

THE HOUSE OF REPRESENTATIVES
Wednesday, March 7, 2007

Committee Substitute for
House Bill No. 1721

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1721 - By: MILLER of the House and JOLLEY of the Senate.

(Rules of the Ethics Commission – definitions - county officials - effective date)

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

- 1 SECTION 1. AMENDATORY Rule 257:1-1-2 of the Rules of the Ethics
- 2 Commission (74 O.S. Supp. 2006, Chapter 62, App.), is amended to read as follows:
- 3 Rule 257:1-1-2. Definitions. Masculine words, whenever used in this title, shall
- 4 include the feminine and neuter, and the singular includes the plural, unless otherwise
- 5 specified. In addition, the following words or terms, when used in this title, shall have
- 6 the following meaning, unless the context clearly indicates otherwise:
- 7 "Accept", with reference to a contribution, means failure by a candidate, treasurer,
- 8 deputy treasurer or agent of a committee to expressly and unconditionally reject and
- 9 return a tendered contribution to the contributor within six (6) business days from
- 10 receipt of the tender.
- 11 "Act" means the Ethics Commission Act, Section 4200 et seq. of Title 74 of the
- 12 Oklahoma Statutes.

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

2 "Affiliated" or "Connected entity" means any entity which directly or indirectly
3 establishes, administers or financially supports a political entity.

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

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

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

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

10 (C) a contract, agreement, promise, or other obligation for an advance,
11 conveyance, forgiveness of indebtedness, deposit, distribution, loan,
12 payment, gift, pledge, or transfer of money;

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

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

15 (F) a right in action;

16 (G) a gift, tangible good, chattel, or an interest in a gift, tangible good, or
17 chattel, except as provided in subparagraphs (C), (D) and (N) of
18 Paragraph (2) of this definition;

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

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

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

- 1 (K) real property or an interest in real property, including title to realty, a
2 fee simple or partial interest, present or future, contingent or vested in
3 realty, a leasehold interest, or other beneficial interest in realty;
4 (L) an honorarium or compensation for services, except as otherwise
5 provided in subparagraph (M) of Paragraph (2) of this definition;
6 (M) a rebate or discount in the price of anything of value or the sale or
7 trade of something for reasonable compensation that would ordinarily
8 not be available to a member of the public, except as provided in
9 subparagraph (J) of Paragraph (2) of this definition;
10 (N) a promise or offer of employment;
11 (O) transportation, lodging or entertainment; or
12 (P) any other thing of value not excluded by Paragraph (2) of this
13 definition.

14 (2) These terms do not include:

- 15 (A) a campaign contribution properly received and reported;
16 (B) any books, written materials, audio tapes, videotapes, or other
17 informational promotional material related to the performance of a
18 state officer's or state employee's official duties;
19 (C) a gift that:
20 (i) is not used, and
21 (ii) no later than thirty (30) days after receipt, is returned to the
22 donor or delivered to a charitable organization and is not

- 1 (J) opportunities and benefits, including favorable rates and commercial
2 discounts, available to the public or to a class consisting of all state
3 government employees, whether or not restricted on the basis of
4 geographic consideration;
- 5 (K) rewards and prizes given to competitors in contests or events,
6 including random drawings, which are open to the public; rewards and
7 prizes from contests or events which are not open to the public are also
8 excepted if the state officer's or state employee's entry into the contest
9 is required as part of his official duties;
- 10 (L) pension and other benefits resulting from participation in a retirement
11 plan offered by an employer or former employer of a state officer or
12 state employee;
- 13 (M) anything which is paid for by the state government or secured by the
14 state government under state government contract;
- 15 (N) any gift accepted on behalf of the state of Oklahoma or a governmental
16 entity by the Governor under Section 381 et seq. of Title 60 of the
17 Oklahoma Statutes. In order to be deemed accepted, the Governor
18 must be notified in writing of any gift received by a governmental
19 entity, or person on behalf of a governmental entity, within ten (10)
20 days of receipt of the gift. Notice of acceptance must be received from
21 the Governor within the next thirty (30) days. Upon lack of a response

