

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1705

BY: STEIDLEY

AS INTRODUCED

AN ACT RELATING TO STATE GOVERNMENT; ABOLISHING THE
OKLAHOMA COUNCIL ON CAMPAIGN COMPLIANCE AND ETHICAL
STANDARDS; MAKING TRANSFERS TO THE ETHICS
COMMISSION; AMENDING SECTION 1, CHAPTER 255, O.S.L.
1986, AS AMENDED BY SECTION 1, CHAPTER 303, O.S.L.
1988, SECTION 2, CHAPTER 255, O.S.L. 1986, AS
AMENDED BY SECTION 2, CHAPTER 303, O.S.L. 1988,
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CHAPTER 255, O.S.L. 1986, AS LAST AMENDED BY
SECTION 1, CHAPTER 201, O.S.L. 1989, SECTION 4,
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CHAPTER 303, O.S.L. 1988, SECTION 6, CHAPTER 303,
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AMENDED BY SECTION 13, CHAPTER 303, O.S.L. 1988 AND
26 O.S. 1981, SECTION 15-103, AS RENUMBERED BY

SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS AMENDED BY SECTION 14, CHAPTER 303, O.S.L. 1988 AND SECTION 13, CHAPTER 255, O.S.L. 1986, AS AMENDED BY SECTION 15, CHAPTER 303, O.S.L. 1988 AND SECTION 1, CHAPTER 245, O.S.L. 1989 AND 26 O.S. 1981, SECTIONS 15-105, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 16, CHAPTER 303, O.S.L. 1988, 15-106, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS AMENDED BY SECTION 17, CHAPTER 303, O.S.L. 1988, 15-107, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS AMENDED BY SECTION 18, CHAPTER 303, O.S.L. 1988 AND 15-108, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS AMENDED BY SECTION 19, CHAPTER 303, O.S.L. 1988 AND SECTION 1, CHAPTER 234, O.S.L. 1989, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 20, CHAPTER 303, O.S.L. 1988 AND 26 O.S. 1981, SECTION 15-112, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986, AND AS AMENDED BY SECTION 23, CHAPTER 303, O.S.L. 1988 AND SECTION 3, CHAPTER 44, O.S.L. 1985, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 4, CHAPTER 339, O.S.L. 1989 AND SECTION 4, CHAPTER 44, O.S.L. 1985, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 25, CHAPTER 303, O.S.L. 1988, 74 O.S. 1981, SECTIONS 4002, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 28, CHAPTER 303, O.S.L. 1988, 4004, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 29, CHAPTER 303, O.S.L. 1988,

4005, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 30, CHAPTER 303, O.S.L. 1988, 4006, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 31, CHAPTER 303, O.S.L. 1988, 4007, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 AND AS LAST AMENDED BY SECTION 32, CHAPTER 303, O.S.L. 1988 AND 1411, AS RENUMBERED BY SECTION 34, CHAPTER 255, O.S.L. 1986 (74 O.S. SUPP. 1990, SECTIONS 4200, 4201, 4201.1, 4202, 4203, 4203.1, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4212.1, 4213, 4214, 4215, 4216, 4217, 4221, 4223, 4224, 4227, 4229, 4230, 4231, 4232 AND 4247), WHICH RELATE TO THE OKLAHOMA CAMPAIGN COMPLIANCE AND ETHICAL STANDARDS ACT; CHANGING THE OKLAHOMA CAMPAIGN COMPLIANCE AND ETHICAL STANDARDS ACT TO THE ETHICS COMMISSION ACT; CREATING THE ETHICS COMMISSION; MODIFYING SCOPE OF THE ETHICS COMMISSION; MODIFYING AND ADDING DEFINITIONS; MODIFYING QUALIFICATIONS OF THE EXECUTIVE DIRECTOR; MODIFYING DUTIES OF THE COMMISSION; MODIFYING COMPLAINT PROCEDURES; MODIFYING AUTHORIZED CIVIL PENALTIES; CHANGING NAME OF FUND; MODIFYING CONTRIBUTIONS AND EXPENDITURES REPORTING PROCEDURES AND REQUIREMENTS; MODIFYING AGENT PROCEDURES AND REQUIREMENTS; ADDING CONTRIBUTION LIMITATION; ADDING PENALTIES; MODIFYING PROCEDURES AND REQUIREMENTS REGARDING FINANCIAL DISCLOSURE STATEMENTS; PROHIBITING CERTAIN ACTS BY STATEWIDE ELECTED OFFICIALS; MAKING ALL STATEWIDE ELECTED OFFICIALS SUBJECT TO PENALTIES FOR VIOLATING ETHICS STATUTES; REPEALING SECTION 15, CHAPTER 276, O.S.L.

1986 (74 O.S. SUPP. 1990, SECTION 4248.1), WHICH
RELATES TO ATTORNEY GENERAL OPINIONS; PROVIDING FOR
RECODIFICATION; PROVIDING FOR CODIFICATION;
PROVIDING AN EFFECTIVE DATE; AND DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. The Oklahoma Council on Campaign Compliance and Ethical Standards is hereby abolished. All unexpended funds, outstanding financial obligations or encumbrances, contractual obligations, equipment files, materials and fixtures of the Council are hereby transferred to the Ethics Commission. The Ethics Commission shall assume jurisdiction over all unfinished complaints or other transactions undertaken by the Oklahoma Council on Campaign Compliance and Ethical Standards. All rules of the Council shall be assumed by the Ethics Commission and remain in effect until such time as the Ethics Commission promulgates rules in conformity with the Oklahoma Constitution, Article XXIX, Section 3, or the Ethics Commission Act. The Governor shall call the first meeting of the Commission.

SECTION 2. AMENDATORY Section 1, Chapter 255, O.S.L. 1986, as amended by Section 1, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4200), is amended to read as follows:

Section 4200. This act, Section 4200 et seq. of this title, shall be known and may be cited as the "~~Oklahoma Campaign Compliance and Ethical Standards~~ Ethics Commission Act".

