

1 ENGROSSED HOUSE
2 BILL NO. 1721

By: Miller of the House

3 and

4 Jolley of the Senate

5
6
7 (Rules of the Ethics Commission - definitions -

8 county officials -

9 effective date)

10
11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Rule 257:1-1-2 of the Rules of the
14 Ethics Commission (74 O.S. Supp. 2006, Chapter 62, App.), is amended
15 to read as follows:

16 Rule 257:1-1-2. Definitions. Masculine words, whenever used in
17 this title, shall include the feminine and neuter, and the singular
18 includes the plural, unless otherwise specified. In addition, the
19 following words or terms, when used in this title, shall have the
20 following meaning, unless the context clearly indicates otherwise:

21 "Accept", with reference to a contribution, means failure by a
22 candidate, treasurer, deputy treasurer or agent of a committee to
23 expressly and unconditionally reject and return a tendered

1 contribution to the contributor within six (6) business days from
2 receipt of the tender.

3 "Act" means the Ethics Commission Act, Section 4200 et seq. of
4 Title 74 of the Oklahoma Statutes.

5 "Address" means mailing address unless otherwise specified in
6 this title.

7 "Affiliated" or "Connected entity" means any entity which
8 directly or indirectly establishes, administers or financially
9 supports a political entity.

10 "Anything of value", "Thing of value" or "Things of value"

11 (1) These terms, to the extent that consideration of equal or
12 greater value is not received, include the following:

13 (A) a pecuniary item, including money, or a bank bill or
14 note;

15 (B) a promissory note, bill of exchange, order, draft,
16 warrant, check, or bond given for the payment of
17 money;

18 (C) a contract, agreement, promise, or other obligation
19 for an advance, conveyance, forgiveness of
20 indebtedness, deposit, distribution, loan, payment,
21 gift, pledge, or transfer of money;

22 (D) a stock, bond, note, or other investment interest in
23 an entity;

24

- 1 (E) a receipt given for the payment of money or other
2 property;
- 3 (F) a right in action;
- 4 (G) a gift, tangible good, chattel, or an interest in a
5 gift, tangible good, or chattel, except as provided in
6 subparagraphs (C), (D) and (N) of Paragraph (2) of
7 this definition;
- 8 (H) a loan or forgiveness of indebtedness, except as
9 otherwise provided in subparagraph (I) of Paragraph
10 (2) of this definition;
- 11 (I) a work of art, antique, or collectible;
- 12 (J) an automobile or other means of personal
13 transportation;
- 14 (K) real property or an interest in real property,
15 including title to realty, a fee simple or partial
16 interest, present or future, contingent or vested in
17 realty, a leasehold interest, or other beneficial
18 interest in realty;
- 19 (L) an honorarium or compensation for services, except as
20 otherwise provided in subparagraph (M) of Paragraph
21 (2) of this definition;
- 22 (M) a rebate or discount in the price of anything of value
23 or the sale or trade of something for reasonable
24 compensation that would ordinarily not be available to

1 a member of the public, except as provided in
2 subparagraph (J) of Paragraph (2) of this definition;
3 (N) a promise or offer of employment;
4 (O) transportation, lodging or entertainment; or
5 (P) any other thing of value not excluded by Paragraph (2)
6 of this definition.

7 (2) These terms do not include:

8 (A) a campaign contribution properly received and
9 reported;

10 (B) any books, written materials, audio tapes, videotapes,
11 or other informational promotional material related to
12 the performance of a state officer's or state
13 employee's official duties;

14 (C) a gift that:

15 (i) is not used, and

16 (ii) no later than thirty (30) days after receipt, is
17 returned to the donor or delivered to a
18 charitable organization and is not claimed as a
19 charitable contribution for federal income tax
20 purposes;

21 (D) a gift, devise, or inheritance from an individual's
22 spouse, child, step-child, parent, step-parent,
23 grandparent, step-grandparent, sibling, step-sibling,
24 parent-in-law, sibling-in-law, nephew, niece, aunt,

