

1 ENGROSSED HOUSE
2 BILL NO. 2110

By: Cargill, Morgan, Kern,
Terrill and Sears of the
House

3
4 and

Coffee and Morgan of the
Senate

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8
9 (Rules of the Ethics Commission - definitions -
10 committee solicitations and funds - out-of-state
11 independent organizations from splitting funds -
12 periodic reports - ethics training - rules of
13 construction -
14 effective date)

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

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

22 Rule 257:1-1-2. Definitions. Masculine words, whenever used in
23 this title, shall include the feminine and neuter, and the singular
24 includes the plural, unless otherwise specified. In addition, the

1 following words or terms, when used in this title, shall have the
2 following meaning, unless the context clearly indicates otherwise:

3 "Accept", with reference to a contribution, means failure by a
4 candidate, treasurer, deputy treasurer or agent of a committee to
5 expressly and unconditionally reject and return a tendered
6 contribution to the contributor within six (6) business days from
7 receipt of the tender.

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

10 "Address" means mailing address unless otherwise specified in
11 this title.

12 "Affiliated" or "Connected entity" means any entity which
13 directly or indirectly establishes, administers or financially
14 supports a political entity.

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

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

18 (A) a pecuniary item, including money, or a bank bill or
19 note;

20 (B) a promissory note, bill of exchange, order, draft,
21 warrant, check, or bond given for the payment of
22 money;

23 (C) a contract, agreement, promise, or other obligation
24 for an advance, conveyance, forgiveness of

1 indebtedness, deposit, distribution, loan, payment,
2 gift, pledge, or transfer of money;

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

5 (E) a receipt given for the payment of money or other
6 property;

7 (F) a right in action;

8 (G) a gift, tangible good, chattel, or an interest in a
9 gift, tangible good, or chattel, except as provided in
10 subparagraphs (C), (D) and (N) of Paragraph (2) of
11 this definition;

12 (H) a loan or forgiveness of indebtedness, except as
13 otherwise provided in subparagraph (I) of Paragraph
14 (2) of this definition;

15 (I) a work of art, antique, or collectible;

16 (J) an automobile or other means of personal
17 transportation;

18 (K) real property or an interest in real property,
19 including title to realty, a fee simple or partial
20 interest, present or future, contingent or vested in
21 realty, a leasehold interest, or other beneficial
22 interest in realty;

1 (L) ~~an honorarium or~~ compensation for services, except as
2 otherwise provided in subparagraph (M) of Paragraph
3 (2) of this definition;

4 (M) a rebate or discount in the price of anything of value
5 or the sale or trade of something for reasonable
6 compensation that would ordinarily not be available to
7 a member of the public, except as provided in
8 subparagraph (J) of Paragraph (2) of this definition;

9 (N) a promise or offer of employment;

10 (O) transportation, lodging or entertainment; or

11 (P) any other thing of value not excluded by Paragraph (2)
12 of this definition.

13 (2) These terms do not include:

14 (A) a campaign contribution properly received and
15 reported;

16 (B) any books, written materials, audio tapes, videotapes,
17 or other informational promotional material related to
18 the performance of a state officer's or state
19 employee's official duties;

20 (C) a gift that:

21 (i) is not used, and

22 (ii) no later than thirty (30) days after receipt, is
23 returned to the donor or delivered to a
24 charitable organization and is not claimed as a

1 charitable contribution for federal income tax
2 purposes;

3 (D) a gift, devise, or inheritance from an individual's
4 spouse, child, step-child, parent, step-parent,
5 grandparent, step-grandparent, sibling, step-sibling,
6 parent-in-law, sibling-in-law, nephew, niece, aunt,
7 uncle, or first cousin or the spouse of that
8 individual, if the donor is not acting as the agent or
9 intermediary for someone other than a person covered
10 by this subparagraph;

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

13 (F) modest items of food and refreshments, such as soft
14 drinks, coffee, and donuts, offered other than as part
15 of a meal;

16 (G) food and beverage consumed on the occasion when
17 participating in a charitable, civic, or community
18 event, or at any event to which all members of the
19 Legislature are invited, which bears a relationship to
20 the state officer's or state employee's office and the
21 officer or employee is attending in an official
22 capacity;

- 1 (H) greeting cards and items with little intrinsic value,
2 such as certificates, which are intended solely for
3 presentation;
- 4 (I) loans from banks and other financial institutions on
5 terms generally available to the public;
- 6 (J) opportunities and benefits, including favorable rates
7 and commercial discounts, available to the public or
8 to a class consisting of all state government
9 employees, whether or not restricted on the basis of
10 geographic consideration;
- 11 (K) rewards and prizes given to competitors in contests or
12 events, including random drawings, which are open to
13 the public; rewards and prizes from contests or events
14 which are not open to the public are also excepted if
15 the state officer's or state employee's entry into the
16 contest is required as part of his official duties;
- 17 (L) pension and other benefits resulting from
18 participation in a retirement plan offered by an
19 employer or former employer of a state officer or
20 state employee;
- 21 (M) anything which is paid for by the state government or
22 secured by the state government under state government
23 contract;
- 24

- 1 (N) any gift accepted on behalf of the state of Oklahoma
2 or a governmental entity by the Governor under Section
3 381 et seq. of Title 60 of the Oklahoma Statutes. In
4 order to be deemed accepted, the Governor must be
5 notified in writing of any gift received by a
6 governmental entity, or person on behalf of a
7 governmental entity, within ten (10) days of receipt
8 of the gift. Notice of acceptance must be received
9 from the Governor within the next thirty (30) days.
10 Upon lack of a response from the Governor within
11 thirty (30) days of receipt of the notice, the gift is
12 deemed rejected and must be returned to the donor;
- 13 (O) anything for which market value is paid or secured by
14 written contract to be paid by the state officer or
15 state employee no later than 30 days of receipt;
- 16 (P) transportation furnished to a state officer or state
17 employee for the purpose of assisting the officer or
18 employee in the performance of the officer's or
19 employee's official duties and from which the officer
20 or employee receives only incidental personal benefits
21 ancillary to said purpose;
- 22 (Q) food, transportation or entertainment provided by a
23 governmental agency or governmental enterprise of a
24 foreign nation as a gesture of hospitality;

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

4 (S) a meal or other food served at a meeting at which the
5 state officer or state employee is an invited guest;
6 and

7 (T) any gratuity provided at a meeting, conference, or
8 seminar by sponsors, exhibitors, etc., the cost of
9 which is not borne by a registrant to such meeting,
10 conference, or seminar.

11 "Associated", when used with reference to an entity, includes an
12 entity in which an individual or a member of his or her immediate
13 family is a director, officer, fiduciary, trustee, agent, or
14 partner, or owns or controls, in the aggregate, at least two percent
15 (2%) or a value of five thousand dollars (\$5,000) of the outstanding
16 equity.

17 "Ballot measure" means an initiative, referendum, legislative
18 referendum, legislative initiative, state question, or any
19 proposition or measure submitted to voters for their approval or
20 rejection at a statewide election.

21 "Business" means any corporation, limited liability company,
22 partnership, limited liability partnership, limited partnership,
23 sole proprietorship, firm, enterprise, franchise, association, self-
24 employed individual, holding company, joint stock company,

1 receivership, trust, or any legal entity through which business is
2 conducted for profit.

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

6 "Campaign" means and includes all activities for or against the
7 election of a candidate to a specific state office for a specific
8 term or the passage or defeat of a ballot measure from the date of
9 acceptance of the first contribution, the making of the first
10 expenditure, or the filing of a declaration of candidacy, whichever
11 is first, until a final campaign contributions and expenditures
12 report is filed.

13 "Campaign expenditure" is an expenditure not otherwise
14 prohibited which is used to defray the costs of a candidate's
15 campaign including, without limitation, advertising, travel and food
16 while campaigning, and costs for campaign workers, whether paid or
17 volunteers.

18 "Candidate" means a person who seeks nomination or election to
19 state office. An individual is a candidate when the individual:

20 (1) has filed a declaration of candidacy for any state office
21 with the Secretary of the State Election Board;

22 (2) has filed a declaration of candidacy with the Secretary of
23 State and has drawn active opposition;

24

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

3 (4) solicits or accepts contributions, makes expenditures or
4 gives consent to an individual, organization, party committee, or
5 other committee to solicit or accept contributions or make
6 expenditures to secure election to any state office at any time,
7 whether or not the office for which the individual will seek
8 nomination or election is known when the:

9 (A) solicitation is made;

10 (B) contribution is accepted; or

11 (C) expenditure is made.