SECTION 3. AMENDATORY Section 2, Chapter 255, O.S.L. 1986, as amended by Section 2, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, 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 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 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 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 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 ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission operates to encourage the disclosure of all information required by this act, to assist persons required to file information with the ~~Council~~ Commission in complying with this act and to make liberal and extensive use of conciliation agreements allowed by this act if a complaint of a violation is made. 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;

5. 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. 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. That no officer or employee of any governmental entity or other 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. That all public officials 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 4. AMENDATORY Section 3, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4201.1), is amended to read as follows:

Section 4201.1 A. The provisions of the ~~Oklahoma Campaign Compliance and Ethical Standards~~ Ethics Commission Act, Section 4200

et seq. of Title 74 of the Oklahoma Statutes, shall be administered as follows:

1. ~~The Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission created in Section 4203 of Title 74 of ~~the Oklahoma Statutes~~ 1 of Article XXIX of the Oklahoma Constitution shall administer ~~this act~~ the Ethics Commission Act with respect to candidates for state or county office ~~and, campaigns for state initiatives and referenda and~~ public officials and public employees elected or appointed to serve in state government;

2. The municipal clerk shall administer ~~this act~~ the Ethics Commission Act with respect to ~~candidates~~ candidate committees of candidates for municipal office or committees supporting or opposing candidates for municipal office; and

3. The clerk of the board of education shall administer this act with respect to ~~candidates~~ candidate committees of candidates for school district office or committees supporting or opposing candidates for school district office.

B. The municipal clerk and the clerk of the board of education shall not receive any complaints of violations of this act and shall be limited to the duties prescribed in paragraphs 1, 2, 3, 4 and 5 of subsection A of Section 4206 of ~~Title 74 of the Oklahoma Statutes~~ this title.

SECTION 5. AMENDATORY Section 3, Chapter 255, O.S.L. 1986, as last amended by Section 1, Chapter 201, O.S.L. 1989 (74 O.S. Supp. 1990, Section 4202), is amended to read as follows:

Section 4202. As used in this act, Section 4200 et seq. of this title:

1. "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. "Calendar quarter" means each three-month period of a calendar year, beginning on January 1 of each year;

~~2.~~ 3. "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 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;

~~3.~~ 4. "Candidate" means a person who 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. The term "candidate" shall include a person whose candidacy is unopposed, but shall not include any person who has withdrawn such notification and declaration of candidacy;

5. "Candidate committee" means the committee, consisting of one or more persons who may be the candidate only, designated by a candidate to promote the candidate's candidacy and serve as the recipient of all contributions and the disbursing officer of all expenditures for the candidate;

6. "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;

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

8. "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;

~~4.~~ 9. "Complainant" means a person filing a complaint pursuant to the provisions of Section 4207 of this title;

~~5.~~ 10. "Contributor" means and includes every person or ~~organization~~ committee who makes a contribution;

~~6.~~ 11. "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. 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,
- b. ~~voluntary services performed by the person donating such services~~ the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate, organization, political action committee, state question 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 been established as provided by law if 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 ~~or a~~, 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 ~~by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock;~~

~~7. 12. "Council Commission" means the Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission;

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

~~8. 14.~~ "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;

~~9. 15.~~ "Expenditure" means a payment, distribution, contribution, loan, advance, compensation, reimbursement, fee deposit or gift of money securement, or any other thing 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;

~~10. 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;

~~11. 17.~~ "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;

~~12.~~ 18. "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;

19. "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, 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;

~~13.~~ 20. "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;

~~14.~~ 21. "Local office" means all elective offices for which declarations of candidacy are filed with the secretary of any county election board;

~~15.~~ 22. "Ministerial action" means an action that a person performs in a prescribed manner which involves no discretionary judgment;

23. "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;

~~16.~~ 24. "Organization" includes 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;

~~17.~~ 25. "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. "Political action committee" means a combination of at least two (2) 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, and
- b. which accepts contributions or makes expenditures aggregating at least Two Hundred Dollars (\$200.00) during a calendar year;

~~18.~~ 27. "Political party" means any political party so recognized for the purpose of having candidates appear on the ballot;

~~19.~~ 28. "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;

~~20.~~ 29. "Public official" means an elected or appointed official in the executive or legislative branch of the State of Oklahoma or any political subdivision thereof;

~~21.~~ 30. "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;

~~22.~~ 31. "Respondent" means a person named in a complaint filed pursuant to the provisions of Section 4207 of this title;

~~23.~~ 32. "Source" means the name, address, and description of the principal business activity of a person or organization; ~~and~~

33. "State employee" means an elected or appointed officer or employee of the executive, judicial, or legislative branch of state government, except members of the House of Representatives or State Senate;

~~24.~~ 34. "State office" means all elective offices for which declarations of candidacy are filed with the Secretary of the State Election Board; and

35. "Substantial financial interest" means an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining 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.

SECTION 6. AMENDATORY Section 4, Chapter 255, O.S.L. 1986, as amended by Section 5, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4203), is amended to read as follows:

Section 4203. A. ~~There is hereby created the Oklahoma Council on Campaign Compliance and Ethical Standards. The Council shall consist of nine (9) members who shall be appointed as follows:~~

~~1. Three members shall be appointed by the Governor. One member shall be a resident of Congressional District No. 3, one member shall be a resident of Congressional District No. 6 and one member shall be a resident of the state at large;~~

~~2. Three members shall be appointed by the President Pro Tempore of the Senate with the advice and consent of the Senate. One member shall be a resident of Congressional District No. 1, one member shall be a resident of Congressional District No. 4, and one member shall be a resident of the state at large; and~~

~~3. Three members shall be appointed by the Speaker of the House of Representatives with the advice and consent of the House of~~

~~Representatives. One member shall be a resident of Congressional District No. 2, one member shall be a resident of Congressional District No. 5, and one member shall be a resident of the state at large.~~

~~The members of the Oklahoma Ethics Commission in office on the effective date of this act shall serve the remainders of their terms as members of the Council. Any references to the Oklahoma Ethics Commission or the Oklahoma Council on Campaign Compliance and Ethical Standards shall be construed to refer to the Council Ethics Commission.~~

~~No congressional district shall be represented by more than two members on the Council. No more than two of the three members of the Council appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall be from the same political party. Each member shall have been a member of his political party for not less than one (1) year.~~

~~B. The term of office of the initial appointments to the Council shall be as follows:~~

~~1. The term of office for three positions, one appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on March 31, 1991;~~

~~2. The term of office for three positions, one appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on March 31, 1989; and~~

~~3. The term of office for three positions, one appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, shall expire on March 31, 1987.~~

~~Thereafter, successors in office shall be appointed for a term of office of six (6) years. Members shall be eligible to succeed themselves in office.~~

~~C. B. No member or employee of the Council 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 ~~organization~~
committee;

3. Permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition;

4. Participate in any way in any election campaign; provided, a member or employee of the ~~Council~~ 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 ~~Council~~ Commission may lobby 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 ~~Council~~ 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 ~~6~~ 4203.1 of this ~~act~~ 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.