1 uncle, or first cousin or the spouse of that
2 individual, if the donor is not acting as the agent or
3 intermediary for someone other than a person covered
4 by this subparagraph;

5 (E) a plaque or trophy with a value that does not exceed
6 two hundred dollars (\$200);

7 (F) modest items of food and refreshments, such as soft
8 drinks, coffee, and donuts, offered other than as part
9 of a meal;

10 (G) food and beverage consumed on the occasion when
11 participating in a charitable, civic, or community
12 event, or at any event to which all members of the
13 Legislature are invited, which bears a relationship to
14 the state officer's or state employee's office and the
15 officer or employee is attending in an official
16 capacity;

17 (H) greeting cards and items with little intrinsic value,
18 such as certificates, which are intended solely for
19 presentation;

20 (I) loans from banks and other financial institutions on
21 terms generally available to the public;

22 (J) opportunities and benefits, including favorable rates
23 and commercial discounts, available to the public or
24 to a class consisting of all state government

1 employees, whether or not restricted on the basis of
2 geographic consideration;

3 (K) rewards and prizes given to competitors in contests or
4 events, including random drawings, which are open to
5 the public; rewards and prizes from contests or events
6 which are not open to the public are also excepted if
7 the state officer's or state employee's entry into the
8 contest is required as part of his official duties;

9 (L) pension and other benefits resulting from
10 participation in a retirement plan offered by an
11 employer or former employer of a state officer or
12 state employee;

13 (M) anything which is paid for by the state government or
14 secured by the state government under state government
15 contract;

16 (N) any gift accepted on behalf of the state of Oklahoma
17 or a governmental entity by the Governor under Section
18 381 et seq. of Title 60 of the Oklahoma Statutes. In
19 order to be deemed accepted, the Governor must be
20 notified in writing of any gift received by a
21 governmental entity, or person on behalf of a
22 governmental entity, within ten (10) days of receipt
23 of the gift. Notice of acceptance must be received
24 from the Governor within the next thirty (30) days.

1 Upon lack of a response from the Governor within
2 thirty (30) days of receipt of the notice, the gift is
3 deemed rejected and must be returned to the donor;

4 (O) anything for which market value is paid or secured by
5 written contract to be paid by the state officer or
6 state employee no later than 30 days of receipt;

7 (P) transportation furnished to a state officer or state
8 employee for the purpose of assisting the officer or
9 employee in the performance of the officer's or
10 employee's official duties and from which the officer
11 or employee receives only incidental personal benefits
12 ancillary to said purpose;

13 (Q) food, transportation or entertainment provided by a
14 governmental agency or governmental enterprise of a
15 foreign nation as a gesture of hospitality;

16 (R) prescription drugs or similar items given to the
17 recipient for distribution to patients in need of
18 treatment which are not used by the recipient;

19 (S) a meal or other food served at a meeting at which the
20 state officer or state employee is an invited guest;
21 and

22 (T) any gratuity provided at a meeting, conference, or
23 seminar by sponsors, exhibitors, etc., the cost of
24

1 which is not borne by a registrant to such meeting,
2 conference, or seminar.

3 "Associated", when used with reference to an entity, includes an
4 entity in which an individual or a member of his or her immediate
5 family is a director, officer, fiduciary, trustee, agent, or
6 partner, or owns or controls, in the aggregate, at least two percent
7 (2%) or a value of five thousand dollars (\$5,000) of the outstanding
8 equity.

9 "Ballot measure" means an initiative, referendum, legislative
10 referendum, legislative initiative, state question, or any
11 proposition or measure submitted to voters for their approval or
12 rejection at a statewide election.

13 "Business" means any corporation, limited liability company,
14 partnership, limited liability partnership, limited partnership,
15 sole proprietorship, firm, enterprise, franchise, association, self-
16 employed individual, holding company, joint stock company,
17 receivership, trust, or any legal entity through which business is
18 conducted for profit.