12 The term "candidate" shall include a person whose candidacy is
13 unopposed.

14 "Candidate committee" means the committee, consisting of one or
15 more persons who may be the candidate only, designated by a
16 candidate to promote the candidate's candidacy and serve as the
17 recipient of all contributions and the disbursing officer of all expenditures
18 for the candidate.

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

22 "Classified employee" means a state employee or a state employee
23 on leave from employment who is under the jurisdiction of the Merit
24 System of Personnel Administration as provided in the Oklahoma

1 Personnel Act, Section ~~840-1~~ 840-1.1 et seq. of Title 74 of the
2 Oklahoma Statutes.

3 "Commission" means the Ethics Commission.

4 "Committee" means a candidate committee, political action
5 committee, or party committee.

6 "Compensation"

7 (1) means:

8 (A) an advance, conveyance, forgiveness of indebtedness,
9 deposit, distribution, loan, payment, pledge, or
10 transfer of money or anything of value; or

11 (B) a contract, agreement, promise, or other obligation
12 for an advance, conveyance, forgiveness of
13 indebtedness, deposit, distribution, loan, payment,
14 pledge, or transfer of money or anything of value,
15 for services rendered or to be rendered.

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

17 (A) if the reimbursement:

18 (i) does not exceed the amount expended for the
19 expenses; and

20 (ii) is substantiated by an itemization of expenses;
21 or

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

23 "Contribution"

24 (1) means and includes:

- 1 (A) a gift, subscription, loan, guarantee or forgiveness
2 of a loan, conveyance, advance, payment, distribution,
3 or deposit of money or anything of value made to and
4 with the knowledge and for the benefit of a committee,
5 which expressly advocates the election or defeat of a
6 clearly identified candidate or candidates or the
7 passage or defeat of a ballot measure or ballot
8 measures, or for reducing the debt of such committee;
- 9 (B) an expenditure expressly advocating the election or
10 defeat of a clearly identified candidate or candidates
11 or the passage or defeat of a ballot measure or ballot
12 measures made by a person or committee, other than a
13 candidate committee, with the cooperation of, or in
14 consultation with, a committee, a candidate, candidate
15 committee, or candidate's agent or that is made in
16 concert with, or at the request or suggestion of, a
17 candidate, candidate committee, or candidate's agent;
- 18 (C) the difference between the payment to a person, other
19 than a candidate or committee, of compensation for
20 personal services or products to the candidate or
21 committee, and the reasonable and customary rate
22 charged by the person for like services or products in
23 like quantities when the candidate or committee has
24 knowledge of the discounted services or products;

- 1 (D) anything of value received by a committee that is
2 transferred from another committee or other source;
- 3 (E) sums paid for tickets for a political event such as a
4 reception, rally, or a similar fundraising event;
5 however, the amount of any such contribution may be
6 reduced for the purpose of complying with the
7 reporting and contribution limitations requirements of
8 Chapter 10 ~~of this title~~, by the actual cost of
9 consumables furnished by the committee in connection
10 with the purchase of the tickets, and only the excess
11 over the actual cost of the consumables shall be
12 deemed a contribution;
- 13 (F) the candidate's own money used on behalf of that
14 candidate's candidacy; and
- 15 (G) the difference between the open market value and a
16 discount or rebate:
- 17 (i) not extended to the public generally; or
18 (ii) by a television or radio station not extended
19 equally to all candidates for the same office.

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

- 21 (A) the value of services provided without compensation by
22 any individual who volunteers on behalf of a candidate
23 or committee;
- 24

1 (B) for purposes of the contribution limits set forth in
2 Section 2 of Chapter 10, the transfer of any funds by
3 a political action committee to an affiliated or
4 connected political action committee or by a party
5 committee to an affiliated or connected party
6 committee, provided the committees have been
7 established as provided by law and the transferring
8 committee and the receiving committee have been
9 established, directly or indirectly, and are
10 administered or financially supported, directly or
11 indirectly, by a common entity; or

12 (C) any payment or obligation incurred by a corporation,
13 labor organization, membership organization,
14 cooperative or corporation without capital stock for
15 the establishment, administration, and solicitation of
16 contributions to a separate segregated fund or
17 political action committee to be utilized for
18 political purposes;

19 (D) a nonreimbursed payment made by an individual for the
20 individual's own travel expenses on behalf of a
21 committee;

22 (E) a payment made by an occupant of a residence or office
23 for costs related to a meeting or fundraising event
24 held in the occupant's residence or office if the

1 costs for the meeting or fundraising event do not
2 exceed five hundred dollars (\$500). However, if the
3 occupant hosts more than one (1) event in an election
4 cycle for the same beneficiary, all subsequent
5 payments that exceed five hundred dollars (\$500) in
6 the aggregate are contributions;

7 (F) a loan of money made in the ordinary course of
8 business by a financial institution authorized to
9 transact business in this state at terms and interest
10 rates generally available to a member of the public
11 without regard to that person's status as a state
12 officer or state employee or a candidate for state
13 office by the institution;

14 (G) a communication by a corporation, labor organization,
15 or association aimed at its members, owners,
16 stockholders, directors, executive administrative
17 personnel, or their families;

18 (H) a tender of a contribution if the tender is not
19 accepted, including use as collateral, or is
20 transferred to the state as provided in Subsection (i)
21 of Section 2 of Chapter 10 ~~of this title~~;

22 (I) the fair market value earnings of a sole
23 proprietorship, partnership, limited partnership,
24

1 limited liability partnership, or limited liability
2 company; or

3 (J) a communication which does not expressly advocate the
4 election or defeat of a clearly identified candidate
5 or candidates or the passage or defeat of a ballot
6 measure or ballot measures.

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

10 (A) candidate or authorized committee of such candidate,
11 or agent or official of any such candidate, such
12 disbursement or contracting shall be treated as a
13 contribution to the candidate supported by the
14 electioneering communication and as an expenditure by
15 that candidate committee.

16 (B) state or local political party or committee thereof,
17 or agent or official of such political party, such
18 disbursement or contracting shall be treated as a
19 contribution to the political party of the candidate
20 or candidates supported by the electioneering
21 communication and as an expenditure by that
22 candidate's or candidates' party; or

23 (C) ballot measure committee, or an agent or official of
24 any such ballot measure committee; such disbursement

1 or contracting shall be treated as a contribution to
2 the ballot measure committee supported by the
3 electioneering communication and as an expenditure by
4 that ballot measure committee.

5 "Contributor" means and includes every person who makes a
6 contribution.

7 "Day" means calendar day, except that in instances where a
8 report or other document is required to be filed with the Commission
9 and the calendar day upon which such a report or document must be
10 filed falls on a day other than a business day, any such report or
11 document may be filed on the immediate next business day.

12 "Economic interest" means a personal financial interest in a
13 state purchase, sale, lease, contract, option, or other transaction
14 or arrangement involving property or services when the person who
15 has the economic interest is taking action to influence the state
16 purchase, sale, lease, contract, option, or other transaction or
17 arrangement involving property or services.

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

20 "Election board" means the State Election Board in reference to
21 candidates who file a declaration of candidacy with the State
22 Election Board.

23 "Election cycle" means the period beginning the day after the
24 General Election, up to and including the following General

1 Election, including a Primary, Special Primary and the following
2 Special General Election.

3 "Electioneering Communication"

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

7 (A) refers to one or more clearly identified candidates
8 for state office or one or more ballot measures;

9 (B) is made within -

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

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

16 (C) is targeted to the relevant electorate;

17 (2) does not mean -

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

1 (B) a communication which constitutes an expenditure or an
2 independent expenditure under this chapter; or

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

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

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

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 office
22 or an individual who is appointed to fill a vacancy in a state
23 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 department, commission, authority, council,
16 board, bureau, committee, legislative body, agency, state beneficial
17 public trust, or other establishment of the executive, legislative
18 or judicial branch of the State of Oklahoma.

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

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

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

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

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

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

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

23 "Legislation" means a bill, resolution, amendment, nomination or
24 other matter pending in either house of the Legislature; any other

1 matter which may be the subject of action by either house of the
2 Legislature, including the introduction, consideration, passage,
3 defeat, approval or veto of the matter; or any matter pending in or
4 which may be the subject of action by a constitutional convention.

