

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2651

By: Reynolds

AS INTRODUCED

An Act relating to Rules of the Ethics Commission; amending Rules 257:10-1-1, 257:10-1-9 and 257:10-1-16 of the Rules of the Ethics Commission (74 O.S. Supp. 2005, Chapter 62, App.), which relate to campaign reporting; eliminating certain mandatory electronic filing; eliminating certain filing requirements for electioneering communications; and declaring an emergency.

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

SECTION 1. AMENDATORY Rule 257:10-1-1 of the Rules of the Ethics Commission (74 O.S. Supp. 2005, Chapter 62, App.), is amended to read as follows:

Rule 257:10-1-1 The rules of this chapter have been adopted for the purpose of complying with the provisions of the Oklahoma Constitution, Article XXIX, Section 3 (A). The purpose of this chapter is to set standards for ethical conduct for campaigns for elective state office and for campaigns for initiatives and referenda. The Commission recognizes the importance of immediate public access to publicly disclosed information. ~~Accordingly, the Commission has implemented a system to require certain campaign finance statements and reports to be electronically filed through Internet access.~~

SECTION 2. AMENDATORY Rule 257:10-1-9 of the Rules of the Ethics Commission (74 O.S. Supp. 2005, Chapter 62, App.), 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. ~~Filing statements and reports by Internet access only shall be required, beginning July 1, 2006, of a candidate committee which has exceeded \$20,000 in contributions or expenditures during an active campaign or a non-candidate committee which has exceeded~~

~~\$20,000 in contributions or expenditures during the current or previous calendar year.~~

(4) 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.

(5) 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 3. AMENDATORY Rule 257:10-1-16 of the Rules of the Ethics Commission (74 O.S. Supp. 2005, Chapter 62, App.), is amended to read as follows:

Rule 257:10-1-16. ~~(a)~~ Independent expenditures. A person that makes an independent expenditure of five hundred dollars (\$500) or more after the closing date for the pre-election reporting period, but before the election, shall report the total amount, the date, the name and address of the entity to which the independent expenditure was made; items purchased, description of the consideration for the expenditure and the purpose, whether support or opposition; and the beneficiary, whether candidate or ballot measure, for each individual independent expenditure on the paper form or electronically transmitting the information on the form or form software provided by the Commission to the Commission office by United States mail, hand delivery, facsimile transmission, telegram, or express delivery service within twenty four (24) hours of making the expenditure. The report shall include the signature, or the electronic signature in lieu thereof, of the person making the expenditure, or the treasurer or, in the treasurer's absence, the

deputy treasurer of a reporting committee, who shall attest to the report's accuracy and veracity. This information shall be included on the next report filed on paper, computer diskette or electronically transmitted by the reporting committee or person.

~~(b) Electioneering communications.~~

~~(1) Any person who makes a payment or promise of payment totaling five thousand dollars (\$5,000) or more for an electioneering communication shall file a statement with the Commission disclosing the name of such person and street address, city, state and zip code, occupation and employer, along with the recipient's name, street address, city, state and zip code, description of the payment, the amount, the name of one or more candidates mentioned, the purpose of the communication, whether support or opposition, and how much was spent on each candidate mentioned. The report shall be filed within twenty four (24) hours of making the payment or the promise to make the payment.~~

~~(2) Except as provided in paragraph (1), if any person has received a payment or a promise of a payment from other persons totaling fifty dollars (\$50) or more for the purpose of making an electioneering communication, the person receiving the payments shall disclose on the report the name, street address, city, state, zip code, occupation and employer, date and amount received from each person who has made a payment of fifty dollars (\$50) or more since the beginning of the calendar year.~~

~~(3) A person who receives or is promised a payment that is otherwise reportable under Paragraph (1) is not required to report the payment if the person is in the business of providing goods or services and receives or is promised the payment for the purpose of providing those goods or services.~~

SECTION 4. 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.

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