STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE JOINT
RESOLUTION NO. 1106 By: Sullivan (Leonard)

AS INTRODUCED

A Joint Resolution relating to ethics; amending Rule 257:10-1-9 of the Rules of the Ethics Commission, 74 O.S. Supp. 1997, Chapter 62, App., which relates to campaign reporting; deleting requirement that certain entities file forms by computer diskette or electronic transmission; and declaring an emergency.

WHEREAS, Ethics Commission Rule 257:10-1-9 requires certain committees to file required data on computer diskettes or by electronic transmission; and

WHEREAS, in order to comply with Ethics Commission Rule 257:10-1-9 such committees must use form software provided by the Commission; and

WHEREAS, use of the software has proven to be unduly burdensome, time-consuming and expensive; and

WHEREAS, the software fails to accomplish objectives sought by the Ethics Commission to ease report filing, and therefore it is not in the best interest of the public to condone the continued existence of such a requirement; and

WHEREAS, pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, effective Ethics Commission rules may be repealed or modified by law passed by a majority vote of each House of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. Ethics Commission Rule 257:10-1-9 is amended to read as follows:

Rule 257:10-1-9. (a) General provisions.

(1) A person may be chair, treasurer, or both chair and treasurer of the committee.

(2) A committee officer shall accept the appointment, in writing, on the statement of organization.

(3) A treasurer, deputy treasurer or agent of the committee, other than an out-of-state committee, shall be a resident of this state.

(4) A candidate may not serve as the treasurer or deputy treasurer, except as the treasurer of the candidate's own committee.

(5) A deputy treasurer may also be appointed and serve in the treasurer's capacity in the absence of the treasurer. The designation of the deputy treasurer shall be on the statement of organization.

(b) Candidate committee officer vacancies.

(1) A treasurer, a deputy treasurer, or chair of a candidate committee may be removed from office by the candidate.

(2) When a vacancy occurs in a candidate committee office other than the office of a deputy treasurer, the candidate shall:

(A) notify the Commission no later than five (5) business days after the vacancy occurs;

(B) assume the duties and responsibilities of the vacant office except that the deputy treasurer, if one has been designated, shall assume the vacated office of treasurer;

(C) notify the Commission of the appointment of an officer to fill the vacancy; and

(D) provide all information to the Commission required by the statement of organization, for the new appointee,

no later than five (5) business days after the appointment.

(3) When a vacancy occurs in the office of a deputy treasurer for a candidate committee, the candidate shall:

(A) notify the Commission no later than five (5) business days after the vacancy occurs; and

(B) if a deputy treasurer is appointed to fill the vacancy, notify the Commission of the appointment and provide all information to the Commission required by the statement of organization for the new appointee within five (5) business days after the appointment.

(4) If a candidate dies and there is no living committee officer, the personal representative of the candidate's estate shall dissolve the committee as soon as is practicable under terms of the dissolution procedures provided under this chapter and the time limits imposed for probating an estate.

(c) Officer vacancies in committees other than candidate committees.

(1) When a vacancy occurs in an office, other than the office of a deputy treasurer, of a committee other than a candidate committee, the committee shall:

(A) notify the Commission no later than five (5) business days after the vacancy occurs;

(B) designate an individual qualified under this chapter to assume the duties and responsibilities of the vacant office no later than five (5) business days after the vacancy;

(C) notify the Commission of the appointment of an officer to fill the vacancy; and

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

(2) When a vacancy occurs in the office of a deputy treasurer for a committee other than a candidate committee, the committee shall:

(A) notify the Commission no later than five (5) business days after the vacancy occurs; and

(B) if a deputy treasurer is appointed to fill the vacancy, notify the Commission of the appointment and provide all information to the Commission required by the statement of organization for the new appointee within five (5) business days after the appointment.

(d) Duties of the treasurer/deputy treasurer.

(1) The committee treasurer or, in the treasurer's absence, the deputy treasurer shall maintain and preserve an account of the following:

(A) the total of contributions accepted by the committee;

(B) the contributor statement and a copy of an accepted check or written instrument evidencing the contribution;

(C) the total of expenditures made by or on behalf of the committee;

(D) all receipted bills, canceled checks, or other proofs of payment, with an explanation of each, for each expenditure; and

(E) any other documentation necessary to file the reports required by this chapter.

(2) The treasurer or, in the treasurer's absence, the deputy treasurer shall maintain and preserve all receipted bills and accounts required by this chapter for at least three years.

(3) The treasurer or, in the treasurer's absence, the deputy treasurer of a committee shall file, in a timely manner, the appropriate reports or statements on the forms prescribed by the Commission, or, beginning July 1, 1997, at the committee's option,

on computer diskettes or by electronically transmitting the required data on form software provided by the Commission. ~~Filing on computer diskettes or by electronic transmission shall be required for the next quarterly or pre-election reporting period following the date on which a committee exceeds the applicable threshold beginning July 1, 1997, as follows:~~

~~(A) a candidate committee of a candidate for statewide elective office which accepts contributions or makes expenditures in excess of five thousand dollars ($5,000) during a campaign; and~~

~~(B) a committee other than a candidate committee which accepts contributions or makes expenditures in excess of ten thousand dollars ($10,000) during a calendar year.~~

(4) With respect to a candidate committee, campaign contributions and expenditures reports shall be signed by the candidate and the treasurer or, in the treasurer's absence, the deputy treasurer, and, with respect to a committee other than a candidate committee, by the chair and the treasurer or, in the treasurer's absence, the deputy treasurer of said committee, who shall each attest to the report's accuracy and veracity. All signatures shall be notarized.

(5) The treasurer or, in the treasurer's absence, the deputy treasurer shall file an amended report if the treasurer has knowledge of an error or omission on a report of the committee that has previously been filed.

(6) The written records shall be the property of the candidate or committee to which they relate and shall be delivered to the candidate or committee immediately upon:

(A) demand by the candidate or committee;

(B) removal or resignation of the treasurer; or

(C) the expiration of the treasurer's appointment, whichever shall first occur.

SECTION 2. 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.

46-2-11336 TK