~~D. Members of the Council shall be removable only for cause pursuant to the provisions of this act or as provided by law for the removal of officers not subject to impeachment.~~

~~E. Members of the Council shall receive reimbursement for expenses incurred in the performance of their duties as provided for in the State Travel Reimbursement Act, Section 500.1 et seq. of this title.~~

~~F. Any vacancy in the Council shall be filled for the unexpired term of office in the same manner as the original appointment was made.~~

SECTION 7. AMENDATORY Section 6, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4203.1), is amended to read as follows:

Section 4203.1 A. A member of the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission shall disqualify himself or be disqualified by the ~~Council~~ Commission in a proceeding in which his impartiality might reasonably be questioned, including but not limited to, instances where:

1. The member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

2. The member knows that he or his spouse or child has an interest in the subject matter in controversy or in a party to the proceeding that could be substantially affected by the outcome of the proceeding;

3. The member or his spouse or a person within the third degree of consanguinity to either of them or the spouse of such person:

- a. is a party to the proceeding, or an officer, director, or trustee of a party,
- b. is acting as a lawyer in the proceeding,
- c. is known by the member to have an interest that could be substantially affected by the outcome of the proceeding, or
- d. is to the member's knowledge likely to be a material witness 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.

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.

D. The Chief Justice of the Supreme Court shall appoint a member of the Court on the Judiciary to replace any member of the ~~Council~~ 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 ~~Council~~ Commission shall notify the Chief Justice in writing of any such disqualification. Such notice shall be confidential and not open for public inspection.

SECTION 8. AMENDATORY Section 6, Chapter 255, O.S.L. 1986, as amended by Section 8, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4205), is amended to read as follows:

Section 4205. ~~A. The Governor shall appoint, with the advice and consent of the Senate and the House of Representatives, an Executive Director of the Oklahoma Council on Campaign Compliance and Ethical Standards from a list of three (3) names submitted to the Governor by the Council.~~

~~B. A.~~ The Executive Director of the Ethics Commission shall:

~~1. Be appointed for a two-year term ending March 31 of every odd-numbered year;~~

~~2. Be eligible to succeed himself;~~

~~3. Be subject to removal by the Council;~~

~~4. 1.~~ Be an attorney licensed to practice law in this state with not less than five (5) years' experience in the practice of law;

~~5. 2.~~ Employ and set salaries of ~~Council~~ Commission staff within the limits authorized by the Legislature. Except for employees and positions in the unclassified service pursuant to Sections 840.8 and 840.10 of this title, all employees and positions shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act, Section 840.1 et seq. of this title;

~~6. 3.~~ Receive a salary which shall be equal to the salary of a district attorney pursuant to the provisions of Section 215.30 of Title 19 of the Oklahoma Statutes; and

~~7. 4.~~ Be responsible for the administrative operations of the ~~Council~~ Commission and perform such other duties as may be delegated or assigned to him from time to time by law or by the ~~Council~~ Commission, pursuant to this act.

~~B.~~ The ~~Council~~ Commission may employ one or more temporary assistants to assist the ~~Council~~ Commission in any proceedings held pursuant to the provisions of Section 4207 of this title.

SECTION 9. AMENDATORY Section 7, Chapter 255, O.S.L. 1986, as amended by Section 9, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4206), is amended to read as follows:

Section 4206. A. The ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission shall:

1. Serve as the official repository for financial disclosure statements, campaign contributions and expenditures reports, lobbyist registrations and reports and such other documents filed by ~~candidates~~ candidate committees for state or county office and public officials 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 ~~Council~~ Commission shall not require the disclosure of any information other than as specifically provided by this act;

3. Distribute forms upon which information shall be provided as required by this act and copies of this act 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, and employees required to submit such forms;

4. Make campaign contributions and expenditures reports, lobbyists' registrations and reports, political action committees' registrations and financial disclosure statements filed with it available during regular business hours to the public subject to the Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes. No original or record copies of reports, registrations and statements shall be removed from the office of the ~~Council~~ Commission. No records or materials of the ~~Council~~ Commission shall be subject to the Open Records Act unless expressly provided for in this act;

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) years from date of receipt;

6. Issue ~~advisory opinions~~ ethics interpretations pertaining to the provisions of this act when requested by any person or ~~organization~~ committee under the jurisdiction of the ~~Council~~ Commission and publish its ethics interpretations annually; provided, that failure of a person to request an ~~advisory opinion~~ ethics interpretation shall ~~have no relevance~~ be binding on the Commission in any subsequent proceeding under this act or rules of the Ethics Commission involving such person and that sufficient deletions in published ethics interpretations are made by the Commission to prevent the disclosure of the identity of the persons involved in the situations presented in the ethical 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 ~~at least seven~~ a majority of the members of the ~~Council~~ 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 ~~Council's~~ Commission's duties or exercise of its powers; ~~and~~

8. Conduct investigations, inquiries, and hearings concerning its rules governing ethical conduct of campaigns, state officers, and state employees and certify its own acts and records and determine whether to investigate and act upon a complaint; and

~~8.~~ 9. Enforce and collect such late filing fees as provided for by this act. The ~~Council~~ Commission shall establish a procedure by which an employee of or person contracting with the ~~Council~~ 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 ~~Council~~ Commission upon written request.

B. The ~~Council~~ Commission shall ~~not~~ be authorized to ~~promulgate rules and regulations unless specifically so directed by the~~ Legislature adopt, amend, repeal, and enforce rules for the ethical conduct of candidates for county offices in the same manner as prescribed for state candidates in the Oklahoma Constitution pursuant to Section 3, Article XXIX of the Oklahoma Constitution.

