

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2196 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Reynolds

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2196

By: Dank, Dorman, Jett and
Kiesel of the House

6 And

7 Coffee of the Senate

8
9 FLOOR SUBSTITUTE

10 An Act relating to campaigns; creating the Oklahoma
11 Clean Campaigns Act of 2008; providing short title;
12 stating legislative intent; amending 21 O.S. 2001,
13 Section 187.1, which relates to limits on
14 contributions to candidates; prohibiting certain
15 acts; restricting use of contributions; providing
16 reporting requirements; providing criminal penalties;
17 mandating funding; providing funding for professional
18 auditors; amending 74 O.S. 2001, Section 4258, as
19 amended by Section 3, Chapter 320, O.S.L. 2004 (74
20 O.S. Supp. 2007, Section 4258), which relates to the
21 Ethics Commission Fund; providing funding based on
22 contributions reported to the Ethics Commission;
23 providing for codification; providing for
24 noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes, reads as follows:

A. This act shall be known and may be cited as the "Oklahoma
Clean Campaigns Act of 2008".

1 B. This act is intended to provide ethics laws in addition to
2 the rules promulgated by the Ethics Commission.

3 SECTION 2. AMENDATORY 21 O.S. 2001, Section 187.1, is
4 amended to read as follows:

5 Section 187.1 A. No person or family may contribute more than:

6 1. Five Thousand Dollars (\$5,000.00) in any calendar year to a
7 committee other than a candidate committee;

8 2. Five Thousand Dollars (\$5,000.00) to a candidate for state
9 office, to a candidate for municipal office in a municipality with a
10 population of over two hundred fifty thousand (250,000) persons,
11 according to the most recent Federal Decennial Census, to a
12 candidate for county office in a county with a population of over
13 two hundred fifty thousand (250,000) persons, according to the most
14 recent Federal Decennial Census, or to a candidate committee
15 authorized by such a candidate to receive contributions or make
16 expenditures on his or her behalf, for any campaign; or

17 3. One Thousand Dollars (\$1,000.00) to a candidate for other
18 local office, or to a candidate committee authorized by such a
19 candidate to receive contributions or make expenditures on his or
20 her behalf, for any campaign.

21 B. No candidate, candidate committee, or other committee shall
22 knowingly accept contributions in excess of the amounts provided
23 herein.

24

1 C. These restrictions shall not apply to a committee supporting
2 or opposing a ballot measure or local question or to a candidate
3 making a contribution of his or her own funds to his or her own
4 campaign.

5 ~~B.~~ D. It shall be prohibited for a campaign contribution to be
6 made to a particular candidate or committee through an intermediary
7 or conduit for the purpose of:

8 1. Evading requirements of effective Rules of the Ethics
9 Commission promulgated pursuant to Article XXIX of the Oklahoma
10 Constitution or laws relating to the reporting of contributions and
11 expenditures; or

12 2. Exceeding the contribution limitations imposed by subsection
13 A of this section.

14 Any person making a contribution in violation of this subsection
15 or serving as an intermediary or conduit for such a contribution,
16 upon conviction, shall be subject to the penalties prescribed in
17 subsections ~~C~~ E and ~~D~~ F of this section.

18 ~~C.~~ E. Any person who knowingly and willfully violates any
19 provision of this section where the aggregate amount contributed
20 exceeds the contribution limitation specified in subsection A of
21 this section by Five Thousand Dollars (\$5,000.00) or more, upon
22 conviction, shall be guilty of a felony punishable by a fine of up
23 to four times the amount exceeding the contribution limitation or by
24

1 imprisonment in the State Penitentiary for up to one (1) year, or by
2 both such fine and imprisonment.

3 ~~D.~~ F. Any person who knowingly and willfully violates any
4 provision of this section where the aggregate amount contributed is
5 less than Five Thousand Dollars (\$5,000.00) in excess of the
6 contribution limitation specified in subsection A of this section,
7 upon conviction, shall be guilty of a misdemeanor punishable by a
8 fine of not more than three times the amount exceeding the
9 contribution limitation or One Thousand Dollars (\$1,000.00),
10 whichever is greater, or by imprisonment in the county jail for up
11 to one (1) year, or by both such fine and imprisonment.

12 G. Contributions shall not be made to, nor solicited or
13 accepted by, a member of the Oklahoma Legislature or a candidate for
14 a state legislative office fifteen (15) days prior to, fifteen (15)
15 days after, or during any regular legislative session.