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

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

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

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

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

20 "Organization" means a:

- 21 (1) labor organization;
- 22 (2) collective bargaining organization;

23

24

1 (3) local, state, or national organization to which a labor
2 organization pays membership or per capita fees, based upon its
3 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 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 office" means all elective offices for which declarations
20 of candidacy are filed with the Secretary of the State Election
21 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. AMENDATORY Rule 257:10-1-2 of the Rules of
5 the Ethics Commission (74 O.S. Supp. 2006, Chapter 62, App.), is
6 amended to read as follows:

7 Rule 257:10-1-2. Contributions. (a) Limitations on
8 contributions from a person.

9 (1) No person or family may contribute more than five thousand
10 dollars (\$5,000) to a political action committee or a party
11 committee in any calendar year. No political action committee or
12 party committee shall knowingly accept a contribution from a person
13 or family in excess of five thousand dollars (\$5,000) in a calendar
14 year. Contributions to be used for federal election activity, as
15 defined in 2 U.S.C. § 431(20), and subject to the requirements of 2
16 U.S.C. § 441i, commonly referred to as "Levin Funds", shall not be
17 aggregated with other contributions to a party committee.

18 (2) No person or family may contribute more than five thousand
19 dollars (\$5,000) to a candidate for state office or to a candidate
20 committee authorized by such a candidate to accept contributions or
21 make expenditures on his behalf during a campaign as defined in
22 Chapter 1, Section 2 and as provided in Paragraphs (4) and (5) of
23 this subsection. No candidate or candidate committee shall
24

1 knowingly accept a contribution in excess of five thousand dollars
2 (\$5,000) from a person or family during a campaign.

3 (3) These restrictions do not apply to:

4 (A) a committee supporting or opposing a ballot measure;

5 (B) a candidate making a contribution of his or her own
6 funds, to his or her campaign; or

7 (C) a political party making a contribution according to
8 the restrictions set forth in Subsection (b) of this
9 section.

10 (4) For purposes of this subsection, if a candidate:

11 (A) begins a campaign for a specific state office;

12 (B) accepts one or more contributions for such campaign
13 but prior to the election therefor chooses not to run
14 for such office and becomes a candidate for a
15 different office; and

16 (C) transfers all or any part of the contributions
17 accepted for the first campaign to the second
18 campaign;

19 the second campaign shall be deemed to have begun when the candidate
20 began the first campaign.

21 (5) For purposes of this subsection, if a candidate:

22 (A) does not dissolve his or her candidate committee after
23 the election at which the office at stake is decided;

24

1 (B) accepts one or more contributions for such committee
2 after such election; and

3 (C) begins a campaign for the same or another office in a
4 subsequent election cycle;

5 any contributions accepted within six (6) months prior to the
6 beginning of the campaign for the same or another office in a
7 subsequent election cycle shall be applied to the limit specified in
8 Paragraph (2) of this subsection for such campaign.

9 (6) The \$5,000 limitation is to be applied collectively and
10 cumulatively so that any contribution made by the entities as set
11 forth in the definition of "person" in Section 2 of Chapter 1 of
12 ~~this title~~, shall be allocated to the individuals owning such
13 entities in their percentage of ownership. Once the limit of \$5,000
14 is reached, applying all sources to the individual or family, no
15 further contributions can be made during the campaign or calendar
16 year.

17 (b) Limitations on contributions from a political party
18 committee. A candidate committee shall not accept contributions
19 from a political party of more than:

20 (1) fifty thousand dollars (\$50,000) per campaign in the case
21 of a candidate for governor; and

22 (2) twenty-five thousand dollars (\$25,000) per campaign in the
23 case of a candidate for other non-federal statewide elective office.

24

1 CAVEAT: This provision, increasing the amount of contributions
2 a political party may give to its statewide candidates, is
3 inconsistent with Section 187.1 of Title 21 of the Oklahoma
4 Statutes, which attaches a criminal penalty to contributions from
5 any person or family to a state candidate in excess of \$5,000.

6 (c) Contributor statement. Within ten (10) business days of
7 accepting a ~~single contribution exceeding fifty dollars (\$50.00), or~~
8 ~~before accepting multiple contributions from a single source which~~
9 ~~exceed fifty dollars (\$50.00) in the aggregate,~~ persons accepting
10 contributions must obtain from each contributor who resides in
11 Oklahoma a statement which shall include:

12 (1) the date the contribution was given;

13 (2) the name and address, occupation [e.g. "retail sales
14 clerk"] and employer [e.g. "Dillard"], or principal business
15 activity of the contributor; a contribution from a person other than
16 an individual or a committee shall be reported by the name of the
17 person or committee and not the individual who signed the check;

18 (3) the amount; if in-kind, a description of the contribution
19 and a good-faith estimate of its fair market value;

20 (4) a declaration that the contribution is freely and
21 voluntarily given from the contributor's personal property, if an
22 individual, or the person or committee's property, if other than an
23 individual;

24

1 (5) a declaration that the contributor has not been directly or
2 indirectly compensated or reimbursed for the contribution, if an
3 individual, and, if a person other than an individual or a
4 committee, that the person or committee has not been compensated or
5 reimbursed for the contribution by persons:

6 (A) other than those from whom contributor statements have
7 been received and of whom disclosure has or will be
8 made; or

9 (B) if from persons exempted from the definition of
10 political action committee, by other persons; and

11 (6) the signature of the contributor, or in the case of a
12 committee, the treasurer or, in the treasurer's absence, the deputy
13 treasurer of the committee.

14 Persons accepting contributions from contributors who contribute by
15 payroll deduction, dues check-off, or similar process shall be
16 required to obtain only one contributor statement annually or at
17 such other times as a change is made in the deduction, check-off, or
18 similar process.

19 (d) Contributor statement from contributors outside of the
20 state. Persons accepting contributions from contributors whose
21 primary residence is outside the state must obtain from each
22 contributor a statement which shall include:

23 (1) the date the contribution was given;
24

1 (2) the name, address, occupation, and employer, or principal
2 business activity of the contributor; a contribution from a person
3 other than an individual or a committee shall be reported by the
4 name of the person or committee and not the individual who signed
5 the check;

6 (3) a statement of understanding and intent to make a
7 contribution to a particular candidate for a particular campaign in
8 the State of Oklahoma;

9 (4) the amount; if in-kind, a description of the contribution
10 and a good-faith estimate of its fair market value;

11 (5) a declaration that the contributor has not been directly or
12 indirectly compensated or reimbursed for the contribution, if an
13 individual, and, if a person other than an individual or a
14 committee, that the person or committee has not been compensated or
15 reimbursed for the contribution by persons:

16 (A) other than those from whom contributor statements have
17 been received and of whom disclosure has or will be
18 made; or

19 (B) exempted from the definition of a political action
20 committee, by other persons; and

21 (6) the signature of the contributor, or in the case of a
22 committee, the treasurer or, in the treasurer's absence, the deputy
23 treasurer of the committee.

1 (e) Prohibitions and exceptions to corporate and labor
2 organization contributions and expenditures.

3 (1) No corporation or labor organization shall contribute to
4 any campaign fund of any party committee of this state or to any
5 other person for the benefit of such party committee or its
6 candidates, nor shall it, through any agent, officer,
7 representative, employee, attorney, or any other person or persons,
8 so contribute. Nor shall any such corporation, directly or through
9 such other person, make any loan of money or anything of value, or
10 give or furnish any privilege, favor or other thing of value to any
11 party committee, or to any representative of a party committee, or
12 to any other person for it, or to any candidate upon the ticket of
13 any political party.

14 (2) A corporation or labor organization shall not make a
15 contribution or an expenditure or an independent expenditure to, or
16 for the benefit of, a candidate or committee in connection with an
17 election or for any electioneering communication, except that this
18 provision shall not apply to:

19 (A) a campaign or committee solely for or against a ballot
20 measure or local question; or

21 (B) the establishment, administration, and solicitation of
22 contributions to a political action committee to be
23 utilized for political purposes by a corporation or
24 labor organization.

1 (3) No candidate, candidate committee or other committee shall
2 knowingly accept contributions given in violation of the provisions
3 of Paragraphs (1) and (2) of this subsection.

4 (4) The provisions of this subsection shall not apply to a
5 bank, savings and loan association or credit union loaning money to
6 a candidate in connection with his own campaign which is to be
7 repaid with interest at a rate comparable to that of equivalent
8 loans for other purposes.