19 "Business day" means any day except a Saturday, Sunday or a
20 legal holiday designated in Section 82.1 of Title 25 of the Oklahoma
21 Statutes.

22 "Campaign" means and includes all activities for or against the
23 election of a candidate to a specific state office for a specific
24 term or the passage or defeat of a ballot measure from the date of

1 acceptance of the first contribution, the making of the first
2 expenditure, or the filing of a declaration of candidacy, whichever
3 is first, until a final campaign contributions and expenditures
4 report is filed.

5 "Campaign expenditure" is an expenditure not otherwise
6 prohibited which is used to defray the costs of a candidate's
7 campaign including, without limitation, advertising, travel and food
8 while campaigning, and costs for campaign workers, whether paid or
9 volunteers.

10 "Candidate" means a person who seeks nomination or election to
11 state or county office. An individual is a candidate when the
12 individual:

13 (1) has filed a declaration of candidacy for any state office
14 with the Secretary of the State Election Board or any county office
15 with the secretary of a county election board;

16 (2) has filed a declaration of candidacy ~~with the Secretary of~~
17 ~~State~~ and has drawn active opposition;

18 (3) is nominated as a "substitute candidate" pursuant to
19 Section 1-105 of Title 26 of the Oklahoma Statutes; or

20 (4) solicits or accepts contributions, makes expenditures or
21 gives consent to an individual, organization, party committee, or
22 other committee to solicit or accept contributions or make
23 expenditures to secure election to any state or county office at any
24

1 time, whether or not the office for which the individual will seek
2 nomination or election is known when the:

3 (A) solicitation is made;

4 (B) contribution is accepted; or

5 (C) expenditure is made.

6 The term "candidate" shall include a person whose candidacy is
7 unopposed.

8 "Candidate committee" means the committee, consisting of one or
9 more persons who may be the candidate only, designated by a
10 candidate to promote the candidate's candidacy and serve as the
11 recipient of all contributions and the disbursing officer of all expenditures
12 for the candidate.

13 "Charitable organization" means an entity described in 501 (c)
14 (3) of Title 26 of the United States Code, 26 U.S.C., Section 501
15 (c) (3), as it currently exists or as it may be amended.

16 "Classified employee" means a state employee or a state employee
17 on leave from employment who is under the jurisdiction of the Merit
18 System of Personnel Administration as provided in the Oklahoma
19 Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma
20 Statutes.

21 "Commission" means the Ethics Commission.

22 "Committee" means a candidate committee, political action
23 committee, or party committee.

24 "Compensation"

1 (1) means:

2 (A) an advance, conveyance, forgiveness of indebtedness,
3 deposit, distribution, loan, payment, pledge, or
4 transfer of money or anything of value; or

5 (B) a contract, agreement, promise, or other obligation
6 for an advance, conveyance, forgiveness of
7 indebtedness, deposit, distribution, loan, payment,
8 pledge, or transfer of money or anything of value,

9 for services rendered or to be rendered.

10 (2) The term does not include reimbursement of expenses:

11 (A) if the reimbursement:

12 (i) does not exceed the amount expended for the
13 expenses; and

14 (ii) is substantiated by an itemization of expenses;
15 or

16 (B) if the reimbursement is authorized by law.

17 "Contribution"

18 (1) means and includes:

19 (A) a gift, subscription, loan, guarantee or forgiveness
20 of a loan, conveyance, advance, payment, distribution,
21 or deposit of money or anything of value made to and
22 with the knowledge and for the benefit of a committee,
23 which expressly advocates the election or defeat of a
24 clearly identified candidate or candidates or the

1 passage or defeat of a ballot measure or ballot
2 measures, or for reducing the debt of such committee;

