclosure Statement with the Commission on or before ~~the fortieth day after the General Election~~ April 30 of each year.

D. The chief administrative officer and the first assistant administrative officer of any state agency, board or commission who make the policy decisions necessary to implement the duties imposed on the entity by law and any state employee who is responsible for taking or recommending official action of a nonministerial nature with regard to contracting or procurement of services or products exceeding ~~Seven Hundred Fifty Dollars (\$750.00)~~ Two Thousand Five Hundred Dollars (\$2,500.00) in cost per calendar year shall file a Financial Disclosure Statement with the Commission ~~upon initial employment~~ by the later of April 30 or thirty (30) days after employment and not later than April 30 of each ~~even-numbered~~ year thereafter.

E. A ~~public member of a board or commission as created by the Oklahoma Constitution or by statute except members of advisory committees to the legislative, executive, or judicial branches of state government, Foster Care Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes, and board members of guaranty associations created pursuant to state statute,~~ shall file a Financial Disclosure Statement with the Commission ~~upon initial~~ by the later of April 30 or thirty (30) days after appointment and not later than April 30 of each ~~even-numbered~~ year thereafter. The provisions of this subsection shall not be

construed to require precinct inspectors, judges, clerks and counters to file Financial Disclosure Statements.

F. No individual shall be required to file more than one Financial Disclosure Statement in any calendar year.

~~G. Every person failing to file a Financial Disclosure Statement on or before the dates specified in this section shall be assessed by the 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 report shall not exceed One Thousand Dollars (\$1,000.00). Failure to file a Financial Disclosure Statement shall be deemed to be a separate offense for each day that the Statement remains unfiled after it becomes due. Fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the General Revenue Fund. Such fees shall not be paid from campaign funds.~~

~~H. Every state agency, and every board and commission created by the Oklahoma Constitution or by state statute, state governmental entity except those exempted in subsection E of this section, from the definition of "public member" pursuant to the provisions of Section 4202 of this title shall designate an employee or member who shall be responsible for filing a list of employees and/or members of governing boards or commissions the governmental entity required under this section to file Financial Disclosure Statements. Such list shall be filed with the Commission on or before January 1 of each year. Names of individuals no longer required to file shall also be reported along with the effective date of the termination of their services. The employee or member so designated shall notify each person identified on the list of his obligation to file a financial disclosure statement. Only those persons identified on the list shall be required to file a financial disclosure statement. 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.~~

SECTION 31. AMENDATORY 74 O.S. 1991, Section 4224, is amended to read as follows:

Section 4224. A. Except for those persons required to file a Financial Disclosure Statement pursuant to the provisions of subsection B of Section 4223 of this title, any person who is required to file a Financial Disclosure Statement may effect one thirty-day extension of his time for filing such a statement by filing with the Ethics Commission, not more than ten (10) days before ~~or ten (10) days after~~ the date the Financial Disclosure Statement is due, a declaration of his intention to defer the filing of his Financial Disclosure Statement.

B. All Financial Disclosure Statements required to be filed pursuant to the provisions of Section 4223 of this title shall be certified.

C. The Commission shall retain the Financial Disclosure Statements according to the provisions of the Records Management Act, Section 201 et seq. of Title 67 of the Oklahoma Statutes; provided, all statements shall be retained by the Commission for at least ~~two (2)~~ five (5) years.