SECTION 10. AMENDATORY Section 8, Chapter 255, O.S.L. 1986, as amended by Section 10, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4207), is amended to read as follows:

Section 4207. A. Except as otherwise provided in this section, complaints alleging violations of the provisions of this act by persons, committees, candidates, public officials or public employees of state or county government and lobbyists shall be filed with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission. The ~~Council~~ Commission shall not accept a complaint alleging a violation by a candidate for local office other than county office. ~~The Council shall not initiate any investigation or other proceedings except pursuant to a complaint which meets the requirements of this section or except pursuant to the provisions of Section 4209 of this title.~~

B. ~~Complaints shall be made in writing and signed by the person making the complaint and shall be verified and notarized.~~

1. Complaints Initiated by a Person

The Commission shall accept from a person, either personally or on behalf of an organization or governmental body, a verified complaint in writing. Each complaint shall state specifically the name of the person alleged to have committed a violation of this act or of the rules of the Ethics Commission, the sections of this act or rules of the Ethics Commission that the person named in the

complaint is alleged to have violated, the particulars of the violation, and the date of the alleged violation, which shall not be more than ~~two (2)~~ three (3) years before the date the complaint is filed. The Executive Director shall be authorized, without action of the ~~Council~~ Commission, to refuse to accept any complaint which does not meet the requirements of this section and shall notify the person filing the complaint of the reasons for such refusal. The Executive Director shall, without action of the ~~Council~~ Commission, forward any complaint filed with the ~~Council~~ Commission, over which the Court on the Judiciary has jurisdiction to the Court on the Judiciary. The Executive Director shall forward any complaint alleging a violation by a member of the ~~Council~~ 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.

2. Complaints Initiated by the Commission

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, state officers, and state employees has been committed; or that an investigation of a possible violation of its rules governing ethical conduct of campaigns, state officers, and state employees is warranted; an investigation may be conducted with respect to an alleged violation.

If the Commission, during the course of an investigation, or upon the receipt of information finds probable cause to believe that a violation of this act or rules of the Ethics Commission 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 the act, and set forth the particulars thereof. A complaint initiated by the Commission must be signed by a majority of the members of the Commission.

3. Amendment of Complaints

If a verified complaint has been filed, or if the Commission has issued its own complaint, and subsequently the Commission finds probable cause to believe that a violation of this act or rules of the Ethics Commission has occurred, other than an alleged violation 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 with respect to the amended complaint to the complainant and respondent.

C. 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.

D. 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 or received by the ~~Council~~ 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.

E. A copy of any complaint filed with the ~~Council~~ Commission that meets the requirements of subsection B of this section or a copy of any complaint initiated by the Commission, and a general statement of the applicable laws 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 ~~Council~~ Commission may extend the time for response an additional twenty (20) days.

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

G. Upon the filing of a complaint, the ~~Council~~ Commission shall determine if the complaint may be resolved by action on the part of either party or by a conciliation agreement pursuant to the provisions of subsection P of this section or if the complaint should be dismissed. If not, the ~~Council~~ Commission may cause 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. 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. The complainant shall not be present except at such times as he may be required to provide testimony.

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

I. 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.

J. The ~~Council~~ Commission shall cause a record to be made of such proceedings and shall ~~provide for~~ request a hearing officer to conduct the proceedings and advise the ~~Council~~ Commission as necessary. The hearing officer shall be an attorney licensed to

practice law in this state. The Court Administrator shall designate hearing officers. The Executive Director or designee shall present the complaint and any evidence supporting the complaint. The ~~Council~~ 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 ~~Council~~ Commission may request the assistance of the hearing officer in making such determinations.

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

L. At the conclusion of final deliberations, the ~~Council~~ Commission shall ~~either~~ 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. ~~dismiss~~ A dismissal of the complaint;
2. ~~enter into~~ An order reflecting the terms of a conciliation agreement with the complainant and the respondent pursuant to the provisions of subsection P of this section; or
3. ~~refer~~ An order directing the Executive Director or designee to prosecute the complaint in the district court in the county where the violation occurred if it involves a violation of its rules governing ethical conduct of campaigns, state officers, and state employees; or

4. An order referring the complaint and all material gathered by the ~~Council~~ 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 ~~at least seven (7) members of the Council~~ 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 ~~Council~~ 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.

M. If the appropriate authority declines to prosecute or take action, the investigation and order and all materials related thereto shall remain confidential. If the appropriate authority decides to prosecute or take action, the respondent shall be entitled to a copy of any report prepared by the ~~Council~~ Commission concerning the complaint and only that material presented at trial shall become open for public inspection. If the ~~Council~~ Commission dismisses the complaint, all materials related to the investigation shall be destroyed by the ~~Council~~ Commission six (6) months after the date of dismissal unless such materials are required for prosecution of filing a frivolous complaint pursuant to the provisions of Section 4208 of this title.

N. In making a determination to dismiss a complaint or to proceed with an investigation and order or to make a referral to the appropriate authority, the ~~Council~~ Commission may exercise such discretion as it deems necessary to provide fairness to the accused and to maintain confidence in the public officials and employees who are subject to the provisions of this act.

O. 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 ~~Council~~ Commission upon a vote of ~~at least seven members~~, 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.

P. A conciliation agreement to resolve any complaint filed may be entered into by the ~~Council~~ Commission and the respondent at any time during the proceedings provided for in this section. A conciliation agreement, unless violated, shall be a bar to any other action by the ~~Council~~ Commission or the district attorney. A conciliation agreement shall not be made public unless such disclosure is made part of the agreement. A conciliation agreement may include a requirement that the respondent pay a civil penalty of:

1. up to ~~One Thousand Dollars (\$1,000.00)~~ Five Thousand Dollars (\$5,000.00) for a ~~public employee or a public official who is not a statewide elected official or up to Five Thousand Dollars (\$5,000.00) for a public official who is a statewide elected official.~~ 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. If the ~~Council~~ Commission finds, or either party alleges, that a conciliation agreement has been violated, the ~~Council~~ Commission shall conduct a hearing under the procedures specified in this section to determine if the conciliation agreement has been violated and, if so, if the complaint should be referred to the appropriate authority for prosecution. A conciliation agreement may be amended by the ~~Council~~ Commission.

SECTION 11. AMENDATORY Section 9, Chapter 255, O.S.L. 1986, as amended by Section 11, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4208), is amended to read as follows:

Section 4208. It shall be unlawful to file a frivolous complaint with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission. A person shall be deemed to have filed a frivolous complaint if:

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

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

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

If the ~~Council~~ Commission upon a vote of ~~at least seven~~, a majority of the members serving determines that a frivolous

complaint 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).

SECTION 12. AMENDATORY Section 10, Chapter 255, O.S.L. 1986, as amended by Section 12, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4209), is amended to read as follows:

Section 4209. ~~The Oklahoma Council on Campaign Compliance and Ethical Standards~~ 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 ~~Council~~ 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 D of Section 4207 of this title shall not apply to proceedings instituted pursuant to the provisions of this section.