3 (B) an expenditure expressly advocating the election or
4 defeat of a clearly identified candidate or candidates
5 or the passage or defeat of a ballot measure or ballot
6 measures made by a person or committee, other than a
7 candidate committee, with the cooperation of, or in
8 consultation with, a committee, a candidate, candidate
9 committee, or candidate's agent or that is made in
10 concert with, or at the request or suggestion of, a
11 candidate, candidate committee, or candidate's agent;

12 (C) the difference between the payment to a person, other
13 than a candidate or committee, of compensation for
14 personal services or products to the candidate or
15 committee, and the reasonable and customary rate
16 charged by the person for like services or products in
17 like quantities when the candidate or committee has
18 knowledge of the discounted services or products;

19 (D) anything of value received by a committee that is
20 transferred from another committee or other source;

21 (E) sums paid for tickets for a political event such as a
22 reception, rally, or a similar fundraising event;
23 however, the amount of any such contribution may be
24 reduced for the purpose of complying with the

1 reporting and contribution limitations requirements of
2 Chapter 10 of this title, by the actual cost of
3 consumables furnished by the committee in connection
4 with the purchase of the tickets, and only the excess
5 over the actual cost of the consumables shall be
6 deemed a contribution;

7 (F) the candidate's own money used on behalf of that
8 candidate's candidacy; and

9 (G) the difference between the open market value and a
10 discount or rebate:

11 (i) not extended to the public generally; or

12 (ii) by a television or radio station not extended
13 equally to all candidates for the same office.

14 (2) The term "contribution" shall not include:

15 (A) the value of services provided without compensation by
16 any individual who volunteers on behalf of a candidate
17 or committee;

18 (B) for purposes of the contribution limits set forth in
19 Section 2 of Chapter 10, the transfer of any funds by
20 a political action committee to an affiliated or
21 connected political action committee or by a party
22 committee to an affiliated or connected party
23 committee, provided the committees have been
24 established as provided by law and the transferring

1 committee and the receiving committee have been
2 established, directly or indirectly, and are
3 administered or financially supported, directly or
4 indirectly, by a common entity; or

5 (C) any payment or obligation incurred by a corporation,
6 labor organization, membership organization,
7 cooperative or corporation without capital stock for
8 the establishment, administration, and solicitation of
9 contributions to a separate segregated fund or
10 political action committee to be utilized for
11 political purposes;

12 (D) a nonreimbursed payment made by an individual for the
13 individual's own travel expenses on behalf of a
14 committee;

15 (E) a payment made by an occupant of a residence or office
16 for costs related to a meeting or fundraising event
17 held in the occupant's residence or office if the
18 costs for the meeting or fundraising event do not
19 exceed five hundred dollars (\$500). However, if the
20 occupant hosts more than one (1) event in an election
21 cycle for the same beneficiary, all subsequent
22 payments that exceed five hundred dollars (\$500) in
23 the aggregate are contributions;

24

1 (F) a loan of money made in the ordinary course of
2 business by a financial institution authorized to
3 transact business in this state at terms and interest
4 rates generally available to a member of the public
5 without regard to that person's status as a state or
6 county officer or state or county employee or a
7 candidate for state or county office by the
8 institution;

9 (G) a communication by a corporation, labor organization,
10 or association aimed at its members, owners,
11 stockholders, directors, executive administrative
12 personnel, or their families;

13 (H) a tender of a contribution if the tender is not
14 accepted, including use as collateral, or is
15 transferred to the state as provided in Subsection (i)
16 of Section 2 of Chapter 10 of this title;

17 (I) the fair market value earnings of a sole
18 proprietorship, partnership, limited partnership,
19 limited liability partnership, or limited liability
20 company; or

21 (J) a communication which does not expressly advocate the
22 election or defeat of a clearly identified candidate
23 or candidates or the passage or defeat of a ballot
24 measure or ballot measures.

1 (3) If any person makes, or contracts to make, any disbursement
2 for any electioneering communication as defined in this section; and
3 such disbursement is coordinated with a:

4 (A) candidate or authorized committee of such candidate,
5 or agent or official of any such candidate, such
6 disbursement or contracting shall be treated as a
7 contribution to the candidate supported by the
8 electioneering communication and as an expenditure by
9 that candidate committee.