SECTION 32. AMENDATORY 74 O.S. 1991, Section 4225, is amended to read as follows:

Section 4225. A. ~~The Financial Disclosure Statement shall contain the following information for the preceding two (2) calendar years or for the period since the most recent Financial Disclosure Statement was filed:~~

- ~~1. Name or title of the office;~~
- ~~2. Name of the person filing the Financial Disclosure Statement;~~
- ~~3. Business address of the person;~~

~~4. Residential address of the person;~~

A financial disclosure statement must contain full and complete information concerning the following for the filing period:

1. The name, mailing address, 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:

- (1) position title,
  - (2) governmental entity served,
  - (3) term of office, if applicable, and
  - (4) appointment or employment date, if applicable,
- and

b. whether the filer is a candidate running in an election, and if so:

- (1) the month and year of the general election of which the office sought is to be filled, and
- (2) the term of the office sought;

~~5. 3. Occupation or business of the person prior to the election or employment for which the Financial Disclosure Statement is being filed;~~

~~6. Prior positions held as a public official, regardless of whether a salary or reimbursement was received for such service;~~

~~7. 4. Names, business mailing addresses, residential addresses and occupations of the spouse of the person and all living adult children if such spouse or children are doing business with:~~

~~a.—the state, if the person filing the Financial Disclosure Statement is a state officer, candidate or employee, or~~

~~b.—the county, if the person filing the Financial Disclosure Statement is a county officer or candidate;~~

~~8. 5. A list of categories or industries from which income is was received without reference to amounts or frequency of receipt of income. Provided, categories or industries from which less than One Thousand Dollars (\$1,000.00) annually is received may be omitted. Such persons shall list special areas of practice in general subjective terms;~~

~~9. 6. A list of categories or industries in which the person has had stock during the period for which the information on the Financial Disclosure Statement is required. Provided, categories or industries in which the person has stock valued at less than One Thousand Dollars (\$1,000.00) at the time of filing the Financial Disclosure Statement may be omitted;~~

~~10. 7. The name of any entity from which an honorarium or honoraria, valued at more than Two Hundred Dollars (\$200.00) over and above actual expenses paid to the person, was received and the value of any such honorarium; and~~

~~11. 8. The name of any registered lobbyist with whom the person has engaged in business from which income of over One Thousand Dollars (\$1,000.00) was received; and~~

9. Professional or occupational permits or licenses held by the filer.

~~B. The form for the Financial Disclosure Statement shall be as follows:~~

~~FINANCIAL DISCLOSURE STATEMENT~~

~~NAME: (Last, First, Middle) Birth Date~~

~~Business Address (Street or Box, City, State, Zip)~~

~~Residential Address (Street or Box, City, State, Zip)~~

~~CHECK YOUR FILING STATUS: (mark only one box)~~

~~( ) An elected official.~~

~~( ) A candidate running in an election:~~

~~month \_\_\_\_\_ year \_\_\_\_\_~~

~~( ) An elected official retained in office.~~

~~( ) A state agency head or first deputy.~~

~~( ) A member of a board or commission.~~

~~( ) Other state employee (with nonministerial duties).~~

~~Position you hold or have been appointed to:~~

~~(fill in all applicable blanks)~~

~~Position title: \_\_\_\_\_~~

~~County or agency of the office: (give name and number if state)~~

~~\_\_\_\_\_~~

~~Position number: \_\_\_\_\_~~

~~Term begins: \_\_\_\_\_ ends: \_\_\_\_\_~~

~~Appointment date: \_\_\_\_\_~~

~~Employment date: \_\_\_\_\_~~

~~1. OCCUPATION OR BUSINESS: (current or prior to this election or appointment)~~

~~\_\_\_\_\_~~

~~2. PRIOR POSITIONS HELD AS A PUBLIC OFFICIAL: (List most recent positions first)~~

~~\_\_\_\_\_~~

~~3. SPOUSE and ADULT CHILDREN: Give the following information for your spouse and all living adult children (over 18 years of age) if your spouse or children are doing business with the State of Oklahoma (for state officials/candidates) or with the county (for county officials/candidates).~~

~~\_\_\_\_\_~~

~~NAME RESIDENTIAL ADDRESS BUSINESS ADDRESS OCCUPATION~~

~~Check here ( ) if continued on attached sheet~~

~~\_\_\_\_\_~~

~~4. INCOME: List categories or industries from which you receive \$1,000 or more annually:~~