SECTION 13. AMENDATORY Section 11, Chapter 255, O.S.L. 1986, as amended by Section 13, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4210), is amended to read as follows:

Section 4210. There is hereby created in the State Treasury a revolving fund for the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission to be designated the "~~Oklahoma Council on Campaign Compliance and Ethical Standards Revolving~~ Ethics Commission Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all copying fees received by the ~~Council~~ Commission. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and

expended by the ~~Council~~ Commission for any expenses incurred in the implementation of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 14. AMENDATORY 26 O.S. 1981, Section 15-103, as renumbered by Section 34, Chapter 255, O.S.L. 1986 and as amended by Section 14, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4211), is amended to read as follows:

Section 4211. A. ~~Every candidate, political party and organization~~ If a committee has accepted one (1) or more contributions, or made one (1) or more expenditures during a reporting period, the designated agent shall be required to file a written ~~reports~~ report of all contributions and expenditures as provided for in this act. If a committee has not accepted any contributions and has made no expenditures during a reporting period, the designated agent shall file a statement of inactivity.

B. Every candidate committee for state or county office and every committee, except for committees supporting or opposing municipal or school board candidates, political party and organization which receives a contribution which exceeds Two Hundred Dollars (\$200.00) in a campaign shall file a report with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission naming the source of each contribution which exceeds Two Hundred Dollars (\$200.00) and stating the amount of each contribution which exceeds Two Hundred Dollars (\$200.00). Every candidate committee of a candidate for local office other than county office who receives a contribution which exceeds Two Hundred Dollars (\$200.00) in a campaign shall file such a report with the clerk of the appropriate political subdivision.

C. If a contributor makes more than one contribution to a ~~candidate, organization or a political party~~ committee and any of

such contributions are of a value less than Two Hundred Dollars (\$200.00), then such contributions shall be reported whenever the aggregate value or amount of such contributions and the theretofore unreported contributions to such ~~candidate, organization or political party~~ committee exceeds Two Hundred Dollars (\$200.00).

D. Contributions of a value Two Hundred Dollars (\$200.00) or less 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 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 shall be segregated from, and may not be commingled with, a fund established by such person or committee to contribute to candidates, political parties or organizations which support or oppose candidates.

E. Expenditures made by a candidate committee from ~~his~~ 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.

SECTION 15. AMENDATORY Section 13, Chapter 255, O.S.L. 1986, as amended by Section 15, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4212), is amended to read as follows:

Section 4212. A. ~~Political action committees~~ Committees shall register with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ 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: ~~Political Action~~ 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.
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Address	City	State	Zip
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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	Desc. <u>Description</u>
------------------	------	-------------------------------------

(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, State, Zip)	Relationship
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10. CERTIFICATE: We certify that the above information is true, complete and correct.

Chairman's Signature	Date	Designated Agent's Signature	Date
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C. Any change in submitted information shall be reported within ten (10) days after the date of change. ~~Upon termination, a political action committee shall file a written statement that it no longer retains any contributions, that it will no longer receive any contributions or make any disbursements and that it has no outstanding debts or obligations.~~

SECTION 16. AMENDATORY Section 1, Chapter 245, O.S.L. 1989 (74 O.S. Supp. 1990, Section 4212.1), is amended to read as follows:

Section 4212.1 The provisions of Sections 4211 and 4212 of Title 74 of the Oklahoma Statutes shall not apply to out-of-state ~~organizations~~ committees which receive contributions and which contribute in Oklahoma only through an Oklahoma ~~organization~~ committee that registers and files reports of contributions and expenditures pursuant to the provisions of the ~~Oklahoma Campaign~~

~~Compliance and Ethical Standards~~ Ethics Commission Act, Section 4200 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 17. AMENDATORY 26 O.S. 1981, Section 15-105, as renumbered by Section 34, Chapter 255, O.S.L. 1986 and as last amended by Section 16, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4213), is amended to read as follows:

Section 4213. A. Every ~~candidate~~ committee shall designate a person, who may be the candidate himself for a candidate committee, to be ~~his~~ 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. ~~A candidate~~ The chairperson of a committee may remove ~~his~~ the designated agent and designate another agent at any time. ~~A candidate~~ 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 ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission for candidates for state and county office and with the clerk of the appropriate political subdivision by candidate committees for candidates 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~~, COMMITTEE, ~~PARTY OR AGENT~~:

(Do not abbreviate. ~~Include candidate or agent's full name~~)

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

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

CHECK YOUR FILING STATUS: (mark only one box)

() A CANDIDATE ~~running in an election~~ COMMITTEE. Name of
~~authorized~~

candidate ~~committee (if any):~~

() A POLITICAL ACTION COMMITTEE. Name of ~~candidate (if authorized~~
~~candidate committee)~~
Corporation or Organization:

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

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

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

Candidate, Chairman or Agent's

Signature (person serving as

Date

appointing authority)

~~C. Every political party shall designate a person to be its agent for the receipt and expenditure of contributions for reporting purposes. The agent may designate as many subagents as he deems fit. A political party may remove its agent and designate another agent at any time. The designations of agents and subagents shall be made in writing and file with the Council. No person shall act as any agent or subagent until after his designation is so filed.~~

~~D.~~ 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. The written records shall be the property of the candidate or political party to which they relate and shall be delivered to the candidate or political party immediately upon:

1. Demand by the candidate, political party or agent; or
2. Removal of an agent or subagent; or
3. The expiration of his appointment; or

4. Expiration of ten (10) days after the general election, whichever shall first occur.

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

SECTION 18. AMENDATORY 26 O.S. 1981, Section 15-106, as renumbered by Section 34, Chapter 255, O.S.L. 1986 and as amended by Section 17, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4214), is amended to read as follows:

Section 4214. A. The campaign contributions and expenditures ~~report~~ reports shall ~~contain~~ 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 ~~in the case of contributions of the values prescribed in Section 4211 of this title~~ who gives a contribution which exceeds Two Hundred Dollars (\$200.00), including his:

- a. the date the contribution is accepted,
- b. the contributor's address, and
- c. a specific description of the contribution. ~~The reports shall set forth all;~~

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 organizations and political parties;

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 ~~for candidates shall be subscribed under oath by the candidate and his designated agent. The reports for political parties~~ shall be subscribed under oath by the principal officer of the ~~political party~~ committee and its agent. No fictitious names shall be used on the reports. The reports shall show the correct name of the person actually making the contribution.