10 (B) state, county, or local political party or committee
11 thereof, or agent or official of such political party,
12 such disbursement or contracting shall be treated as a
13 contribution to the political party of the candidate
14 or candidates supported by the electioneering
15 communication and as an expenditure by that
16 candidate's or candidates' party; or

17 (C) ballot measure committee, or an agent or official of
18 any such ballot measure committee; such disbursement
19 or contracting shall be treated as a contribution to
20 the ballot measure committee supported by the
21 electioneering communication and as an expenditure by
22 that ballot measure committee.

23 "Contributor" means and includes every person who makes a
24 contribution.

1 "Day" means calendar day, except that in instances where a
2 report or other document is required to be filed with the Commission
3 and the calendar day upon which such a report or document must be
4 filed falls on a day other than a business day, any such report or
5 document may be filed on the immediate next business day.

6 "Economic interest" means a personal financial interest in a
7 state purchase, sale, lease, contract, option, or other transaction
8 or arrangement involving property or services when the person who
9 has the economic interest is taking action to influence the state
10 purchase, sale, lease, contract, option, or other transaction or
11 arrangement involving property or services.

12 "Election" means a Primary, Run-off Primary, General, or Special
13 Election in which a candidate or ballot measure is on the ballot.

14 "Election board" means the State Election Board in reference to
15 candidates who file a declaration of candidacy with the State
16 Election Board and county election board in reference to candidates
17 who file a declaration of candidacy with a county election board.

18 "Election cycle" means the period beginning the day after the
19 General Election, up to and including the following General
20 Election, including a Primary, Special Primary and the following
21 Special General Election.

22 "Electioneering Communication"
23
24

1 (1) means any communication that is sent by handbill or direct
2 mail; broadcast by radio, television, cable or satellite; or appears
3 in a newspaper, magazine or on a billboard which -

4 (A) refers to one or more clearly identified candidates
5 for state or county office or one or more ballot
6 measures;

7 (B) is made within -

8 (i) 60 days before a general or special election for
9 the office sought by the candidate or candidates
10 or the ballot measure or ballot measures; or

11 (ii) 30 days before a primary or runoff primary
12 election for the office sought by the candidate
13 or candidates; and

14 (C) is targeted to the relevant electorate;

15 (2) does not mean -

16 (A) a communication appearing in a news story, commentary,
17 or editorial distributed through the facilities of any
18 broadcasting station, newspaper, magazine, or other
19 periodical publication, unless such facilities are
20 owned or controlled by any political party, political
21 action committee, candidate, candidate committee or
22 ballot measure committee;

23 (B) a communication which constitutes an expenditure or an
24 independent expenditure under this chapter; or

1 (C) a communication which constitutes a candidate debate
2 or forum or which solely promotes such a debate or
3 forum and is made by or on behalf of the person
4 sponsoring the debate or forum;

5 (3) For purposes of this definition, a communication which
6 refers to one or more clearly identified candidates for state or
7 county office or one or more ballot measures is 'targeted to the
8 relevant electorate' if the communication has been or can be
9 received by -

10 (A) 2,500 or more persons in the district the candidate
11 seeks to represent in the case of a candidate for the
12 Oklahoma State House of Representatives or candidate
13 for county office;

14 (B) 5,000 or more in the district the candidate seeks to
15 represent in the case of a candidate for district
16 attorney, district judge, associate district judge, or
17 the Oklahoma State Senate; or

18 (C) 25,000 or more persons in the State of Oklahoma in the
19 case of a candidate for a statewide elective office or
20 ballot measure.

21 "Elective officer" means an individual elected to a state or
22 county office or an individual who is appointed to fill a vacancy in
23 a state or county office.