- 1 from the Governor within thirty (30) days of receipt of the notice, the
2 gift is deemed rejected and must be returned to the donor;
- 3 (O) anything for which market value is paid or secured by written contract
4 to be paid by the state officer or state employee no later than 30 days
5 of receipt;
- 6 (P) transportation furnished to a state officer or state employee for the
7 purpose of assisting the officer or employee in the performance of the
8 officer's or employee's official duties and from which the officer or
9 employee receives only incidental personal benefits ancillary to said
10 purpose;
- 11 (Q) food, transportation or entertainment provided by a governmental
12 agency or governmental enterprise of a foreign nation as a gesture of
13 hospitality;
- 14 (R) prescription drugs or similar items given to the recipient for
15 distribution to patients in need of treatment which are not used by the
16 recipient;
- 17 (S) a meal or other food served at a meeting at which the state officer or
18 state employee is an invited guest; and
- 19 (T) any gratuity provided at a meeting, conference, or seminar by
20 sponsors, exhibitors, etc., the cost of which is not borne by a registrant
21 to such meeting, conference, or seminar.

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

5 "Ballot measure" means an initiative, referendum, legislative referendum,
6 legislative initiative, state question, or any proposition or measure submitted to voters
7 for their approval or rejection at a statewide election.

8 "Business" means any corporation, limited liability company, partnership, limited
9 liability partnership, limited partnership, sole proprietorship, firm, enterprise, franchise,
10 association, self-employed individual, holding company, joint stock company,
11 receivership, trust, or any legal entity through which business is conducted for profit.

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

14 "Campaign" means and includes all activities for or against the election of a
15 candidate to a specific state office for a specific term or the passage or defeat of a ballot
16 measure from the date of acceptance of the first contribution, the making of the first
17 expenditure, or the filing of a declaration of candidacy, whichever is first, until a final
18 campaign contributions and expenditures report is filed.

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

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

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

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

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

9 (4) solicits or accepts contributions, makes expenditures or gives consent to an
10 individual, organization, party committee, or other committee to solicit or accept
11 contributions or make expenditures to secure election to any state or county office at any
12 time, whether or not the office for which the individual will seek nomination or election is
13 known when the:

14 (A) solicitation is made;

15 (B) contribution is accepted; or

16 (C) expenditure is made.

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

18 "Candidate committee" means the committee, consisting of one or more persons who
19 may be the candidate only, designated by a candidate to promote the candidate's
20 candidacy and serve as the recipient of all contributions and the disburser of all
21 expenditures for the candidate.

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

4 "Classified employee" means a state employee or a state employee on leave from
5 employment who is under the jurisdiction of the Merit System of Personnel
6 Administration as provided in the Oklahoma Personnel Act, Section 840.1 et seq. of Title
7 74 of the Oklahoma Statutes.

8 "Commission" means the Ethics Commission.

9 "Committee" means a candidate committee, political action committee, or party
10 committee.

11 "Compensation"

12 (1) means:

13 (A) an advance, conveyance, forgiveness of indebtedness, deposit,
14 distribution, loan, payment, pledge, or transfer of money or anything of
15 value; or

16 (B) a contract, agreement, promise, or other obligation for an advance,
17 conveyance, forgiveness of indebtedness, deposit, distribution, loan,
18 payment, pledge, or transfer of money or anything of value,
19 for services rendered or to be rendered.

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

21 (A) if the reimbursement:

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

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

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

3 "Contribution"

4 (1) means and includes:

5 (A) a gift, subscription, loan, guarantee or forgiveness of a loan,
6 conveyance, advance, payment, distribution, or deposit of money or
7 anything of value made to and with the knowledge and for the benefit
8 of a committee, which expressly advocates the election or defeat of a
9 clearly identified candidate or candidates or the passage or defeat of a
10 ballot measure or ballot measures, or for reducing the debt of such
11 committee;

12 (B) an expenditure expressly advocating the election or defeat of a clearly
13 identified candidate or candidates or the passage or defeat of a ballot
14 measure or ballot measures made by a person or committee, other than
15 a candidate committee, with the cooperation of, or in consultation with,
16 a committee, a candidate, candidate committee, or candidate's agent or
17 that is made in concert with, or at the request or suggestion of, a
18 candidate, candidate committee, or candidate's agent;

19 (C) the difference between the payment to a person, other than a
20 candidate or committee, of compensation for personal services or
21 products to the candidate or committee, and the reasonable and
22 customary rate charged by the person for like services or products in