~~Check here ( ) if continued on attached sheet~~

~~\_\_\_\_\_~~

~~5. STOCK: List categories or industries in which you have owned stock which is valued at \$1,000 or more during the period for which this Financial Disclosure Statement is required:~~

~~CATEGORY OR INDUSTRY~~

~~CATEGORY OR INDUSTRY~~

~~CATEGORY OR INDUSTRY~~

~~Check here ( ) if continued on attached sheet~~

~~\_\_\_\_\_~~

~~6. HONORARIA: List names of any entities from which you received an honorarium or honoraria valued at more than \$200 over and above actual expenses and list the value of such honorarium or honoraria:~~

~~DATE~~

~~ENTITY~~

~~VALUE~~

~~Check here ( ) if continued on attached sheet~~

~~\_\_\_\_\_~~

~~7. LOBBYISTS: List any registered lobbyists with whom you have engaged in business from which income of over \$1,000 was received:~~

~~LOBBYIST'S NAME~~

~~LOBBYIST'S NAME:~~

~~Check here ( ) if continued on attached sheet~~

~~\_\_\_\_\_~~

~~Report additional information on plain 8 1/2 x 11 paper using format of each question.~~

~~Attach pages to this report. Put your name and the date on all attachments.~~

~~\_\_\_\_\_~~

~~To the best of my knowledge and belief, the above is a true and correct compilation:~~

SIGNATURE: (Person Filing Statement) \_\_\_\_\_ Date \_\_\_\_\_

B. Additional income information shall be reported for the preceding calendar year if:

1. With respect to a public member or state employee, income was received by the member or employee from a business transaction with the state governmental entity with which the public member or state employee is associated; or

2. With respect to a member of the Legislature or state elective officer, income was received by the member or officer as a direct result of a transaction between the member or officer and a state governmental entity when such income was derived through direct and active efforts of the member or officer with the state governmental entity. Provided, income derived by a member or officer in which the state governmental entity is a conduit to a private client or is incidental to the transaction or is a result of condemnation proceedings shall not be covered by the provisions of this subsection.

a. the name of the source of any such income over One Thousand Dollars (\$1,000.00) received by the filer, and

b. the name of the source of any such income received by the filer as a loan in excess of One Thousand Dollars (\$1,000.00), the interest rate thereon and the date of the loan, except for debts owed to any federal or state regulated financial institution or retail contracts.

C. This section shall not require the disclosure of financial information concerning a spouse legally separated from the filer of a financial disclosure statement, a former spouse of the filer, a gift from a family member or a campaign contribution that is permitted and reported as required by law.

D. The information shall be filed on a form promulgated by the Commission.

E. 1. In addition to the financial disclosure statement required by this section, any state officer required to file a financial disclosure statement who in the discharge of his official duties would be required to vote on a matter that would result in a specific financial benefit for himself, a member of his immediate family or a business or organization with which the officer or member of the immediate family of the officer is associated that is significantly greater than the benefit that could reasonably be expected to accrue to others of the same profession, occupation or large class shall abstain from voting.

2. Failure to abstain from voting as required pursuant to this subsection shall constitute a willful violation of the Ethics Commission Act subject to the sanctions in Section 13 of this act. The Ethics Commission may issue subpoenas in accordance with the provisions of Section 4207 of this title to investigate any verified affidavit alleging a violation of this subsection.

3. The procedures provided for in this subsection shall be applicable only when voting conflicts are not otherwise addressed by the Oklahoma Constitution, law or ordinance.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.32 of Title 74, unless there is created a duplication in numbering, reads as follows:

Every state and county officer and state and county employee:

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.

