

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2482

By: Cozort

AS INTRODUCED

An Act relating to ethics; requiring candidates and committees to file certain campaign reports; requiring disclosure of certain information, including the source of all contributions; requiring segregation of certain contributions; excluding certain expenditures from consideration as contributions; providing penalty; specifying the contents of campaign contributions and expenditures reports and statements of inactivity; providing dissolution procedures; providing penalty; prohibiting making or accepting campaign contributions in excess of certain amounts; prohibiting a candidate from contributing more than a certain amount of his own funds to his own campaign; providing that restrictions not apply under certain circumstances; prohibiting acceptance of contributions by certain candidates or committees; providing penalty; repealing 74 O.S. 1991, Sections 4211, 4214 and 4216, as amended by Sections 15, 20 and 24 of Enrolled House Joint Resolution No. 1077 of the 2nd Session of the 43rd Oklahoma Legislature (74 O.S. Supp. 1993, Sections 4211, 4214 and 4216), 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 this 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 2 of this act.

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 accepted 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 2 of this act; provided, this

subsection shall not authorize any contribution otherwise prohibited by law.

E. A committee shall not make a contribution in cash. A committee 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.

F. 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.

G. 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.

H. 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:

A. The campaign contributions and expenditures reports shall disclose:

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

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

3. The specific identification of each contributor who gives a contribution including:

- a. the date the contribution is accepted,
- b. the contributor's address, and
- c. a specific description of the contribution;

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

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

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

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

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

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

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

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

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

1. For all campaigns, except those for or against a ballot measure:

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

DATE OF REPORT _____, 19____

Name of Candidate or Committee

Address of Candidate or Committee

Office Sought: _____

Report Period:

From _____

To _____

(Beginning of Period)

(End of Period)

Listed below are the contributions accepted 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 \$ _____

Date	Name and Address of Contributors	Nature of Contribution: Cash, Check, or In-Kind (Describe)	Amount	Total contributions by contributor during campaign or calendar year
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	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____

Total contributions this

reporting period \$ _____

Grand Total - All contributions

for campaign or
cumulative period

\$ _____

EXPENDITURES

Amount

Previous Grand Total of Expenditures from Last Report

\$ _____

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Personal Services

Printing

Radio and Television

Billboards

Advertising - general

Contributions to Other Campaigns

All committees, except for candidate committees, must identify recipients of contributions to other campaigns following verification of acceptance of amounts aggregating in excess of \$200.00 by name, address, amount of contribution and total amount of contributions during the campaign or calendar year:

Name and Address

Amount

Total amount

contributed

during

campaign

or

calendar year

\$ _____

\$ _____

—

Total \$ _____

Miscellaneous

Total expenditures this reporting period

\$ _____

Grand Total - All expenditures for

campaign or cumulative period

\$ _____

BALLOT INFORMATION: candidates or candidate committees, please indicate whether the 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, or Treasurer's Signature

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

My commission expires _____

Notary Public

2. For campaigns for or against a ballot measure:

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT FOR

BALLOT MEASURE CAMPAIGNS

DATE OF REPORT _____, 19__

Name of Committee

Address of Committee

Report Period:

From _____

To _____

(Beginning of Period)

(End of Period)

Listed below are the contributions accepted 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

\$ _____

Date	Name and Address of Non-corporate contributor	Nature of Contribution: Cash, Check, or In-Kind (Describe)	Amount	Total contributions by during year
Accepted				

\$ _____ \$ _____

\$ _____ \$ _____

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

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	\$ _____
Payments to petition circulators	\$ _____
Printing	\$ _____
Radio and Television	\$ _____
Billboards	\$ _____
Advertising - general	\$ _____
Contributions to other Campaigns	\$ _____
Miscellaneous	\$ _____
Total expenditures this reporting period	\$ _____
Grand Total - All expenditures for campaign or cumulative period	\$ _____

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

Chairperson's or Treasurer's Signature

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 treasurer verifying that a contribution was not accepted and an expenditure was not made during the reporting period.

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

E. Dissolution Procedures

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

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

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

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

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

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

5. If a committee owes or is owed money, the committee may dissolve, but must report the status of the debts on the same dates as campaign contributions and expenditures reports would be due until all debts are resolved. Methods of resolution must also be detailed.

6. Unused contributions and campaign assets must be disposed of by candidates or candidate committees according to Section 4217 of Title 74 of the Oklahoma Statutes.

F. Any person who knowingly and willfully violates a provision 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. Except as otherwise provided in this subsection, 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 person or family may contribute more than One Thousand Dollars (\$1,000.00) to a candidate for State Senator or State Representative or to a candidate committee authorized by such a candidate to accept contributions or make expenditures on his behalf for a campaign.

3. No candidate may contribute more than Five Thousand Dollars (\$5,000.00) of his own funds to his own campaign.

4. The campaign contribution limitations provided in this subsection do not apply to a committee supporting or opposing a ballot measure or local proposition or measure.

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

C. No candidate for State Senator or State Representative or candidate committee authorized by such a candidate to accept contributions or make expenditures on his behalf shall accept contributions from contributors domiciled outside the legislative district of the legislative position sought.

D. No person shall make to a candidate or committee, and no candidate or committee shall accept, an anonymous contribution. The recipient of an anonymous contribution, within two (2) business days of receipt of such contribution, shall remit the contribution to the Ethics Commission for immediate deposit to the State Treasurer to the credit of the General Revenue Fund.

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

SECTION 4. REPEALER 74 O.S. 1991, Sections 4211, 4214 and 4216, as amended by Sections 15, 20 and 24 of Enrolled House Joint Resolution No. 1077 of the 2nd Session of the 43rd Oklahoma

Legislature (74 O.S. Supp. 1993, Sections 4211, 4214 and 4216), are hereby repealed.

SECTION 5. This act shall become effective September 1, 1994.

44-2-7616

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