9 (5) The provisions of this subsection shall not apply to
10 independent expenditures made by a corporation that:

11 (A) has as an express purpose promoting social,
12 educational, or political ideas and not to generate
13 business income;

14 (B) does not have shareholders or other persons which have
15 a financial interest in its assets and earnings; and

16 (C) was not established by a business corporation or other
17 business entity, by a professional association, or by
18 a labor organization and does not receive substantial
19 revenue from such entities. Substantial revenue is
20 rebuttably presumed to be more than ten percent (10%)
21 of total revenues or \$10,000, whichever is less, in a
22 calendar year.

23 ~~(e)~~ (f) Prohibitions relating to committee solicitations and
24 funds. It shall be prohibited for:

1 (1) a political action committee to accept a contribution or
2 make an expenditure by using anything of value secured:

3 (A) by physical force, job discrimination, financial
4 reprisals, or threat of the same; or

5 (B) by dues, fees, or other monies required as a condition
6 of membership in a labor organization or as a
7 condition of employment, unless the making of such
8 contributions is authorized by the organization's
9 members;

10 (2) a person to solicit a contribution from an employee in
11 exchange for any advantage or promise of an advantage conditioned
12 upon making a contribution, or reprisal or threat of reprisal
13 related to the failure to make a contribution;

14 (3) a corporation or political action committee of a
15 corporation to solicit contributions to the political action
16 committee from a person other than its members, shareholders,
17 directors, executive and administrative personnel, and their
18 families; and

19 (4) corporate contributions to a committee or person for or
20 against a ballot measure to be commingled with a fund established by
21 such person or committee to contribute to candidate committees or
22 committees which support or oppose candidates.

23 ~~(f)~~ (g) Prohibition on transfer of funds between committees.
24

1 (1) A candidate committee shall not make a contribution to
2 another candidate or make an independent expenditure on behalf of
3 another candidate. The principal candidate committee or an
4 authorized committee of a person, as such terms are defined in
5 Section 431 of Title 2 of the United States Code, shall not make a
6 contribution to a candidate or make an independent expenditure on
7 behalf of a candidate. A candidate or candidate committee shall not
8 accept such a contribution.

9 (2) This subsection shall not prohibit a candidate or any other
10 person from making a contribution from the candidate's or person's
11 personal funds to his or her own candidate committee or on behalf of
12 his or her own candidacy or to the committee of another candidate
13 for a different office.

14 (3) This subsection shall not prohibit a candidate committee
15 from providing its surplus funds or material assets to the state or
16 local central committee of a political party in accordance with the
17 procedures for dissolution of a candidate committee under Sections
18 19 and 20 of this chapter.

19 ~~(g)~~ (h) Aggregation of contributions. For purposes of the
20 contribution limitations, the following apply:

21 (1) Two (2) or more political action committees or party
22 committees are treated as a single entity if the committees:

23 (A) share the majority of members on their boards of
24 directors;

- 1 (B) are owned or controlled by the same majority
- 2 shareholder or shareholders;
- 3 (C) are in a parent subsidiary relationship; or
- 4 (D) have by laws so stating; or
- 5 (E) are affiliated or connected entities.

6 (2) A candidate committee and a committee other than a
7 candidate committee are treated as a single committee if the
8 committees both have the candidate or a member of the candidate's
9 immediate family as an officer.

10 ~~(h)~~ (i) Attribution and aggregation of family contributions.

11 (1) Contributions by a husband and wife are aggregated.

12 (2) Contributions by children under eighteen (18) years of age
13 shall be considered to be contributions made by their parent,
14 parents or legal guardian and shall be attributed to the family
15 limit specified in Subsection (a) of this section. In the case of a
16 single custodial parent, the total amount of such a contribution
17 shall be considered to be a contribution made by the single
18 custodial parent.

19 ~~(i)~~ (j) Restrictions on loans.

20 (1) A loan is considered a contribution from the lender,
21 guarantor, and endorser of the loan and is subject to the
22 contribution limitations of this section.

23 (2) A loan to a candidate or the candidate committee shall be
24 by written agreement.

1 (3) The proceeds of a loan, regardless of the amount, made to a
2 candidate:

3 (A) by a commercial lending institution;

4 (B) made in the regular course of business;

5 (C) on the same terms ordinarily available to members of
6 the public; and

7 (D) which is secured or guaranteed solely by the
8 candidate;

9 are not subject to the contribution limits of this section.

10 (4) A loan from one committee to another is prohibited.

11 ~~(j)~~ (k) Anonymous and earmarked contributions.

12 (1) A person shall not make to a committee and a committee
13 shall not accept an anonymous contribution ~~in excess of fifty~~
14 ~~dollars (\$50)~~. The recipient of an anonymous contribution ~~in excess~~
15 ~~of fifty dollars (\$50)~~ shall, within two (2) business days, remit
16 the contribution to the Commission to be deposited with the State
17 Treasurer to the credit of the General Revenue Fund.

18 (2) For purposes of the contribution limitations imposed by
19 this section, all contributions made by a person, either directly or
20 indirectly, to or for the benefit of a particular candidate
21 committee, including contributions which are in any way earmarked or
22 otherwise directed through an intermediary or conduit to such
23 candidate committee, shall be treated as contributions from such
24 person to such candidate committee. It shall be prohibited for an

1 intermediary or a conduit to make a contribution to a committee in
2 his or her own name rather than the name of the original source of
3 such contribution. For purposes of this paragraph, an intermediary
4 or conduit means a person, who is not the treasurer, deputy
5 treasurer or agent of a committee, but who is given a contribution
6 by another with the understanding that it will be contributed to
7 that committee. The reports shall show the correct name of the
8 person actually making the contribution.

9 ~~(k)~~ (l) Reimbursement for contribution prohibited. A person
10 shall not, directly or indirectly, reimburse a person for a
11 contribution to a candidate or committee.

12 ~~(l)~~ (m) Cash contributions.

13 (1) An individual shall not make to a candidate committee or a
14 committee supporting or opposing a ballot measure and a candidate
15 committee or a committee supporting or opposing a ballot measure
16 shall not accept a contribution of more than fifty dollars (\$50) in
17 cash during a campaign as defined in Chapter 1, Section 2. Agents
18 accepting and delivering cash shall deliver contributor statements
19 disclosing cash contributions equal to the aggregate amount of cash
20 delivered.

21 (2) A committee, or a person other than an individual, shall
22 not make a contribution in cash.

23 ~~(m)~~ (n) Certain contributions required to be by written
24 instrument.

1 (1) An individual shall not make a contribution of more than
2 fifty dollars (\$50), other than an in kind contribution, except by
3 written instrument containing the name of the contributor and the
4 name of the payee during a campaign as defined in Chapter 1, Section
5 2.

6 (2) A committee, or a person other than an individual, shall
7 not make a contribution, other than in-kind, except by written
8 instrument containing the name of the contributor and the name of
9 the payee.

10 ~~(n)~~ (o) Use of other funds.

11 (1) Anything of value which is solicited from the public in the
12 name of or for the benefit of an elective officer or candidate, and
13 which is accepted by an elective officer or candidate, shall be
14 subject to the reporting requirements of this chapter. This would
15 include, but not be limited to, things of value given for an
16 inauguration or renovation of public property. Anything of value
17 accepted by an agent or representative of an elective officer or
18 candidate or by a committee established by, in the name of, or for
19 the benefit of, an elective officer or candidate shall be deemed to
20 be accepted by such elective officer or candidate for purposes of
21 this section.

22 (2) The use of such things of value shall be limited to the
23 stated purpose or purposes for which such things of value were
24 solicited.

1 (3) Any surplus things of value which are not needed for the
2 stated purpose or purposes shall be returned to the donors pursuant
3 to a formula by which no donor receives more than his or her
4 original donation or deposited with the State Treasurer to the
5 credit of the General Revenue Fund.

6 ~~(o)~~ (p) Auctions. When an auction is held by a committee as a
7 fundraiser, a contributor statement shall be required with respect
8 to each person donating an item to be auctioned and shall include
9 the fair market value of each item donated.

10 (1) If an item is sold for a price in excess of the established
11 fair market value, the buyer thereof shall be deemed to have made a
12 contribution in the amount of the price paid in excess of the
13 established fair market value and the donor thereof shall be deemed
14 to have made a contribution in the amount of the established fair
15 market value.