24 "Expenditure":

1 (1) means a purchase, payment, distribution, loan, advance,
2 compensation, reimbursement, fee deposit, transfer of funds between
3 committees, or a gift made by a committee which is used to expressly
4 advocate the election or defeat of a clearly identified candidate or
5 candidates or the passage or defeat of a ballot measure or ballot
6 measures.

7 (2) An expenditure does not include the following:

8 (A) a loan of money, made in the ordinary course of
9 business, by a financial institution authorized to
10 transact business in this state;

11 (B) a communication by a corporation, labor organization,
12 or association aimed at its members, owners,
13 stockholders, executive administrative personnel, or
14 their families, except a communication by the
15 corporation's political action committee promoting or
16 opposing a candidate or candidates;

17 (C) uncompensated services provided by an individual
18 volunteering the individual's time; or

19 (D) a transfer of funds to another committee if such
20 transfer is not accepted; or

21 (E) any news story, commentary, or editorial distributed
22 through the facilities of any broadcasting station,
23 newspaper, magazine, or other periodical publication,
24 unless such facilities are owned or controlled by any

1 political party, political action committee,
2 candidate, candidate committee or ballot measure
3 committee.

4 "Expenditures incurred" means an amount owed to a creditor for
5 purchase of delivered goods or completed services.

6 "Family" means an individual, his or her spouse, if any, and all
7 children under the age of eighteen (18) years residing in the same
8 household.

9 "Filer" means an individual who is required to file a report or
10 statement pursuant to this title.

11 "Gift" means "anything of value", as defined in this section, to
12 the extent that consideration of equal or greater value is not
13 received in exchange therefor.

14 "Governmental entity"

15 (1) means any county or any department, commission, authority,
16 council, board, bureau, committee, legislative body, agency, state
17 beneficial public trust, or other establishment of the executive,
18 legislative or judicial branch of the State of Oklahoma.

19 (2) shall not mean entities of political subdivisions of the
20 State of Oklahoma other than county entities.

21 "Immediate family" means a child under the age of eighteen (18)
22 years residing in a state or county officer's or state or county
23 employee's household, a spouse of a state or county officer or state
24 or county employee, and an individual claimed by the state or county

1 officer or state or county employee or the state or county officer's
2 or state or county employee's spouse as a dependent for tax
3 purposes.

4 "Income" means any money or thing of value received, or to be
5 received as a claim on future services, whether in the form of a
6 fee, salary, gift, expense, allowance, forbearance, forgiveness,
7 interest, dividend, royalty, rent, capital gain, or any other form
8 of recompense or any combination thereof; provided, the term
9 "income" shall not include campaign contributions.

10 "Independent expenditure" means an expenditure made by a person
11 to advocate the election or defeat of a clearly identified candidate
12 or candidates or a ballot measure or ballot measures, but which is
13 not made to, controlled by, coordinated with, requested by, or made
14 upon consultation with a candidate, committee, treasurer, deputy
15 treasurer or agent of a candidate committee or ballot measure
16 committee.

17 "In-kind contribution or expenditure" means goods or services
18 provided to or by a person at no charge or for less than their fair
19 market value, but shall not include services provided by a
20 volunteer.

21 "Judicial office" means all elective offices for district judge,
22 associate district judge and offices for which declarations of
23 candidacy are filed with the secretary of state.

24

1 "Legislation" means a bill, resolution, amendment, nomination or
2 other matter pending in either house of the Legislature; any other
3 matter which may be the subject of action by either house of the
4 Legislature, including the introduction, consideration, passage,
5 defeat, approval or veto of the matter; or any matter pending in or
6 which may be the subject of action by a constitutional convention.

7 "Loan" means a transfer of money, property, guarantee, or
8 anything of value in exchange for an obligation, conditional or not,
9 to repay in whole or part.

