

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 3058

By: Lindley

AS INTRODUCED

An Act relating to ethics; prohibiting certain persons from accepting campaign contributions during certain period of time; 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 4261 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. During a regular session of the Legislature, a person shall not knowingly make a political contribution to a member of the Legislature, a candidate committee for a person filing as a candidate for legislative office, or a specific-purpose committee for supporting, opposing, or assisting a member of the Legislature or a candidate committee for a person filing as a candidate for legislative office.

B. A member of the Legislature, candidate committee for a person filing as a candidate for legislative office, or a specific-purpose committee for supporting, opposing, or assisting a member of the Legislature or candidate committee for a person filing as a candidate for legislative office shall not knowingly accept a political contribution, and shall refuse a political contribution that is received, during the period prescribed by subsection A of this section. A political contribution that is received and refused during that period shall be returned to the contributor not later than the 30th day after the date of receipt. A contribution made by

mail is not considered received during that period if it was placed with postage prepaid and properly addressed in the United States mail before the beginning of the period. The date indicated by the post office cancellation mark is considered to be the date the contribution was placed in the mail unless proven otherwise.

C. This section shall not apply to a political contribution that was made and accepted with the intent that it be used:

1. In an election held or ordered during the period prescribed by subsection A of this section in which the person accepting the contribution is a candidate if the contribution was made after the person appointed a campaign treasurer with the appropriate authority and before the person was sworn in for that office;

2. To defray expenses incurred in connection with an election contest; or

3. By a member of the Legislature if the member was defeated at the general election held immediately before the session is convened or by a specific-purpose political committee that supports or assists only that member.

D. A person convicted of violating this section shall be guilty of a misdemeanor.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4262 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. During a regular session of the Legislature, a person not a member of the caucus shall not knowingly make a contribution to a legislative caucus.

B. A legislative caucus shall not knowingly accept from a nonmember a contribution, and shall refuse a contribution from a nonmember that is received, during the period prescribed by subsection A of this section. A contribution that is received and refused during that period shall be returned to the contributor not later than the 30th day after the date of receipt. A contribution

made by mail is not considered received during that period if it was placed with postage prepaid and properly addressed in the United States mail before the beginning of the period. The date indicated by the post office cancellation mark is considered to be the date the contribution was placed in the mail unless proven otherwise.

C. A person who is convicted of violating this section shall be guilty of a misdemeanor.

D. A person who knowingly makes or accepts a contribution in violation of this section is liable for damages to the state in the amount of triple the value of the unlawful contribution.

E. In this section, "legislative caucus" means an organization that is composed exclusively of members of the Legislature, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development and interests that the membership hold in common. The term includes an entity established by or for a legislative caucus to conduct research, education, or any other caucus activity. An organization whose only nonlegislator members are the Lieutenant Governor or the Governor remains a "legislative caucus" for purposes of this section.

SECTION 3. This act shall become effective November 1, 2006.

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