STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1778 By: Benson

AS INTRODUCED

An Act relating to ethics; amending 74 O.S. 1991, Section 4216, as amended by Section 24 of Enrolled House Joint Resolution No. 1077 of the 2nd Session of the 43rd Oklahoma Legislature (74 O.S. Supp. 1992, Section 4216), which relates to contribution limitations; subjecting certain campaign contribution violations to criminal sanctions; establishing criminal sanctions for illegal campaign contributions; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 4216, as amended by Section 24 of Enrolled House Joint Resolution No. 1077 of the 2nd Session of the 43rd Oklahoma Legislature (74 O.S. Supp. 1992, Section 4216), is amended to read as follows:

Section 4216. A. No person or family may contribute more than Five Thousand Dollars ($5,000.00) to a committee, except for a candidate committee, in any calendar year. No person or family may contribute more than Five Thousand Dollars ($5,000.00) to a candidate for state office or to a candidate for municipal office in a municipality with a population of over two hundred fifty thousand (250,000) persons, according to the most recent federal decennial

census, or to a candidate committee authorized by such a candidate to receive contributions or make expenditures on his behalf, nor more than One Thousand Dollars ($1,000.00) to a candidate for other local office or to an organization authorized by such a candidate to receive contributions or make expenditures on his behalf for a campaign. Any person convicted of violating the provisions of this subsection shall be subject to the penalties prescribed by Section 2 of this act.

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

C. These restrictions do not apply to a committee supporting or opposing a ballot measure or to a candidate making a contribution of his own funds to his own campaign.

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

1. Two or more political action committees shall be treated as a single entity if the committees:

a. share the majority of members on their boards of directors,

b. are owned or controlled by the same majority shareholder or shareholders,

c. are in a corporate parent-subsidiary relationship, or

d. have bylaws so stating;

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

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

4. Contributions by unemancipated children under eighteen (18) years of age shall be considered to be contributions made by their parent, parents or legal guardian and shall be attributed to the family limit specified in subsection A of this section. In the case

of a single custodial parent, the total amount of such a contribution shall be considered to be a contribution made by the single custodial parent.

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

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1840.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any person who knowingly and willfully makes a campaign contribution in excess of the contribution limitations imposed by subsection A of Section 4216 of Title 74 of the Oklahoma Statutes where the aggregate amount contributed exceeds the contribution limitations by Five Thousand Dollars ($5,000.00) or more, upon conviction, shall be guilty of a felony punishable by a fine of not more than three times the amount exceeding the contribution limitation or Ten Thousand Dollars ($10,000.00), whichever is greater, or by imprisonment in the State Penitentiary for not exceeding three (3) years, or by both such fine and imprisonment.

B. Any person who knowingly and willfully makes a campaign contribution in excess of the contribution limitations imposed by subsection A of Section 4216 of Title 74 of the Oklahoma Statutes where the aggregate amount contributed is less than Five Thousand Dollars ($5,000.00) in excess of the contribution limitations, upon conviction, shall be guilty of a misdemeanor punishable by a fine of

not more than three times the amount exceeding the contribution limitation or One Thousand Dollars ($1,000.00), whichever is greater, or by imprisonment in the county jail for not exceeding one (1) year, or by both such fine and imprisonment.

SECTION 3. This act shall become effective September 1, 1993.

44-1-5600 PS