- 1 like quantities when the candidate or committee has knowledge of the
2 discounted services or products;
- 3 (D) anything of value received by a committee that is transferred from
4 another committee or other source;
- 5 (E) sums paid for tickets for a political event such as a reception, rally, or
6 a similar fundraising event; however, the amount of any such
7 contribution may be reduced for the purpose of complying with the
8 reporting and contribution limitations requirements of Chapter 10 of
9 this title, by the actual cost of consumables furnished by the committee
10 in connection with the purchase of the tickets, and only the excess over
11 the actual cost of the consumables shall be deemed a contribution;
- 12 (F) the candidate's own money used on behalf of that candidate's
13 candidacy; and
- 14 (G) the difference between the open market value and a discount or rebate:
15 (i) not extended to the public generally; or
16 (ii) by a television or radio station not extended equally to all
17 candidates for the same office.
- 18 (2) The term "contribution" shall not include:
- 19 (A) the value of services provided without compensation by any individual
20 who volunteers on behalf of a candidate or committee;
- 21 (B) for purposes of the contribution limits set forth in Section 2 of Chapter
22 10, the transfer of any funds by a political action committee to an

- 1 affiliated or connected political action committee or by a party
2 committee to an affiliated or connected party committee, provided the
3 committees have been established as provided by law and the
4 transferring committee and the receiving committee have been
5 established, directly or indirectly, and are administered or financially
6 supported, directly or indirectly, by a common entity; or
- 7 (C) any payment or obligation incurred by a corporation, labor
8 organization, membership organization, cooperative or corporation
9 without capital stock for the establishment, administration, and
10 solicitation of contributions to a separate segregated fund or political
11 action committee to be utilized for political purposes;
- 12 (D) a nonreimbursed payment made by an individual for the individual's
13 own travel expenses on behalf of a committee;
- 14 (E) a payment made by an occupant of a residence or office for costs
15 related to a meeting or fundraising event held in the occupant's
16 residence or office if the costs for the meeting or fundraising event do
17 not exceed five hundred dollars (\$500). However, if the occupant hosts
18 more than one (1) event in an election cycle for the same beneficiary,
19 all subsequent payments that exceed five hundred dollars (\$500) in the
20 aggregate are contributions;
- 21 (F) a loan of money made in the ordinary course of business by a financial
22 institution authorized to transact business in this state at terms and

1 interest rates generally available to a member of the public without
2 regard to that person's status as a state or county officer or state or
3 county employee or a candidate for state or county office by the
4 institution;

5 (G) a communication by a corporation, labor organization, or association
6 aimed at its members, owners, stockholders, directors, executive
7 administrative personnel, or their families;

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

11 (I) the fair market value earnings of a sole proprietorship, partnership,
12 limited partnership, limited liability partnership, or limited liability
13 company; or

14 (J) a communication which does not expressly advocate the election or
15 defeat of a clearly identified candidate or candidates or the passage or
16 defeat of a ballot measure or ballot measures.

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

20 (A) candidate or authorized committee of such candidate, or agent or
21 official of any such candidate, such disbursement or contracting shall
22 be treated as a contribution to the candidate supported by the

1 electioneering communication and as an expenditure by that candidate
2 committee.

3 (B) state, county, or local political party or committee thereof, or agent or
4 official of such political party, such disbursement or contracting shall
5 be treated as a contribution to the political party of the candidate or
6 candidates supported by the electioneering communication and as an
7 expenditure by that candidate's or candidates' party; or

8 (C) ballot measure committee, or an agent or official of any such ballot
9 measure committee; such disbursement or contracting shall be treated
10 as a contribution to the ballot measure committee supported by the
11 electioneering communication and as an expenditure by that ballot
12 measure committee.

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

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

18 "Economic interest" means a personal financial interest in a state purchase, sale,
19 lease, contract, option, or other transaction or arrangement involving property or services
20 when the person who has the economic interest is taking action to influence the state
21 purchase, sale, lease, contract, option, or other transaction or arrangement involving
22 property or services.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

3 "Election board" means the State Election Board in reference to candidates who file
4 a declaration of candidacy with the State Election Board and county election board in
5 reference to candidates who file a declaration of candidacy with a county election board.

6 "Election cycle" means the period beginning the day after the General Election, up
7 to and including the following General Election, including a Primary, Special Primary
8 and the following Special General Election.