SECTION 34. AMENDATORY 74 O.S. 1991, Section 4230, is amended to read as follows:

Section 4230. A. Every person required to be registered pursuant to the provisions of ~~Sections Section 4227 through 4239~~ of this title shall file reports required by this section with the Ethics Commission ~~reports~~ concerning the activities specified in this section. The reports shall be filed whether or not the person has ~~made any expenditures~~ 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. The reports shall be signed and certified. The reports shall include the ~~type of expenditure and the name of the member of the legislative branch, judicial branch, or executive branch on whose behalf the expenditure was made~~ of any single expenditure on any one such member information specified in subsection C of this section for each gift given to a state officer or state employee by the registrant, the cost of which exceeds ~~Thirty-seven Dollars and fifty cents (\$37.50)~~ Thirty-five Dollars (\$35.00), as that amount is annually adjusted commencing on January 1, 1993, to reflect changes in the United States Consumer Price Index for Urban Consumers as certified to the Commission by the Department of Commerce, during the period immediately preceding the first day of the reporting period ~~for the activities during the period~~ following the last report ~~and any expenditure~~ or the cost of which exceeds Three Hundred Dollars (\$300.00), as that amount is annually adjusted to reflect changes in the United States Consumer Price Index for Urban Consumers as certified to the Commission by the Department of Commerce, on any one such member officer or employee in the aggregate during the twelve (12) months immediately preceding the first day of the reporting period, which have been made by the registrant for the purpose of lobbying. The annual ~~adjustments~~ adjustment of the reporting amounts amount shall be posted in the office of the Commission by the Executive Director and shall be attached to any Registered Lobbyist ~~Expenditure~~ Gift Report form which is distributed.

C. The information to be reported pursuant to the provisions of subsection B of this section shall be as follows:

1. The name and position of the state officer or state employee to whom the gift was given; provided, if a registrant makes a gift to more than one state officer or state employee on a single occasion and the information required by this paragraph cannot reasonably be ascertained, such information may be omitted;

2. The date the gift was given;

3. The nature of the gift;

4. The amount of the expenditure made by the registrant for the gift; and

5. The name of the donor or donors on whose behalf the gift was given, if any.

D. For purposes of reporting gifts as required by this section, a registrant making a gift on behalf of more than one donor shall not divide the cost of the gift by the number of participating donors. Nor may a registrant divide the cost of a gift with other registrants for any single expenditure.

E. A registrant who gives a gift to a state officer or state employee must be present when the gift is accepted by the recipient.

~~The F.~~ A registrant shall also report any ~~such expenditures~~ gifts when ~~made~~ given by other persons on behalf of the registrant if they were made with the knowledge and consent of the registrant or the registrant's client. When other persons ~~make expenditures~~ give gifts that the registrant is required to report, the other



Oklahoma Statutes. For purposes of this section, "regulatory governmental entity" includes:

1. The Oklahoma State Board of Public Accountancy;
2. The State Accrediting Agency;
3. The Oklahoma Aeronautics Commission;
4. The State Board of Agriculture;
5. The State Department of Agriculture;
6. The Alcoholic Beverage Laws Enforcement Commission;
7. The Board of Governors of the Licensed Architects and Landscape Architects of Oklahoma;
8. The State Banking Board;
9. The State Banking Department;
10. The Board of Chiropractic Examiners;
11. The Commission on Consumer Credit;
12. The Department of Consumer Credit;
13. The Corporation Commission;
14. The State Board of Cosmetology;
15. The Oklahoma State Credit Union Board;
16. The Board of Governors of the Registered Dentists of Oklahoma;
17. The Oklahoma State Board of Embalmers and Funeral Directors;
18. The State Board of Registration for Professional Engineers and Land Surveyors;
19. The State Fire Marshal Commission;
20. The State Board of Registration for Foresters;
21. The State Board of Health;
22. The State Department of Health;
23. The Oklahoma Basic Health Benefits Board;
24. The Oklahoma Horse Racing Commission;
25. The Commission for Human Services;
26. The Department of Human Services;
27. The Oklahoma State and Education Employees Group Insurance Board;
28. The Insurance Department;
29. The Department of Labor;
30. The Commissioners of the Land Office;
31. The Department of the Commissioners of the Land Office;
32. The Oklahoma Department of Libraries;
33. The Oklahoma Department of Libraries Board;
34. The Oklahoma Liquefied Petroleum Gas Board;
35. The State Board of Medical Licensure and Supervision;
36. The Department of Mental Health and Substance Abuse Services;
37. The Board of Mental Health and Substance Abuse Services;
38. The Department of Mines;
39. The Oklahoma Mining Commission;
40. The Oklahoma Motor Vehicle Commission;
41. The Oklahoma Municipal Power Authority Board;
42. The Oklahoma Board of Nursing;
43. The Oklahoma State Board of Examiners for Nursing Home Administrators;
44. The Board of Examiners in Optometry;
45. The State Board of Osteopathic Examiners;
46. The Board of Pharmacy;
47. The Oklahoma State Board of Podiatry;
48. The Polygraph Examiners Board;
49. The Oklahoma Board of Private Vocational Schools;
50. The Oklahoma Property and Casualty Insurance Guaranty Association;
51. The State Board for Property and Casualty Rates;
52. The State Board of Examiners of Psychologists;
53. The Real Estate Appraiser Board;