16 (2) If an item is sold at the established fair market value,
17 the donor thereof shall be deemed to have made a contribution in the
18 amount of the established fair market value and the buyer thereof
19 shall not be deemed to have made a contribution.

20 (3) If an item is sold at less than the established fair market
21 value, the fair market value shall be reduced to the actual sale
22 price and the donor thereof shall be deemed to have made a
23 contribution in the amount of the sale price and the buyer thereof
24 shall not be deemed to have made a contribution.

1 (q) Out-of-state independent organizations. It shall be
2 prohibited for an out-of-state independent organization to split a
3 contribution received by the organization into smaller amounts, so
4 that only part of the original contribution is spent in Oklahoma for
5 the purpose of influencing the outcome of an election. "Independent
6 organization" for purposes of this subsection shall mean a political
7 action committee or an organization registered under Section 527 of
8 the Internal Revenue Code that spends money in connection with any
9 election in Oklahoma independently of any candidate.

10 (r) Political contributions in the State Capitol. A state
11 officer shall not accept a contribution to benefit a candidate,
12 political action committee, political party, or ballot measure
13 inside the State Capitol building at any time during the year.

14 (s) All contributions shall be delivered by mail, unless the
15 contribution is from the individual making the contribution.

16 SECTION 3. AMENDATORY Rule 257:10-1-13 of the Rules of
17 the Ethics Commission (74 O.S. Supp. 2006, Chapter 62, App.), is
18 amended to read as follows:

19 Rule 257:10-1-13. Required reports of contributions and
20 expenditures. (a) Periodic reports by all committees.

21 (1) Except as provided in Paragraphs (2) and (3) of this
22 subsection, the treasurer of each committee or, in the treasurer's
23 absence, the deputy treasurer, other than those specified in
24 Paragraph (3) of this subsection, shall file ~~quarterly~~ monthly

1 reports of contributions and expenditures no later than ~~January 31,~~
2 ~~April 30, July 31, and October 31~~ the 15th of each month, and
3 include all contributions accepted and expenditures made as of
4 ~~December 31, March 31, June 30, and September 30,~~ respectively the
5 last day of the previous month. ~~Quarterly~~ Monthly reporting periods
6 may be extended to include the month following the end of the
7 quarter when filing a quarterly and final report on the same form
8 but shall be filed no later than the due dates provided in this
9 subsection. The first report filed by a candidate committee shall
10 be the next report due following the filing of a statement of
11 organization.

12 (2) If a committee has accepted no contributions and has made
13 no expenditures during a reporting period, the treasurer or, in the
14 treasurer's absence, the deputy treasurer shall file a statement of
15 inactivity.

16 (3) The treasurer or, in the treasurer's absence, the deputy
17 treasurer of each committee supporting or opposing a ballot measure,
18 or supporting or opposing a candidate and a ballot measure, shall
19 file monthly reports of contributions accepted and expenditures made
20 no later than the tenth (10th) day of each month and include all
21 contributions and expenditures made the previous month. The first
22 report filed by such a committee shall be the next report due
23 following the filing of a statement of organization.

24 (b) Preelection reports by all committees.

1 (1) A committee shall file a preelection report for each
2 primary, runoff primary and general election held pursuant to
3 Sections 1-101, 1-102 and 1-103 of Title 26 of the Oklahoma Statutes
4 and for any special election, including a special primary election,
5 if any, for which a registered committee accepts a contribution or
6 makes an expenditure in support of or in opposition to a candidate
7 for office in that election cycle or a ballot measure on the ballot
8 in that election.

9 (2) A preelection report shall be filed no later than eight (8)
10 days and no earlier than fourteen (14) days before an election.
11 This preelection report shall include information for all
12 transactions made since the end of the last reporting period through
13 fifteen (15) days before the date of the election. In the event
14 that the preelection report filed prior to the Primary is due before
15 the previous ~~quarterly~~ monthly report, the report filed prior to the
16 Primary shall include information for all transactions made for the
17 previous quarter through a period fifteen (15) days before the date
18 of the election.

19 (3) The preelection report filed prior to the Primary in an
20 election year shall cover a reporting period beginning April 1 and
21 ending the fifteenth day prior to the Primary. The preelection
22 reports filed prior to the Primary, Runoff Primary and General
23 Elections shall substitute for the ~~quarterly~~ monthly report due by
24 July 31 and October 31 for a candidate committee during an election

1 year of the candidate or a committee supporting or opposing only
2 candidates in an election cycle.

3 (4) The first ~~quarterly~~ monthly report due after a General
4 Election in which a committee supported or opposed candidates on the
5 ballot shall cover a period beginning with the first day following
6 the end of the reporting period of the preelection report for the
7 General Election and end with the last day of the quarter.

8 (c) Exemptions

9 (1) Federal committees. Committees registered under the laws
10 of the United States, who contribute more than \$500 in the aggregate
11 or make expenditures exceeding \$500 in the aggregate in support of
12 or in opposition to a candidate for state office in an election
13 cycle, in filing the reports prescribed by this chapter, may
14 disclose only contributions from Oklahoma residents or contributions
15 to Oklahoma state campaigns for the period prior to and reporting
16 periods following the period during which the contribution to a
17 state candidate for state office was made.

18 (2) Exemption for candidate committees with minimal activity.
19 A candidate committee which does not accept contributions exceeding
20 \$500 in the aggregate may file an affidavit with the Ethics
21 Commission stating the committee will not accept contributions or
22 make expenditures exceeding \$500 in the aggregate which shall exempt
23 such candidate committee from filing required reports. If the
24 committee later determines it will exceed the threshold, it shall

1 file a statement of organization within five (5) days following the
2 activity and file the next and all succeeding required reports until
3 dissolution.

4 (3) Exemption for candidate committee with minimal calendar
5 year activity

6 (A) Statement of intent for minimal calendar year
7 activity. A statement of intent for minimal calendar
8 year activity may be filed by a candidate committee by
9 April 30 of any year for the same year, other than the
10 year of the General Election during which the office
11 sought will be filled. The statement of intent must
12 include the name and address of the candidate
13 committee; the treasurer's name, address and telephone
14 number; and a statement that the committee does not
15 intend to accept contributions nor make expenditures
16 exceeding \$500 during the calendar year. It must be
17 certified and signed by the treasurer. If the
18 committee later determines it has exceeded \$500 in
19 contributions or expenditures during the calendar year
20 for which the statement was filed, it shall file an
21 amended statement of organization within five (5) days
22 of such time and file the next and all succeeding
23 required quarterly reports.

24

1 (B) Annual report. All required disclosure for which a
2 statement of intent for minimal calendar year activity
3 is filed must be reported for the calendar year period
4 covered by the statement of intent for minimal
5 calendar year activity on a campaign contributions and
6 expenditures report and must be filed between January
7 1 and 31 following the end of the calendar year for
8 which the statement was filed.

9 SECTION 4. AMENDATORY Rule 257:15-1-7 of the Rules of
10 the Ethics Commission (74 O.S. 2001, Chapter 62, App.), is amended
11 to read as follows:

12 Rule 257:15-1-7. Information required. (a) From compensated
13 filers, candidates and commissioners. A statement of financial
14 interests of candidates, members of the Commission, and filers who
15 receive compensation from the state, excluding public members who
16 are members of boards of regents within the Oklahoma State System of
17 Higher Education, must contain full and complete information
18 concerning the following:

19 (1) the name, birth date, mailing address, and work place
20 telephone number of the filer;

21 (2) the filing status of the filer including:

22 (A) whether the filer is a state officer or state
23 employee, and if so, the filer's:

24 (i) position title,

- 1 (ii) governmental entity served,
- 2 (iii) term of office, if applicable, and
- 3 (iv) appointment or employment date, if applicable;
- 4 and

5 (B) whether the filer is a candidate running in an
6 election, and if so,

- 7 (i) the month and year of the general election or
- 8 special general election for which the statement
- 9 is being filed, and

- 10 (ii) the term of the office sought;

11 (3) the name and mailing address of the entity and the type of
12 income exceeding five thousand dollars (\$5,000) in amount or value
13 received from a governmental entity by the filer or the filer's
14 spouse or dependents;