10 "Lobbying", or any derivative of the word thereof, means any
11 oral or written communication with a member of the Legislature or
12 with the Governor or with a member of the judiciary or with an
13 employee of the Legislature or the Governor or the judiciary on
14 behalf of a lobbyist principal with regard to the passage, defeat,
15 formulation, modification, interpretation, amendment, adoption,
16 approval or veto of any legislation, rules, regulation, executive
17 order or any other program, policy or position of the state or
18 county government; provided, however, it shall not mean testimony
19 given before, or submitted in writing to, a committee or
20 subcommittee of the Legislature, nor a speech, article, publication
21 or other material that is widely distributed, published in
22 newspapers, magazines or similar publications or broadcast on radio
23 or television; provided further, it shall not mean representation of
24 himself or a client by an attorney, acting in a professional

1 capacity as an attorney, in a court proceeding or quasi-judicial
2 proceeding.

3 "Lobbyist" means any individual who is employed or retained by
4 another for financial or other compensation to perform services that
5 include lobbying, other than an individual whose lobbying activities
6 are only incidental to, and are not a significant part of, the
7 services provided by such individual to the client, except as
8 exempted by Section 4228 of Title 74 of the Oklahoma Statutes or as
9 it may hereafter be renumbered or recodified.

10 "Lobbyist principal" means any person who employs or retains
11 another person for financial or other compensation to conduct
12 lobbying activities on behalf of the lobbyist principal; provided,
13 however, it shall not mean any individual members, partners,
14 officers or shareholders of a corporation, association, firm, joint
15 venture, joint stock company, syndicate, business trust, estate,
16 trust, company, partnership, limited partnership, organization,
17 committee, or club, or a group of persons who are voluntarily acting
18 in concert.

19 "Official action" means any judicial, executive, legislative or
20 administrative action which shall include, but is not limited to,
21 the promulgation of rules and regulations and the setting of rates.

22 "Organization" means a:

23 (1) labor organization;

24 (2) collective bargaining organization;

1 (3) local, county, state, or national organization to which a
2 labor organization pays membership or per capita fees, based upon
3 its affiliation and membership; or

4 (4) trade or professional association that receives its funds
5 exclusively from membership dues or service fees, whether organized
6 inside or outside the state.

7 "Participation" includes decision, approval, disapproval,
8 recommendation, the rendering of advice, or vote.

9 "Particular matter" includes a judicial or other proceeding,
10 application, request for a ruling or other determination, contract,
11 claim, controversy, inquiry, investigation, charge, accusation,
12 arrest, rulemaking, or legislation.

13 "Party committee" means a political party or any affiliated or
14 connected entity.

15 "Person" means an individual, corporation, limited liability
16 company, association, proprietorship, firm, partnership, limited
17 liability partnership, limited partnership, joint venture, joint
18 stock company, syndicate, business trust, estate, trust, company,
19 organization, committee, or club, or a group of persons who are
20 voluntarily acting in concert.

21 "Political action committee"

22 (1) means a combination of at least two individuals, or a
23 person other than an individual:

24 (A) with the primary purpose of:

1 (i) expressly supporting or opposing a clearly
2 identified candidate or candidates, or a party
3 committee, except those required to file with the
4 Federal Election Commission, or

5 (ii) supporting or opposing a ballot measure; and

6 (B) which accepts or gives contributions or makes
7 expenditures from a joint account aggregating at least
8 five hundred dollars (\$500) during a calendar year.

9 (2) does not include:

10 (A) a party committee or a candidate committee;

11 (B) a person other than an individual, when that person
12 makes an expenditure or expenditures from an account
13 to which contributions have not been solicited or
14 accepted from any other persons or individuals; and,
15 the expenditure or expenditures are required by these
16 rules to be reported by the recipient committee or
17 committees as a contribution or contributions; and

18 (C) a combination of individuals, or a person other than
19 an individual, if the combination of individuals, or a
20 person other than an individual, solicits
21 contributions on behalf of a committee; and, any
22 contributions received as a result of the solicitation
23 are forwarded to the committee without being deposited
24 in any account; and, the contributions are required by

1 these rules to be reported by the committee that
2 receives the contributions.