- 54. The Oklahoma Real Estate Commission;
- 55. The Oklahoma Savings and Loan Board;
- 56. The Oklahoma Commission on School and County Funds Management;
- 57. The Department of Securities;
- 58. The Oklahoma Securities Commission;
- 59. The State Board of Examiners of Official Shorthand Reporters;
- 60. The State Board of Licensed Social Workers;
- 61. The Board of Examiners for Speech Pathology and Audiology;
- 62. The Oklahoma Tax Commission;
- 63. The State Textbook Committee;
- 64. The Oklahoma Used Motor Vehicle and Parts Commission; and
- 65. The Board of Veterinary Medical Examiners.

SECTION 36. AMENDATORY 74 O.S. 1991, Section 4236, is amended to read as follows:

Section 4236. No person may retain or employ another person required to be registered as a lobbyist under ~~this act~~ the Ethics Commission Act to lobby 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 person 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 37. AMENDATORY 74 O.S. 1991, Section 4241, is amended to read as follows:

Section 4241. A. No state employee shall:

1. Directly or indirectly solicit or accept any compensation, gift, loan, entertainment, favor or service given for the purpose of influencing such employee in the discharge of his official duties. Provided, however, that this section shall not apply to bona fide campaign contributions;

2. Use his official position to solicit or secure special privileges or exemptions for himself or others, except as may be provided by law;

3. Disclose or offer to disclose confidential information acquired by reason of his official position to any person, group or others not entitled to receive such confidential information, nor shall he use such information for his personal gain or benefit;

4. Sell, offer to sell or cause to be sold, either as an individual or through any business enterprise in which he holds a substantial financial interest, goods or services to any state agency or to any business entity licensed by or regulated by the state ~~agency~~ governmental entity which the officer or employee serves, except as provided in ~~paragraph 3 of Section 26 of this act~~ 4243 of this title;

5. Receive or solicit any compensation that would impair his independence of judgment, for his services as an officer or employee of any state agency, from any source other than the state, unless otherwise provided by law; or

6. Accept or solicit other employment which would impair his independence of judgment in the performance of his public duties.

B. No candidate for state office, state officer or state employee shall, directly or indirectly ask or receive or promise 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.

SECTION 38. AMENDATORY 74 O.S. 1991, Section 4242, is amended to read as follows:

Section 4242. A. 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. Wear a campaign button, hat or badge during the hours that the employee is officially in work status for ~~an agency~~ a governmental entity;

3. Become a candidate for an elective public office in a partisan election;

4. Serve as an officer of a political party at the national, state or local level;

5. Directly or indirectly solicit contributions or other funds for a partisan political candidate or party;

6. Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose; or

7. Organize, sell tickets to promote or actively participate in a fund-raising activity of a candidate in a partisan election or of a political party.