15 (4) the name, mailing address, and a description of the
16 principal business activity of a person from whom income in cash or
17 in-kind exceeding five thousand dollars (\$5,000) in amount or value
18 was received by the filer and the type of income received. If
19 income results from employment by, operation of, or participation in
20 a proprietorship or partnership or professional corporation or
21 business or nonprofit corporation or other person, the filer may
22 list the proprietorship or partnership or professional corporation
23 or business or nonprofit corporation or other person as the source
24 and not each patron, customer, patient, client, or each oil or gas

1 well of the proprietorship or partnership or professional
2 corporation or business or nonprofit corporation or other person.
3 For purposes of this section, "type of income" shall include, but
4 not be limited to, dividends, profit sharing, proceeds from sales,
5 rent, royalty, salary, stock splits, and wages;

6 (5) the name of any registered lobbyist or lobbyist principal
7 with whom the filer has engaged in business from which income
8 exceeding five thousand dollars (\$5,000) in amount or value was
9 received, provided that the following shall not be required:

10 (A) the name of any registered lobbyist or lobbyist
11 principal with whom the filer's employer, its
12 subsidiaries, or parent company is engaged in
13 business; and

14 (B) the name of any director, stockholder, partner, agent,
15 affiliate, member, employee or officer of a lobbyist
16 principal with whom the filer is engaged in business;

17 ~~(6) the name of any entity from which an honorarium or~~
18 ~~honoraria, valued at more than two hundred dollars (\$200) over and~~
19 ~~above actual expenses paid to the filer, was received and the value~~
20 ~~of any such honorarium;~~

21 ~~(7)~~ the name of every business or entity in which the filer
22 held securities valued at five thousand dollars (\$5,000) or more
23 during the reporting period; provided, however, mutual funds and
24

1 similar securities need be identified only by the type of
2 investments made by the mutual fund or similar security;

3 ~~(8)~~ (7) the name and address of all clients represented by the
4 filer or the filer's spouse before a regulatory state governmental
5 agency, as listed in Section 3 of Chapter 23 ~~of this title~~, for
6 compensation exceeding one thousand dollars (\$1,000) in amount or
7 value during the preceding calendar year;

8 ~~(9)~~ (8) every officership, directorship, trusteeship, or other
9 fiduciary relationship held in an entity doing business with a
10 governmental entity with which the filer is associated during the
11 disclosure period and the term of such officership, directorship,
12 trusteeship, or other fiduciary relationship; and

13 ~~(10)~~ (9) professional or occupational permits or licenses held
14 by the filer.

15 (b) From uncompensated filers. A statement of financial
16 interests of a filer who does not receive compensation from the
17 state and from public members who are members of boards of regents
18 within the Oklahoma State System of Higher Education must contain
19 full and complete information concerning the following:

20 (1) the name, birth date, mailing address, and work place
21 telephone number of the filer;

22 (2) the filing status of the filer including the filer's:

23 (A) position title,

24 (B) governmental entity served,

1 (C) term of office, if applicable, and

2 (D) appointment or employment date, if applicable; and

3 (3) the name and mailing address of the entity and the type of
4 income exceeding five thousand dollars (\$5,000) in amount or value
5 received from a governmental entity by the filer or the filer's
6 spouse or dependents;

7 (4) a list of categories or industries from which other income
8 in cash or in-kind exceeding five thousand dollars (\$5,000) in
9 amount or value was received by the filer;

10 (5) the name of any registered lobbyist or lobbyist principal
11 with whom the filer has engaged in business from which income
12 exceeding five thousand dollars (\$5,000) in amount or value was
13 received, provided that the following shall not be required:

14 (A) the name of any registered lobbyist or lobbyist
15 principal with whom the filer's employer, its
16 subsidiaries, or parent company is engaged in
17 business; and

18 (B) the name of any director, stockholder, partner, agent,
19 affiliate, member, employee or officer of a lobbyist
20 principal with whom the filer is engaged in business;

21 ~~(6) the name of any entity from which an honorarium or~~
22 ~~honoraria, valued at more than two hundred dollars (\$200) over and~~
23 ~~above actual expenses paid to the filer, was received and the value~~
24 ~~of any such honorarium;~~

1 ~~(7)~~ the principal business activity of every business or entity
2 in which the filer held securities valued at five thousand dollars
3 (\$5,000) or more during the reporting period; provided, however,
4 mutual funds and similar securities need be identified only by the
5 type of investments made by the mutual fund or similar security;
6 ~~(8)~~ (7) every officership, directorship, trusteeship, or other
7 fiduciary relationship held in an entity doing business with a
8 governmental entity with which the filer is associated during the
9 disclosure period and the term of such officership, directorship,
10 trusteeship, or other fiduciary relationship; and
11 ~~(9)~~ (8) professional or occupational permits or licenses held
12 by the filer.

13 (c) Supplement. A supplement to the statement of financial
14 interests required by Subsection (a) of this section shall be filed,
15 by paper form or computer diskette or electronic transmission, with
16 the Commission within ten (10) days of a filer or a filer's spouse
17 contracting with or receiving payments from new clients required to
18 be reported under Paragraph ~~(8)~~ (7) of Subsection (a) of this
19 section. Electronic filings must be followed by delivering, faxing
20 or mailing a signed paper copy.

21 (d) Statement of no change. A statement of no change must
22 include the same information as required by Subsection (a)
23 Paragraphs (1) and (2), or Subsection (b) Paragraphs (1) and (2),
24 and a statement that all required information was reported for the

1 previous calendar year and there has been no change in the
2 information reported for the previous calendar year. It shall be
3 certified.

4 (e) Forms. The information shall be filed on forms prescribed
5 by the Commission or utilizing form software provided by the
6 Commission.

7 SECTION 5. AMENDATORY Rule 257:20-1-3 of the Rules of
8 the Ethics Commission (74 O.S. 2001, Chapter 62, App.), is amended
9 to read as follows:

10 Rule 257:20-1-3. Accountability. (a) All state officers and
11 all state employees:

12 (1) shall support, obey, and defend the Constitution and laws
13 of the State of Oklahoma; and

14 (2) shall not knowingly receive, directly or indirectly, any
15 money or other valuable thing, for the performance or nonperformance
16 of any act or duty pertaining to his or her office, other than the
17 compensation allowed by law.

18 (b) Nothing in Subsection (a) of this section shall be
19 construed to include matters within the purview of the Oklahoma
20 Personnel Act, Sections 840 et seq. and 841 et seq. of Title 74 of
21 the Oklahoma Statutes.

22 (c) Each chamber of the Legislature shall schedule and conduct
23 an annual ethics training seminar for all members, employees, and
24 lobbyists, to be held between the dates of November 16 and December

1 31 of each year. Members and employees of each chamber are required
2 to attend the training conducted in their respective chamber of
3 employment or service. Lobbyists are required to attend only one of
4 the trainings conducted by the Legislature each year. Each chamber
5 shall file a record of attendees with the Ethics Commission within
6 ten (10) days of the completion of the training. The training
7 curriculum shall include the rules and reporting guidelines of the
8 Ethics Commission.

9 SECTION 6. AMENDATORY Rule 257:20-1-9 of the Rules of
10 the Ethics Commission (74 O.S. Supp. 2006, Chapter 62, App.), is
11 amended to read as follows:

12 Rule 257:20-1-9. Restraints on solicitation or acceptance of
13 anything of value - Disclosure.

14 (a) Influence of official act, fraud or official duty. No
15 state officer and no state employee shall, directly or indirectly,
16 ask, demand, exact, solicit, seek, accept, assign, receive, or agree
17 to receive anything of value for the state officer or employee or
18 for any other person or entity, in return for being:

19 (1) influenced in the performance of an official act;

20 (2) influenced to commit, aid in committing, collude in, or
21 allow fraud, or make an opportunity for the commission of fraud on a
22 governmental entity; or

23 (3) induced to perform or fail to perform an act in violation
24 of the state officer's or state employee's official duty.

1 (b) Soliciting individually or on behalf of a regulatory
2 governmental entity prohibited. No state officer and no state
3 employee shall, directly or indirectly, ask, demand, exact, solicit,
4 seek, accept, assign, receive or agree to receive anything of value
5 individually or for or on behalf of a governmental entity from a
6 business entity, its employees, officers or board members, or a
7 person who has greater than a ten percent (10%) interest in such
8 entity if the rates, charges, prices or fees charged by the business
9 entity are subject to regulation by the governmental entity which
10 the officer or employee serves. This provision does not apply to a
11 campaign contribution properly received and reported, which is
12 exempt from the definition of anything of value in Section 2 of
13 Chapter 1 ~~of this title~~, or to anything of value accepted on behalf
14 of the state of Oklahoma pursuant to Subsection (e) of this section.