16 H. Contributions accepted by a candidate or a committee may not
17 be converted by any person to any personal use, but shall be used,
18 together with any interest income earned on such contributions, for
19 campaign purposes only. Any funds not used for campaign purposes
20 may:

21 1. Be deposited with the State Treasurer to the credit of the
22 General Revenue Fund;

23 2. Be returned to the contributors pursuant to any formula
24 approved by the candidate; provided, any amount returned to a

1 contributor shall not exceed the amount of the original
2 contribution;

3 3. Be contributed to a charitable organization;

4 4. Be retained by the candidate or candidate committee for use
5 in a future election for a four-year period following the General
6 Election for the same office;

7 5. Be used to defend legal actions or proceedings arising out
8 of the campaign, election, or the performance of the candidate's
9 official duties as a state officer; provided, that such funds shall
10 not be used to defend criminal charges;

11 6. Be transferred to the state or local central committee of a
12 political party; or

13 7. Be distributed using a combination of these options.

14 I. All campaign contributions and expenditures shall be
15 reported in compliance with the rules established under the Oklahoma
16 Ethics Act and shall include sufficient information for expenditures
17 in an aggregate amount or value in excess of Fifty Dollars (\$50.00)
18 during the reporting period made by the reporting committee to meet
19 a candidate or committee operating expense, together with the date,
20 amount, and purpose of such operating expenditure. For purposes of
21 this section, "sufficient information" means information from which
22 a person not associated with the committee could easily discern why
23 the expenditure was made. As used in this section, "purpose" means
24 a brief statement or description of why the expenditure was made.

1 Examples of statements or descriptions which meet the requirements
2 of sufficient information include the following: dinner expenses,
3 media, salary, polling, travel, party fees, phone banks, travel
4 expenses, travel expense reimbursement, and catering costs.
5 However, statements or descriptions such as advance, election day
6 expenses, other expenses, expenses, expense reimbursement,
7 miscellaneous, outside services, get-out-the-vote and voter
8 registration would not meet the requirements of sufficient
9 information for reporting the purpose of an expenditure.

10 J. Contributions made to a candidate for a state or local
11 office shall not be used by such candidate in a campaign for another
12 office.

13 K. Contributions made to a political action committee shall not
14 be contributed or transferred to another political action committee.

15 L. Any person who knowingly and willfully violates any
16 provision of subsection G, H, I, J or K of this section, upon
17 conviction, shall be guilty of a misdemeanor punishable by a fine of
18 not more than One Thousand Dollars (\$1,000.00), or by imprisonment
19 in the county jail for up to one (1) year, or by both such fine and
20 imprisonment.

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 187.3 of Title 21, unless there
23 is created a duplication in numbering, reads as follows:

24

1 The Ethics Commission shall be fully funded to allow it to
2 enforce the Oklahoma Clean Campaigns Act of 2008. The funding shall
3 include the creation of at least three professional auditor
4 positions who shall have the power and duty of conducting random and
5 specific audits of campaign finance reports.

6 SECTION 4. AMENDATORY 74 O.S. 2001, Section 4258, as
7 amended by Section 3, Chapter 320, O.S.L. 2004 (74 O.S. Supp. 2007,
8 Section 4258), is amended to read as follows:

9 Section 4258. A. There is hereby created in the State Treasury
10 a revolving fund for the Ethics Commission to be designated the
11 "Ethics Commission Fund". The fund shall be a continuing fund, not
12 subject to fiscal year limitations and shall consist of all copying
13 fees, lobbyist registration fees, and committee registration fees
14 received by the Commission. All monies accruing to the credit of
15 the fund are hereby appropriated and may be budgeted and expended by
16 the Commission for any expenses incurred in the implementation of
17 this act. Expenditures from the fund shall be made upon warrants
18 issued by the State Treasurer against claims filed as prescribed by
19 law with the Director of State Finance for approval and payment.

20 B. The Ethics Commission shall be fully funded to allow it to
21 enforce the Ethics Commission Rules. The Legislature shall fund the
22 Ethics Commission not less than one and one-half percent (1.5%) of
23 the total contributions reported to the Ethics Commission during the
24 previous two (2) calendar years.

1 SECTION 5. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5

6 51-2-10623 LRB 03/10/08

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24