

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2432

By: Campbell

AS INTRODUCED

An Act relating to ethics; requiring candidates and committees to file certain campaign reports; requiring disclosure of certain information; prohibiting certain cash contributions; requiring certain contributions to be made pursuant to written instrument; requiring segregation of certain contributions; excluding certain expenditures from consideration as contributions; providing penalty; imposing additional campaign reporting obligations; providing penalty; prohibiting certain cash contributions; prohibiting making or accepting campaign contributions in excess of certain amounts; providing that restrictions not apply under certain circumstances; banning certain transfers between committees; providing penalty; prohibiting certain acts by candidates and others; providing penalty; repealing 74 O.S. 1991, Sections 4211, 4216 and 4241, as amended by Sections 15, 24 and 37 of Enrolled House Joint Resolution No. 1077 of the 2nd Session of the 43rd Oklahoma Legislature (74 O.S. Supp. 1993, Sections 4211, 4216 and 4241), which relate to the Ethics Commission Act; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4211.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. If a candidate or committee has accepted one or more contributions, or made one or more expenditures during a reporting period, the treasurer shall be required to file a complete written report of all contributions and expenditures as provided for in the Ethics Commission Act. If a candidate or committee has not accepted any contributions and has made no expenditures during a reporting period, the treasurer shall file a statement of inactivity as provided in Section 4214 of Title 74 of the Oklahoma Statutes.

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

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

D. Every committee, except for candidate committees, that makes a contribution to another candidate or committee in an amount which exceeds Two Hundred Dollars (\$200.00) in the aggregate during the campaign or calendar year shall report the contribution as an expenditure as provided by Section 4214 of Title 74 of the Oklahoma

Statutes; provided, this subsection shall not authorize any contribution otherwise prohibited by law.

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

F. A committee or person other than an individual shall not make a contribution in cash. A committee or person other than an individual shall not make a contribution, other than an in-kind contribution, except by written instrument containing the name of the contributor and the name of the payee.

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

H. Contributions of a value of Two Hundred Dollars (\$200.00) or less during the reporting period shall be reported as one aggregate total without identifying the contributors thereof; provided the source and nature of all corporate contributions to a committee or person for or against a ballot measure shall be reported to the Ethics Commission, pursuant to Section 4215 of Title 74 of the Oklahoma Statutes, regardless of the amount of such contributions. All corporate contributions to a committee or person for or against a ballot measure shall be segregated from, and may not be commingled with, a fund established by such person or committee to contribute to candidates or committees which support or oppose candidates.

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

J. Any person who knowingly and willfully violates a provision of this section, upon conviction, shall be guilty of a misdemeanor.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4214.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

In addition to other campaign reporting obligations, a candidate or committee shall report the amount and the name and address of the source of all loans which constitute a contribution accepted from one source after the closing date for the preelection reporting period provided for in Section 4215 of Title 74 of the Oklahoma Statutes, but before the next election, to the Ethics Commission within one (1) day of acceptance of the loan proceeds by the candidate or committee. The report shall be on a form prescribed by the Commission and may be transmitted to the Ethics Commission by United States mail, hand delivery, facsimile transmission, telegram or express delivery service. Any person who knowingly and willfully violates the provisions of this section, upon conviction, shall be guilty of a misdemeanor.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4216.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. 1. 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 accept 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 accept contributions or make expenditures on his behalf for a campaign.

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

3. These restrictions shall not apply to a committee supporting or opposing a ballot measure or a local proposition or measure or to a candidate making a contribution of his own funds to his own campaign.

B. A candidate or candidate committee shall not make a contribution to or accept a contribution from another candidate or candidate committee. This restriction shall not prohibit a candidate from making a contribution of his own funds to his own campaign or to another candidate or the committee of another candidate.

C. Any person who knowingly and willfully violates a provision of this section, upon conviction, shall be guilty of a misdemeanor.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4241.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. No state employee shall:

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

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

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

4. Sell, offer to sell or cause to be sold, either as an individual or through any business enterprise in which he holds a substantial financial interest, goods or services to any state agency or to any business entity licensed by or regulated by the state agency, except as provided in Section 4243 of Title 74 of the Oklahoma Statutes;

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

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

B. No candidate for state office, state officer or state employee shall, directly or indirectly, ask or receive or agree to receive anything of value or campaign contributions for agreeing to appoint, appointing or procuring the appointment of another person to any state office or agreeing to employ, employing or procuring the employment of another person in any position as a state employee. Any person convicted of knowingly and willfully violating the provisions of this subsection shall be guilty of a felony.

SECTION 5. REPEALER 74 O.S. 1991, Sections 4211, 4216 and 4241, as amended by Sections 15, 24 and 37 of Enrolled House Joint Resolution No. 1077 of the 2nd Session of the 43rd Oklahoma Legislature (74 O.S. Supp. 1993, Sections 4211, 4216 and 4241), are hereby repealed.

SECTION 6. This act shall become effective September 1, 1994.

44-2-8284 PS