~~B.~~ C. The form of the campaign contributions and expenditures ~~report~~ 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, ~~Political Party,~~

~~or Organization~~ Committee

Address of Candidate, ~~Political Party,~~

~~or Organization~~ Committee

Office Sought: _____ Report Period: _____
From (Beginning of Period) _____ To (End of Period) _____

OFFICE

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 _____ \$ _____

~~Contributors of more than \$200.00.~~

~~Name and Address Nature of Contribution Amount~~
~~Total of other contributions _____ Total~~
~~contributions this reporting period~~

~~Grand Total - All contributions for~~
~~campaign to date _____ Date Name and~~

~~Nature of Amount Total~~

~~Accepted Address of Contribution: contributions by~~
~~contributors Cash, Check, contributor~~
~~of more than or In-Kind during~~
~~\$200.00 (Describe) campaign or~~
~~calendar year~~

_____	\$	\$
_____	\$	\$
_____	\$	\$
_____	\$	\$
_____	\$	\$

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 \$

Personal Services ◆Printing

Radio and Television

Billboards

Advertising - general

Contributions to Other Campaigns

Miscellaneous

Total expenditures this reporting period \$

Grand Total - All expenditures for

campaign to date or cumulative period \$

BALLOT INFORMATION: Candidate committees, please indicate whether your candidate's name appeared on the ballots for the following elections.

PRIMARY

RUNOFF

GENERAL

PRIMARY

Yes

Yes

Yes

No

No

No

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

Candidate's Chairperson's Signature Designated Agent's Signature

Subscribed and sworn to before me this ___ day of _____, 19__

My commission expires _____

Notary Public

2. For campaigns for or against a state question:

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT FOR

STATE QUESTION CAMPAIGNS

DATE OF REPORT _____, 19

Name of Committee

Address of Committee

Report Period:

From (Beginning of Period) To (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 \$

<u>Date</u>	<u>Name and</u>	<u>Nature of</u>	<u>Amount</u>	<u>Total</u>
<u>Accepted</u>	<u>Address of</u>	<u>Contribution:</u>		<u>contributions</u>
	<u>Non-corporate</u>	<u>Cash, Check, or</u>		<u>by</u>
	<u>contributor</u>			
	<u>Contributors</u>	<u>In-Kind</u>		<u>during year</u>
	<u>of more than</u>	<u>(Describe)</u>		
	<u>\$200.00</u>			

_____ \$ \$

_____ \$ \$

_____ \$ \$

<u>Date</u>	<u>Name and</u>	<u>Nature of</u>	<u>Amount</u>	<u>Total</u>
<u>Accepted</u>	<u>Address of</u>	<u>Contribution:</u>		<u>contributions</u>
	<u>All Corporate</u>	<u>Cash, Check, or</u>		<u>by corporation</u>
	<u>Contributors</u>	<u>In-Kind</u>		<u>during year</u>
		<u>(Describe)</u>		

_____ \$ \$

_____ \$ _____ \$

Total of non-corporate contributions \$200 or less

<u>this reporting period (not itemized)</u>	\$
---	----

Total Contributions this reporting

<u>period</u>	<u>\$</u>
---------------	-----------

Grand Total - All contributions

for campaign or cumulative

<u>period</u>	<u>\$</u>
---------------	-----------

EXPENDITURES

Amount

Previous Grand Total of Expenditures from

Last Report \$

<u>Personal Services</u>	\$
--------------------------	----

<u>Payments to petition circulators</u>	\$
---	----

Printing \$

<u>Radio and Television</u>	<u>\$</u>
-----------------------------	-----------

<u>Billboards</u>	\$
-------------------	----

Advertising - general	\$
-----------------------	----

Contributions to other Campaigns	\$
----------------------------------	----

Miscellaneous	\$
---------------	----

Total expenditures this reporting period	\$
--	----

Grand Total-All expenditures for

<u>campaign or cumulative period</u>	<u>\$</u>
--------------------------------------	-----------

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

Chairperson's Signature

Designated Agent's Signature

Notary Public

Subscribed and sworn to before me this

_____ day of _____, 19____.

My commission expires

D. A statement of inactivity must include:

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

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

Interest earned is not a contribution, and a filing fee paid by the candidate is not an expenditure.

E. Dissolution Procedures

1. 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, or
- b. after the General Election in which the candidate's name appears on the ballot, or
- 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, or
- 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 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 assets must be disposed of by candidate committees according to Section 4217 of this title.

SECTION 19. AMENDATORY 26 O.S. 1981, Section 15-107, as renumbered by Section 34, Chapter 255, O.S.L. 1986 and as amended by Section 18, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4215), is amended to read as follows:

Section 4215. The reports of contributions and expenditures or statements of inactivity shall be filed with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission by candidate committees for candidates for state and county office, ~~political parties or~~ and committees supporting or opposing state or county candidates and organizations, or with the clerk of the appropriate political subdivision by candidate committees for municipal or school board candidates ~~for local office other than county office~~ and committees supporting or opposing municipal or school board candidates, as follows:

1. The reports of a ~~candidate, political party or organization committee~~ as herein defined shall be filed on or before the ~~tenth~~ fourteenth day preceding the date of the Primary ~~or Runoff Primary Election, or the Special Election in which the issue is to be voted upon, in the case of a state question,~~ and shall ~~cover the period beginning with~~ 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)~~ twenty-one (21) days preceding the date of the ~~Primary or Runoff~~ Primary Election, ~~or Special Election in the case of a state question.~~

2. A further report of a committee, as herein defined, shall be filed on or before the fourteenth 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 twenty-first day preceding the date of the Runoff Primary Election.

~~2. 3.~~ A further report of a ~~candidate, a political party or organization~~ committee, as herein defined, shall be filed on or before the ~~tenth~~ fourteenth day preceding the date of the General Election and shall include all contributions ~~received~~ accepted and all expenditures made from the ~~date any contribution was first received or expenditure was first made, whichever is earlier,~~ close of the reporting period required by paragraph 2 of this section through the ~~fifteenth~~ twenty-first day preceding the date of the General Election.

~~3. 4.~~ A further report of a ~~candidate, political party or organization~~ 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 ~~received~~ accepted and all expenditures made from the ~~date the first contribution was received or expenditure was first made, whichever is earlier,~~ close of the reporting period required by paragraph 3 of this section through the thirtieth day after the date of the General Election.

4. 5. The reports of committees accepting contributions or making expenditures for or against a state question 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 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 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 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, supplemental reports shall be required as provided by paragraph 6 of this section.

6. If any contributions are ~~received~~ accepted or any expenditures made within six (6) months after the ~~date of the General Election~~ close of the reporting period required by paragraph 4 of this section, or, in the case of a state question, the date of the election wherein the question was voted upon, the ~~candidate, the party or organization~~ 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, the ~~Special Election~~ election at which the question 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, 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, the date of the election wherein the question 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 ~~December 31~~ 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.