15 (c) Calendar year limits on things of value.

16 (1) Elective officers. No elective officer, or an immediate
17 family member of an elective officer shall, directly or indirectly,
18 ask, demand, exact, solicit, seek, accept, assign, receive, or agree
19 to receive things of value in a calendar year which, in the
20 aggregate, are valued at more than three hundred dollars (\$300); and

21 (2) Other state officers and state employees. Except for an
22 elective officer, no state officer, state employee or an immediate
23 family member of such state officer or state employee shall,
24 directly or indirectly, ask, demand, exact, solicit, seek, accept,

1 assign receive or agree to receive things of value in a calendar
2 year which, in the aggregate, are valued at more than one hundred
3 dollars (\$100):
4 from a person who the state officer or state employee knows or
5 should know:

6 (A) is a lobbyist or lobbyist principal, provided that the
7 following shall not be subject to this subsection:

8 (i) things of value received as a result of or
9 arising out of employment by, or doing business
10 with, a lobbyist or lobbyist principal; and

11 (ii) things of value received from any director,
12 stockholder, partner, agent, affiliate, member,
13 employee or officer of a lobbyist principal if
14 the donor is excepted in subparagraph (D) of
15 Paragraph (2) from the definition of "anything of
16 value" in Section 2 of Chapter 1 ~~of this title~~,
17 or if there exists between the recipient and the
18 donor a close personal relationship of long
19 standing in which the mutual exchange of gifts on
20 special occasions, such as holidays or
21 anniversaries, has become customary;

22 (B) is seeking to do business or doing business with the
23 governmental entity of which the state officer's or
24 state employee's office or employment is a part; or

1 (C) has an economic interest in actions or matters before
2 or affecting the governmental entity of which the
3 state officer's or state employee's office or
4 employment is a part.

5 (d) Prohibition versus limit - Exception. Nothing in
6 Subsection (c) shall allow a state officer or state employee to
7 accept anything of value in violation of Subsection (a) of this
8 section. Subsection (c) shall not apply to public members when
9 things of value are received but are not given as a result of the
10 public member's status as a public member.

11 (e) Exceptions for state officers and employees of judicial
12 branch and corporations. Nothing in this section shall allow:

13 (1) a judicial officer, juror, referee, arbitrator or umpire to
14 accept anything of value from a corporation or any other person,
15 knowing that person to be a party in interest or the attorney or
16 counsel of a party in interest to any action or proceeding then
17 pending or about to be brought before him or her pursuant to Section
18 386 of Title 21 of the Oklahoma Statutes; or

19 (2) a corporation to influence elections or official duty by
20 contributions of money or anything of value pursuant to Section 40
21 of Article IX of the Oklahoma Constitution.

22 (f) Exceptions for forms of compensation, gifts to state, and
23 officers/directors of organizations. Nothing in this section shall
24 prohibit the acceptance or require the disclosure of:

1 (1) compensation, bonuses, dividends, interest payments,
2 employee benefits, expense reimbursements or other forms of
3 compensation or earnings on investments;

4 (2) anything of value which is accepted by the Governor on
5 behalf of the state of Oklahoma or a governmental entity pursuant to
6 Section 381 et seq. of Title 60 of the Oklahoma Statutes. Section
7 381 et seq. of Title 60 of the Oklahoma Statutes. In order to be
8 deemed accepted, the Governor must be notified in writing of any
9 gift received by a governmental entity, or person on behalf of a
10 governmental entity, within ten (10) days of receipt of the gift.
11 Notice of acceptance must be received from the Governor within the
12 next thirty (30) days. Upon lack of a response from the Governor
13 within thirty (30) days of receipt of notice, the gift is deemed
14 rejected and must be returned to the donor; or

15 (3) the solicitation or acceptance of anything of value for or
16 from either:

17 (A) a charitable organization or an organization described
18 in Section 501 (c) of Title 26 of the United States
19 Code, 26 U.S.C., Section 501 (c), as it currently
20 exists or as it may be amended; or

21 (B) a tax-exempt professional organization established by
22 state statute or rules passed by the Oklahoma Supreme
23 Court,

24

1 by a member, state officer or state employee, who is a member,
2 officer or director of the organization, when receipt of anything of
3 value results from the member, state officer or state employee
4 attending a function, meeting or seminar on behalf of, or as a
5 representative of, the organization.

6 (g) No state officer or state employee shall directly or
7 indirectly borrow money from a lobbyist, or an immediate family
8 member of a lobbyist, or an entity controlled by or employing a
9 lobbyist. This subsection shall not apply to:

10 (1) a loan of money made by a commercial lending institution,
11 in the regular course of business, on the same terms ordinarily
12 available to members of the public, and which is not secured or
13 guaranteed by a lobbyist or lobbyist principal or any other person
14 on behalf of a lobbyist or lobbyist principal; or

15 (2) a loan from a father, stepfather, father-in-law, mother,
16 stepmother, mother-in-law, sister, step sister, brother, step
17 brother, child, step child, adopted child or their spouses.

18 (h) Except for the compensation a state officer is entitled to
19 for the performance of official duties, no member shall solicit or
20 accept compensation for an article, appearance or speech, or for
21 participation at an event, unless the appearance is made as part of
22 the normal course of business in the officer's private occupation.

23 (i) For the purpose of this section, "compensation" means any
24 money or anything of value received or to be received as a claim for

1 services, whether in the form of a retainer, fee, salary, expense,
2 allowance, honorarium, forbearance, forgiveness, interest, dividend,
3 royalty, rent, or any other form of recompense or any combination
4 thereof. "Compensation" does not include payments received for
5 food, lodging, or travel which bears a relationship to a legislative
6 member's office when such member is appearing in an official
7 capacity.

8 SECTION 7. AMENDATORY Rule 257:23-1-2 of the Rules of
9 the Ethics Commission (74 O.S. Supp. 2006, Chapter 62, App.), is
10 amended to read as follows:

11 Rule 257:23-1-2. Anything of value reporting by lobbyists -
12 Preservation of accounts, books, etc.

13 (a) Required reports. Every lobbyist shall file reports
14 required by this section with the Ethics Commission concerning the
15 activities specified in this section. The reports shall be filed
16 whether or not the person has taken any action which is required to
17 be reported pursuant to the provisions of this section. The reports
18 shall be filed between the first and twentieth day of January and
19 the first and twentieth day of July of each calendar year which
20 shall cover the activities during the period following the last
21 report.

22 (b) Disclosure of things of value exceeding \$50. The report
23 shall be signed by the lobbyist, who shall attest to the report's
24 accuracy and veracity, and the signature shall be notarized. The

1 reports shall include the information specified in Subsection (d) of
2 this section for things of value given to an elective officer or the
3 immediate family member of an elective officer by the lobbyist or
4 any lobbyist principal by whom the lobbyist is employed or retained,
5 the costs of which exceed fifty dollars (\$50) in the aggregate of
6 things of value given to a state officer, excluding an elective
7 officer, state employee, or the immediate family member of a state
8 officer, excluding an elective officer, or a state employee, by the
9 lobbyist or any lobbyist principal by whom the lobbyist is employed
10 or retained, the costs of which exceed twenty-five dollars (\$25) in
11 the aggregate during a six-month period beginning January 1 and
12 ending June 30 or beginning July 1 and ending December 31.

13 (c) Limit on things of value and exceptions. Lobbyists or
14 lobbyist principals shall not give things of value which, in the
15 aggregate, are valued at more than \$300 annually to any elective
16 officer or the immediate family member of an elective officer, or
17 things of value which, in the aggregate, are valued at more than
18 \$100 annually to any other state officer or state employee, or the
19 immediate family member of a state officer, excluding an elective
20 officer, or a state employee, provided that the following shall not
21 be subject to this subsection:

22 (1) things of value given by a lobbyist or lobbyist principal
23 as a result of or arising out of employment of, or the lobbyist or
24

1 lobbyist principal doing business with a state officer or state
2 employee or the recipient; and

3 (2) things of value given to the recipient by any director,
4 stockholder, partner, agent, affiliate, member, employee or officer
5 of a lobbyist principal if the donor is excepted in subparagraph (D)
6 of Paragraph (2) from the definition of "anything of value" in
7 Section 2 of Chapter 1 ~~of this title~~, or if there exists between the
8 recipient and the donor a close personal relationship of long
9 standing in which the mutual exchange of gifts on special occasions,
10 such as holidays or anniversaries, has become customary.