B. 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 political party at the national, state or local level;

2. Organize or reorganize a political party organization;

3. Solicit votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office;

4. Act as a watcher at the polls in behalf of a political party or a candidate in a partisan election;

5. Drive voters to the polls on behalf of a political party or a candidate in a partisan election;

6. Endorse or oppose a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, broadcast, campaign, literature or similar material;

7. Serve as a delegate, alternate or proxy to a political party convention;

8. Address a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office;

9. Initiate or circulate a partisan nominating petition; or

10. Take any active part in political organization management.

C. 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. Participate in the activities of a civic, community, social, labor or professional organization or of a similar organization;

5. Be a member of a political party or other political organization and participate in its activities consistent with subsections A and B of this section;

6. Attend a political convention, rally, fund-raising function or other political gathering;

7. Sign a political petition as an individual;

8. Make a voluntary financial contribution to a candidate, political party or organization;

9. 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;

10. Serve as an election judge or clerk, or in a similar position to perform duties as prescribed by state or local law; and

11. 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. 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 in a manner that would conflict with the efficient performance of agency operations.

E. No state employee or elected ~~official~~ officer shall directly or indirectly coerce, attempt to coerce, command or direct any state employee to pay, lend or contribute any part of his salary or compensation, his time, his effort or anything else of value to any party, committee, organization, agency or person for political purposes. Any person convicted of willfully violating the provisions of this subsection 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.

SECTION 39. AMENDATORY 74 O.S. 1991, Section 4243.1, is amended to read as follows:

Section 4243.1 ~~On and after November 1, 1988, no~~ No person who is a public official, director, officer or trustee of a governmental entity shall own any direct or indirect interest in any bond, obligation or security issued by or in the name of such governmental entity.

SECTION 40. AMENDATORY 74 O.S. 1991, Section 4246, is amended to read as follows:

Section 4246. No legislator shall:

~~(a)~~ 1. Introduce, promote or vote for any proposed special interest legislation on his own behalf, or on behalf of any other person, corporation, partnership, trust or business entity which directly affects such legislator or in which such legislator has or may have any substantial financial interests other than legislation affecting legislative salaries, expenses and allowances; provided, that this provision shall not preclude a legislator from introducing, promoting or voting for any proposed general legislation which directly affects him or in which he has or may have any substantial financial interest;

~~(b)~~ 2. Directly or indirectly accept or request any compensation, gift, loan, entertainment, favor, or service given for the purpose of influencing such legislator in the discharge of his official duties. Provided, however, that this section shall not apply to bona fide campaign contributions;

~~(c)~~ 3. Use his official position to secure special privileges, exemptions or compensation for himself, except as may be provided by law;

~~(d)~~ 4. Disclose confidential information acquired by reason of his official position to any person, group, or others not entitled to receive such confidential information, nor shall he use such information for his personal gain or benefit;

~~(e)~~ 5. 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 state agency except by condemnation or threat of condemnation;

~~(f)~~ 6. Receive any compensation for his services as a legislator from any source other than the State of Oklahoma, unless otherwise provided by law;

~~(g)~~ 7. Accept other employment which would impair his independence of judgment in the performance of his public duties;

~~(h)~~ Receive 8. Accept or agree to ~~receive~~ accept 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 paragraph shall not:

~~1.~~ a. Apply to the practice of law before any court; or

~~2.~~ b. 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; or

~~(i)~~ 9. Be employed by or receive any commission, fee, or compensation from the state, except the compensation and allowance for expenses provided by law to a legislator.