~~5. Reports shall be filed, regardless of whether or not a candidate, political party or organization, as herein defined, receives contributions or makes expenditures.~~

~~6.~~ 7. Reports may be filed by mail or delivered to the Commission or the clerk of the appropriate political subdivision but the same must be ~~postmarked~~ received by the Commission or the clerk of the appropriate political subdivision not later than ~~11:59~~ 4:30 p.m. of ~~the day preceding~~ the day specified for filing in order to be deemed timely filed. ~~If the reports are delivered to the Council or the clerk of the appropriate political subdivision by means other than mail, they must be received by the Council or the clerk not later than 4:30 p.m. on the day specified for filing in order to be deemed timely filed.~~

~~7.~~ 8. Candidates for United States Senator or United States Representative may, in lieu of filing the reports prescribed herein, file with the Commission copies of campaign contribution and expenditure reports required by laws of the United States.

~~8. A candidate who is unopposed shall be required to file the first report required by this section but shall only be required to file additional reports if he has received any contributions or made any expenditures during the period for which the report is required.~~

SECTION 20. AMENDATORY 26 O.S. 1981, Section 15-108, as renumbered by Section 34, Chapter 255, O.S.L. 1986, and as amended by Section 19, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, 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 political party or organization 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 an organization 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. No political party, organization or candidate shall receive contributions in excess of the amounts provided herein.

B. No person or family may contribute more than Twenty-five Thousand Dollars (\$25,000.00) to candidate committees or to committees supporting or opposing candidates for state offices during any calendar year.

SECTION 21. AMENDATORY Section 1, Chapter 234, O.S.L. 1984, as renumbered by Section 34, Chapter 255, O.S.L. 1986 and as last amended by Section 20, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4217), is amended to read as follows:

Section 4217. A. Contributions ~~received~~ accepted by any 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 ~~specified for filing the final report of campaign contributions and expenditures pursuant to the provisions of paragraph 4 of subsection A of Section 4215 of this title~~ 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 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 ~~file a report of contributions and expenditures on or before the first date specified in Section 4215 of this title for the filing of said reports, and shall otherwise~~ be governed by the provisions of this section.

SECTION 22. AMENDATORY 26 O.S. 1981, Section 15-112, as renumbered by Section 34, Chapter 255, O.S.L. 1986 and as amended by Section 23, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4221), is amended to read as follows:

Section 4221. A. Every person who knowingly and willfully violates any of the provisions of Sections 4211 through 4220 of this title shall, upon conviction, be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by confinement in the county jail for not more than six (6) months, or by both such fine and imprisonment. Such violations shall be prosecuted in the county in which said reports are required to be filed.

B. Every candidate committee for state or county office and every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures or statements of inactivity on or before the days specified in ~~Section~~ Sections 4212, 4213 and 4215 of this title shall be assessed by the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed One Thousand Dollars (\$1,000.00). Committees campaigning for or against an initiative or referendum petition, legislative referendum, or a state question who fail to file reports of contributions and expenditures on or before the days specified in Section 4215 of this title shall be assessed by the Ethics Commission a late filing fee of up to One Thousand Dollars (\$1,000.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fee assessed per report filing shall not exceed Ten Thousand Dollars (\$10,000.00). The agent may be liable for the late fee. Failure to file a report shall be deemed to be a separate

offense for each day that the report remains unfiled after it becomes due. Agents, except agents for candidates or candidate committees, may be liable for legal fees. 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 Candidate committees shall not pay such~~ fees shall not be paid from campaign funds.

SECTION 23. AMENDATORY Section 3, Chapter 44, O.S.L. 1985, as renumbered by Section 34, Chapter 255, O.S.L. 1986 and as last amended by Section 4, Chapter 339, O.S.L. 1989 (74 O.S. Supp. 1990, 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 ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission on or before the fortieth day after each General Election.

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 ~~Council during the period specified in Section 5-110 of Title 26 of the Oklahoma Statutes~~ Commission on or before the tenth day following the last day for 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 ~~Council~~ Commission on or before the fortieth day after the General Election.

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) in cost per calendar year shall file a Financial Disclosure Statement with the ~~Council~~ Commission upon initial employment and not later than April 30 of each even-numbered year thereafter.

E. A 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 ~~Council~~ Commission upon initial 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 (1) financial disclosure statement in any calendar year.

~~F.~~ G. Every person failing to file a Financial Disclosure Statement on or before the dates specified in this section shall be assessed by the ~~Council~~ 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, except those exempted in subsection E of this section, shall designate an employee or member who shall be responsible for filing a list of employees and/or members of governing boards or commissions required under this section to file financial disclosure statements 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.

SECTION 24. AMENDATORY Section 4, Chapter 44, O.S.L. 1985, as renumbered by Section 34, Chapter 255, O.S.L. 1986, and as last amended by Section 25, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, 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 ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ 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 completed and executed under oath.

C. The ~~Council~~ 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 ~~Council~~ Commission for at least two (2) years.

SECTION 25. AMENDATORY 74 O.S. 1981, Section 4002, as renumbered by Section 34, Chapter 255, O.S.L. 1986, and as last amended by Section 28, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4227), is amended to read as follows:

Section 4227. A. The following persons shall register with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission as lobbyists:

1. Any person who makes a total expenditure in excess of Two Hundred Fifty Dollars (\$250.00) in a calendar quarter, not including his own travel, food or lodging expenses, or his own membership dues, or contributions for multicounty matching funds used in tourism promotion for lobbying with one or more members of the legislative branch, judicial branch, or executive branch to influence any legislation or official action;

2. Any person who receives a total compensation or reimbursement in excess of Two Hundred Fifty Dollars (\$250.00) in a calendar quarter from another for lobbying with a member of the legislative branch, judicial branch, or executive branch to influence any legislation or official action; or

3. Any person who is retained or employed in whole or in part as a lobbyist or legislative agent by any person, firm, corporation, association, labor union, or labor organization, to promote, oppose, or otherwise influence official action or the passage of any

legislation, whether or not any compensation in addition to the salary for that regular employment is received for such lobbying.

B. All registrations for lobbying activities made pursuant to the provisions of this section shall expire on December 31 of each even-numbered year. After that time, all persons wishing to engage in lobbying activities shall register with the ~~Council~~ Commission on or after January 1 of each odd-numbered year.