11 (d) Contents of reports. The information to be reported
12 pursuant to the provisions of Subsection (b) of this section shall
13 be as follows:

14 (1) The name and position of the state officer or state
15 employee to whom the thing of value was given;

16 (2) The date the thing of value was given;

17 (3) The nature of the thing of value given;

18 (4) The amount of the expenditure made by the lobbyist or
19 lobbyist principal for the thing of value; and

20 (5) The name of the lobbyist principal or lobbyist principals
21 on whose behalf the thing of value was given, if any.

22 (e) Prohibition against dividing costs among lobbyist
23 principals or other lobbyists. For purposes of reporting things of
24 value as required by this section, a lobbyist giving a thing of

1 value on behalf of more than one lobbyist principal shall not divide
2 the cost of the thing of value by the number of participating
3 lobbyist principals. Nor may a lobbyist divide the cost of a thing
4 of value with other lobbyists for any single expenditure.

5 (f) Presence of lobbyist - exception for nominal things of
6 value. A lobbyist who gives a thing of value to a state officer or
7 state employee must be present when the thing of value is accepted
8 by the recipient unless the thing of value is of no more than ten
9 dollars (\$10) in value.

10 (g) Reporting of things of value given on behalf of lobbyist or
11 lobbyist principal. A lobbyist shall also report things of value
12 when given by other persons on behalf of the lobbyist or the
13 lobbyist principal if they were made with the knowledge of the
14 lobbyist. When other persons, including lobbyist principals, give
15 things of value that the lobbyist is required to report, the other
16 persons shall provide a full, verified account of such things of
17 value to the lobbyist at least seven (7) days before the reports of
18 the lobbyists are due to be filed. When exact values are not known
19 and not ascertainable, a good-faith estimate of the fair market
20 value shall be reported.

21 (h) Exception for campaign contributions. Any information
22 required to be reported pursuant to the provisions of Chapter 10 ~~of~~
23 ~~this title~~ is not required to be reported pursuant to the provisions
24 of Sections 2 and 3 of this chapter.

1 (i) Form for lobbyist reporting. The form or computer diskette
2 with form software for reports of lobbyists shall be prescribed by
3 the Ethics Commission.

4 (j) Record-keeping requirements. Each lobbyist shall obtain
5 and preserve all accounts, bills, receipts, books, papers, and
6 documents necessary to substantiate the activity reports required to
7 be made pursuant to this section for four (4) years from the date of
8 filing of the reports containing the items.

9 (k) Exceptions to reporting. Nothing in this section shall
10 prohibit the giving or require the disclosure of the giving of
11 anything of value by:

12 (1) a charitable organization or an organization described in
13 Section 501 (c) of Title 26 of the United States Code, 26 U.S.C.,
14 Section 501 (c), as it currently exists or as it may be amended; or

15 (2) a tax-exempt professional organization established by state
16 statute or rules passed by the Oklahoma Supreme Court,
17 to a state officer or state employee, who is an officer or director
18 of the organization, when receipt of anything of value results from
19 the state officer or state employee attending a function, meeting or
20 seminar on behalf of, or as a representative of, the organization.

21 (1) Monthly Reports on Other Contributions.

22 (1) Lobbyist report - in general. In accordance with reporting
23 deadlines provided for in this section, a lobbyist shall file a
24 report with the Ethics Commission containing:

1 (A) the name of the registrant or lobbyist;

2 (B) the employer of the lobbyist or the names of all
3 political committees established or administered by
4 the registrant;

5 (C) the name of each candidate or officeholder, political
6 action committee, or political party committee, to
7 whom aggregate contributions equal to or exceeding
8 \$200 were made by the lobbyist, the registrant, or a
9 political committee established or administered by the
10 registrant within the reporting dates, and the date
11 and amount of each contribution made;

12 (D) the name of each candidate or officeholder, political
13 action committee, or political party committee for
14 whom a fund-raising event was hosted, cohosted, or
15 sponsored by the lobbyist, the registrant, or a
16 political committee established or administered by the
17 registrant within the reporting dates, and the date,
18 location, and total amount (or good-faith estimate
19 thereof) raised at such event;

20 (E) the name of each candidate or officeholder, political
21 action committee, or political party committee for
22 whom aggregate contributions equal to or exceeding
23 \$200 were collected or arranged within the reporting
24 dates, and to the extent known the aggregate amount of

1 such contributions (or a good-faith estimate thereof)
2 within the reporting dates for each recipient;
3 (F) the name of each covered legislative branch official
4 or covered executive branch official for whom the
5 lobbyist, the registrant, or a political committee
6 established or administered by the registrant
7 provided, or directed or caused to be provided, any
8 payment or reimbursements for travel and related
9 expenses in connection with the duties of such covered
10 official, including for each such official:
11 (i) an itemization of the payments or reimbursements
12 provided to finance the travel and related
13 expenses, and to whom the payments or
14 reimbursements were made with the express or
15 implied understanding or agreement that such
16 funds will be used for travel and related
17 expenses;
18 (ii) the purpose and final itinerary of the trip,
19 including a description of all meetings, tours,
20 events, and outings attended;
21 (iii) whether the registrant or lobbyist traveled on
22 any such travel;
23 (iv) the identity of the listed sponsor or sponsors of
24 such travel; and

1 (v) the identity of any person or entity, other than
2 the listed sponsor or sponsors of the travel, who
3 directly or indirectly provided for payment of
4 travel and related expenses at the request or
5 suggestion of the lobbyist, the registrant, or a
6 political committee established or administered
7 by the registrant;

8 (G) the date, recipient, and amount of funds contributed,
9 disbursed, or arranged (or a good-faith estimate
10 thereof) by the lobbyist, the registrant, or a
11 political committee established or administered by the
12 registrant:

13 (i) to pay the cost of an event to honor or recognize
14 a covered legislative branch official or covered
15 executive branch official;

16 (ii) to, or on behalf of, an entity that is named for
17 a covered legislative branch official, or to a
18 person or entity in recognition of such official;

19 (iii) to an entity established, financed, maintained,
20 or controlled by a covered legislative branch
21 official or covered executive branch official, or
22 an entity designated by such official; or

23 (iv) to pay the costs of a meeting, retreat,
24 conference, or other similar event held by, or

1 for the benefit of, one or more covered
2 legislative branch officials or covered executive
3 branch officials.

4 (m) Rules of construction.

5 (1) In general. For purposes of this subsection,
6 contributions, donations, or other funds:

7 (A) are "collected" by a lobbyist where funds donated by a
8 person other than the lobbyist are received by the
9 lobbyist for, or forwarded by the lobbyist to, a
10 candidate or other recipient; and

11 (B) are "arranged" by a lobbyist:

12 (i) where there is a formal or informal agreement,
13 understanding, or arrangement between the
14 lobbyist and a candidate or other recipient that
15 such contributions, donations, or other funds
16 will be or have been credited or attributed by
17 the candidate or other recipient in records,
18 designations, or formal or informal recognitions
19 as having been raised, solicited, or directed by
20 the lobbyist; or

21 (ii) where the lobbyist has actual knowledge that the
22 candidate or other recipient is aware that the
23 contributions, donations, or other funds were
24 solicited, arranged, or directed by the lobbyist.

1 (2) Clarifications. For the purposes of this subsection –

2 (A) the term "lobbyist" shall include a lobbyist,
3 registrant, or political committee established or
4 administered by the registrant; and

5 (B) the term "candidate or other recipient" shall include
6 a candidate, officeholder, political action committee,
7 or political party committee.

8 SECTION 8. NEW LAW A new rule to be codified in the
9 Rules of the Ethics Commission as Rule 257:10-1-2.1, unless there is
10 created a duplication in numbering, reads as follows:

11 Upon the adoption of this act the maximum contribution for an
12 individual or PAC for a state legislative or statewide election
13 shall not exceed the maximum contribution allowed for the office of
14 the President of the United States.

15 SECTION 9. This act shall become effective November 1, 2007.
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1 Passed the House of Representatives the 15th day of March, 2007.

2
3
4 Presiding Officer of the House of
Representatives

5
6 Passed the Senate the ____ day of _____, 2007.

7
8
9 Presiding Officer of the Senate