SECTION 41. AMENDATORY 74 O.S. 1991, Section 4246.1, is amended to read as follows:

Section 4246.1 A. No statewide elected ~~official~~ officer shall:

1. Cause to have introduced or promoted any proposed special interest legislation on his own behalf, or on behalf of any other person, corporation, partnership, trust or business entity which directly affects such statewide elected official or in which such statewide elected official has or may have any substantial financial interests other than legislation affecting salaries, expenses and allowances; provided, that this provision shall not preclude a statewide elected official from promoting any proposed general legislation which directly affects him or in which he has or may have any substantial financial interest;

2. Directly or indirectly accept or request any compensation, gift, loan, entertainment, favor, or service given for the purpose of influencing such statewide elected official in the discharge of his official duties. Provided, however, that this section shall not apply to bona fide campaign contributions;

3. Use his official position to secure special privileges, exemptions or compensation for himself, except as may be provided by law;

4. Disclose confidential information acquired by reason of his official position to any person, group, or others not entitled to receive such confidential information, nor shall he use such information for his personal gain or benefit;

5. 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 state agency except by condemnation or threat of condemnation;

6. Receive any compensation for his services as a statewide elected official from any source other than the State of Oklahoma, unless otherwise provided by law;

7. Accept other employment which would impair his independence of judgment in the performance of his public duties;

8. ~~Receive~~ Accept or agree to ~~receive~~ accept 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 paragraph shall not:

a. apply to the practice of law before any court, or

- b. preclude a statewide elected official 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; or

9. Be employed by or receive any commission, fee, or compensation from the state, except the compensation and allowance for expenses provided by law to a statewide elected official.

B. Any funds accepted in violation of this section accepted during or after the term of office of the elected ~~official~~ officer or gifts accepted after the term of office shall escheat to the State of Oklahoma.

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4246.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. No state or county officer or state or county employee shall:

1. Represent another person as an attorney in any matter before the Commission; or

2. Represent another person before the governmental entity the officer or employee serves.

B. The restrictions in subsection A shall not apply to:

1. Purely ministerial matters which do not require discretion on the part of the entity;

2. Representation by the officer or employee in the course of the officer's or employee's official duties;

3. Representation of the officer or employee in the officer's or employee's personal capacity; or

4. Representation of the officer or employee in matters arising out of or rules promulgated pursuant to the Oklahoma Personnel Act.

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

D. The restrictions set forth in this section do not apply if the officer or 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.

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4246.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. A public member shall not participate in, vote on, influence, or attempt to influence an official action of the state 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 organization with which the public member or a member of the immediate family of the public member is associated has a reasonably foreseeable benefit from the matter under consideration by the governmental entity. A reasonably foreseeable benefit includes a detriment to a business competitor of the public member, a member of the immediate family of the public member or a business or organization with which the public member is associated.

B. A public member may participate in, 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 is incidental to the public member's position, or accrues to the public member as a member of a profession, occupation or large class, 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.

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4246.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. A state officer, the chief administrative officer and the first assistant administrative officer of a governmental entity who makes policy decisions necessary to implement the duties imposed on a governmental entity by law and any state employee who is responsible for taking or recommending official action of a nonministerial nature including, but not limited to, the contracting or purchasing of services or products exceeding Two Thousand Five Hundred Dollars (\$2,500.00) in value on a single occasion from one entity shall promptly disqualify himself 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.

B. This section shall be applicable only to those state employees who are identified by their respective governmental entities as being required to file a financial disclosure statement.

SECTION 45. REPEALER 74 O.S. 1991, Sections 4219.2, 4221, 4226, 4233, 4245 and 4247, are hereby repealed.

SECTION 46. The provisions of Sections 15 through 29 and 34 of this act shall not be applicable to any candidate or ballot measure elections held in calendar year 1992.

SECTION 47. Section 46 of this act shall not be codified in the Oklahoma Statutes.

SECTION 48. Sections 1 through 29, and 33 through 45 of this act shall become effective January 1, 1993.

SECTION 49. Sections 30 through 32 of this act shall become effective January 1, 1994.

Passed the House of Representatives the 29th day of May, 1992.

Speaker of the House of  
Representatives

Passed the Senate the 29th day of May, 1992.

President of the Senate