SECTION 26. AMENDATORY 74 O.S. 1981, Section 4004, as renumbered by Section 34, Chapter 255, O.S.L. 1986, and as last amended by Section 29, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4229), is amended to read as follows:

Section 4229. A. Every person required to register under the provisions of this act relating to lobbying, Sections 4227 through 4239 of this title, shall file with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission within five (5) days after the first action requiring registration, except as otherwise provided herein.

B. The registration shall be notarized and shall contain the following information:

1. The registrant's full name and address;
2. The registrant's normal business and business address;
3. The full name and address of each person, as defined in this act:
 - a. by whom the registrant is reimbursed, retained or employed to lobby, or
 - b. on whose behalf the registrant is to lobby.

C. The form for registration of lobbyists shall be as follows:

LOBBYIST REGISTRATION FORM

_____, 19

Date

Registrant's Home Address City State Zip Telephone No.

full name (type or print)

Business Business City State Zip Telephone No.
Address

Names and addresses of persons by whom registrant is
reimbursed, retained or employed to lobby, or on whose
behalf the registrant is to lobby:

To the best of my knowledge and belief, the above is
a true and correct statement.

Submitted and signed this _____ day of _____, 19__

Registrant

Subscribed and sworn to before me this _____ day of _____,
19__

Notary Public

My Commission expires _____.

Please be sure all information requested is filled in before
submitting form. A receipted copy of this registration will be
returned to you if a self-addressed stamped envelope is provided.

D. All persons required to register pursuant to the provisions
of Sections 4227 through 4239 of this title shall file a
supplemental registration indicating any change in the information
contained in the registration within twenty (20) days after the date
of the change.

SECTION 27. AMENDATORY 74 O.S. 1981, Section 4005, as
renumbered by Section 34, Chapter 255, O.S.L. 1986, and as last

amended by Section 30, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4230), is amended to read as follows:

Section 4230. A. Every person required to be registered pursuant to the provisions of Sections 4227 through 4239 of this title shall file reports required by this section with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission reports concerning the activities specified in this section. The reports shall be filed whether or not the person has made any expenditures. 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 notarized. 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 which exceeds Thirty-seven Dollars and fifty cents (\$37.50), as that amount is annually adjusted to reflect changes in the United States Consumer Price Index for Urban Consumers as certified to the ~~Council~~ 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 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 ~~Council~~ Commission by the Department of Commerce, on any one such member 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 of reporting amounts shall be posted in the office of the ~~Council~~ Commission by the Executive Director and shall be attached to any Registered Lobbyist

Expenditure Report form which is distributed. The registrant shall also report any such expenditures when made by other persons on behalf of the registrant if they were made with the knowledge and consent of the registrant. When other persons make expenditures that the registrant is required to report, the other persons shall provide a full, verified account of their expenditures to the registrant at least seven (7) days before the reports of the registrant are due to be filed. Any information required to be reported pursuant to the provisions of Sections 4211 through 4221 of this title is not required to be reported pursuant to the provisions of Sections 4227 through 4239 of this title.

C. The form for reports of lobbyists shall be as follows:

REGISTERED LOBBYIST EXPENDITURE REPORT

Reports required to be filed with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission between January 1-20 are to cover the period of July 1 through December 31, and between July 1-20 are to cover the period of January 1 through June 30.

Registrant's Full Name (type or print)

Name and Position of Person on Whom Expenditure was made	Branch of Government	Type of Expenditure	Amount of Expenditure
--	-------------------------	------------------------	--------------------------

(If additional lines are needed for the above information, list on a separate sheet and attach hereto.)

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

Submitted and signed this ____ day of _____, 19__

Registrant

Subscribed and sworn to before me this ____ day of _____, 19__

Notary Public

My Commission expires _____.

A receipted copy of this report will be returned to you if a self-addressed stamped envelope is provided.

D. From and after the effective date of this act, each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made pursuant to this section for two (2) years from the date of filing of the reports containing the items.

SECTION 28. AMENDATORY 74 O.S. 1981, Section 4006, as renumbered by Section 34, Chapter 255, O.S.L. 1986, and as last amended by Section 31, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4231), is amended to read as follows:

Section 4231. A. A person who ceases to engage in activities requiring that person to register shall file a written, verified statement with the ~~Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission acknowledging the termination of activities. The notice shall be effective immediately upon filing.

B. A person who files a notice of termination pursuant to the provisions of this section must file the reports required for any reporting period during which the person was registered at the time the notice of termination is effective.

SECTION 29. AMENDATORY 74 O.S. 1981, Section 4007, as renumbered by Section 34, Chapter 255, O.S.L. 1986, and as last amended by Section 32, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4232), is amended to read as follows:

Section 4232. A. All reports filed under Sections 4227 through 4239 of this title are public records and shall be made available for public inspection pursuant to the Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes.

B. ~~The Oklahoma Council on Campaign Compliance and Ethical Standards~~ Ethics Commission shall maintain registrations and reports in a separate, alphabetical file and make such registrations and reports available to the public for inspection.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4246.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. No statewide elected official 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 or agree to receive compensation for representing or assisting any person or business in any transaction involving the state; or represent another person, firm, corporation or entity for a fee before any state department, agency, board or commission. The provisions of this 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 or gifts accepted after the term of office shall escheat to the State of Oklahoma.

SECTION 31. AMENDATORY 74 O.S. 1981, Section 1411, as renumbered by Section 34, Chapter 255, O.S.L. 1986 (74 O.S. Supp. 1990, Section 4247), is amended to read as follows:

Section 4247. A. The failure of a legislator to comply with ~~Section 9 hereof~~ Section 4246.1 of this title shall constitute a willful neglect of duty and grounds for private or public reprimand, censoring or removal from office.

B. Every person who knowingly and willfully violates Section 31 of this act shall, upon conviction, be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by confinement in the county jail for not more than six (6) months, or by both such fine and imprisonment. Such violations shall be prosecuted in the county in which the violation occurred.

SECTION 32. RECODIFICATION 26 O.S. 1981, Section 424.11, as last renumbered by Section 34, Chapter 255, O.S.L. 1986, and as last amended by Section 22, Chapter 303, O.S.L. 1988 (74 O.S. Supp. 1990, Section 4220), shall be recodified as Section 1840 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 33. REPEALER Section 15, Chapter 276, O.S.L. 1986 (74 O.S. Supp. 1990, Section 4248.1), is hereby repealed.

SECTION 34. This act shall become effective July 1, 1991.

SECTION 35. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-6091

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