3 "Political party" means any political party so recognized for
4 the purpose of having candidates appear on the ballot.

5 "Public member" means a member appointed to a compensated or
6 uncompensated part-time position on a board, commission, council,
7 authority, bureau, committee, state beneficial public trust, or
8 other establishment of the executive, legislative or judicial branch
9 of the State of Oklahoma.

10 (1) A public member does not lose this status by receiving
11 reimbursement of expenses or a per diem payment for services.

12 (2) A public member does not include:

13 (A) members of advisory bodies to the legislative,
14 executive, or judicial branch of state government;

15 (B) Postadjudication Review Board members appointed
16 pursuant to Section 1116.2 of Title 10 of the Oklahoma
17 Statutes;

18 (C) board members of guaranty associations created
19 pursuant to state statute; and

20 (D) precinct inspectors, judges, clerks and counters.

21 "Registered lobbyist" means a person that has filed as a
22 lobbyist with the Commission.

23 "Represent" or "representation" means any formal or informal
24 attendance before, or any written or oral communication with, or the

1 filing of documents with any governmental entity on behalf of a
2 person or organization whether gratuitous or for compensation.

3 "Securities" means evidences of debts, property or obligations
4 to pay money or of rights to participate in earnings and
5 distribution of corporate trust, and other property, including but
6 not limited to, stocks, bonds, notes, convertible debentures,
7 warrants, or other documents that represent a share in a company or
8 a debt owed by a company.

9 "State or county employee"

10 (1) means:

11 (A) an elective or appointed officer or an employee of any
12 governmental entity, except members of the House of
13 Representatives or State Senate; and

14 (B) an employee, other than an adjunct professor, in the
15 service of an institution of higher education
16 comprising the Oklahoma State System of Higher
17 Education.

18 (2) does not mean a public member.

19 "State or county office" means all elective offices for which
20 declarations of candidacy are filed with the Secretary of the State
21 Election Board or the secretary of a county election board.

22 "State officer" means an elective, appointed or employed
23 officer, including a public member, in the executive, judicial or
24 legislative branch of the State of Oklahoma.

1 "Substantial financial interest" means an interest that could
2 result in directly or indirectly receiving a substantial pecuniary
3 gain or sustaining a substantial pecuniary loss as a result of
4 ownership or interest in a business entity, or as a result of
5 salary, gratuity or other compensation or remuneration from any
6 person, partnership, organization or association. The term
7 `substantial financial interest' includes, but is not limited to, an
8 ownership interest of five percent (5%) or more in a business
9 enterprise or an interest in an entity from which dividends of one
10 thousand dollars (\$1,000.00) or more were derived during the
11 preceding calendar year.

12 "Surplus funds" arise:

13 (1) when a candidate committee has an unexpended balance of
14 funds not otherwise obligated for the purposes specified in
15 Paragraph (1) of Subsection (a) of Section 20 of Chapter 10 of this
16 title; or

17 (2) when a committee formed to support or oppose a ballot
18 measure has an unexpended balance of funds not otherwise obligated
19 for any campaign expenditure; or

20 (3) when a committee, other than a candidate committee or a
21 ballot measure committee, has an unexpended balance of funds not
22 otherwise obligated to further the committee's purposes.

23 "Transfer" means the movement or exchange of anything of value
24 between committees, except the disposition of surplus funds or

1 material assets by a candidate committee to a party committee in
2 accordance with the dissolution procedure in Sections 19 and 20 of
3 Chapter 10 of this title.

4 SECTION 2. This act shall become effective November 1, 2007.

5 Passed the House of Representatives the 14th day of March, 2007.

6

7

8

Presiding Officer of the House of
Representatives

9

10 Passed the Senate the ____ day of _____, 2007.

11

12

13

Presiding Officer of the Senate

14

15

16

17

18

19

20

21

22

23

24