9 "Electioneering Communication"

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

13 (A) refers to one or more clearly identified candidates for state or county
14 office or one or more ballot measures;

15 (B) is made within –

16 (i) 60 days before a general or special election for the office sought
17 by the candidate or candidates or the ballot measure or ballot
18 measures; or

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

21 (C) is targeted to the relevant electorate;

22 (2) does not mean –

1 (A) a communication appearing in a news story, commentary, or editorial
2 distributed through the facilities of any broadcasting station,
3 newspaper, magazine, or other periodical publication, unless such
4 facilities are owned or controlled by any political party, political action
5 committee, candidate, candidate committee or ballot measure
6 committee;

7 (B) a communication which constitutes an expenditure or an independent
8 expenditure under this chapter; or

9 (C) a communication which constitutes a candidate debate or forum or
10 which solely promotes such a debate or forum and is made by or on
11 behalf of the person sponsoring the debate or forum;

12 (3) For purposes of this definition, a communication which refers to one or more
13 clearly identified candidates for state or county office or one or more ballot measures is
14 ‘targeted to the relevant electorate’ if the communication has been or can be received by –

15 (A) 2,500 or more persons in the district the candidate seeks to represent
16 in the case of a candidate for the Oklahoma State House of
17 Representatives or candidate for county office;

18 (B) 5,000 or more in the district the candidate seeks to represent in the
19 case of a candidate for district attorney, district judge, associate
20 district judge, or the Oklahoma State Senate; or

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

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

3 "Expenditure":

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

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

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

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

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

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

21 (E) any news story, commentary, or editorial distributed through the
22 facilities of any broadcasting station, newspaper, magazine, or other

1 periodical publication, unless such facilities are owned or controlled by
2 any political party, political action committee, candidate, candidate
3 committee or ballot measure committee.

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

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

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

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

12 "Governmental entity"

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

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

18 "Immediate family" means a child under the age of eighteen (18) years residing in a
19 state or county officer's or state or county employee's household, a spouse of a state or
20 county officer or state or county employee, and an individual claimed by the state or
21 county officer or state or county employee or the state or county officer's or state or
22 county employee's spouse as a dependent for tax purposes.

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

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

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

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

16 "Legislation" means a bill, resolution, amendment, nomination or other matter
17 pending in either house of the Legislature; any other matter which may be the subject of
18 action by either house of the Legislature, including the introduction, consideration,
19 passage, defeat, approval or veto of the matter; or any matter pending in or which may
20 be the subject of action by a constitutional convention.

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

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

13 "Lobbyist" means any individual who is employed or retained by another for
14 financial or other compensation to perform services that include lobbying, other than an
15 individual whose lobbying activities are only incidental to, and are not a significant part
16 of, the services provided by such individual to the client, except as exempted by Section
17 4228 of Title 74 of the Oklahoma Statutes or as it may hereafter be renumbered or
18 recodified.

19 "Lobbyist principal" means any person who employs or retains another person for
20 financial or other compensation to conduct lobbying activities on behalf of the lobbyist
21 principal; provided, however, it shall not mean any individual members, partners,
22 officers or shareholders of a corporation, association, firm, joint venture, joint stock

1 company, syndicate, business trust, estate, trust, company, partnership, limited
2 partnership, organization, committee, or club, or a group of persons who are voluntarily
3 acting in concert.

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

7 "Organization" means a:

8 (1) labor organization;

9 (2) collective bargaining organization;

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

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

14 "Participation" includes decision, approval, disapproval, recommendation, the
15 rendering of advice, or vote.

16 "Particular matter" includes a judicial or other proceeding, application, request for a
17 ruling or other determination, contract, claim, controversy, inquiry, investigation,
18 charge, accusation, arrest, rulemaking, or legislation.

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

20 "Person" means an individual, corporation, limited liability company, association,
21 proprietorship, firm, partnership, limited liability partnership, limited partnership, joint
22 venture, joint stock company, syndicate, business trust, estate, trust, company,

1 organization, committee, or club, or a group of persons who are voluntarily acting in
2 concert.

3 "Political action committee"

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

6 (A) with the primary purpose of:

7 (i) expressly supporting or opposing a clearly identified candidate
8 or candidates, or a party committee, except those required to file
9 with the Federal Election Commission, or

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

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

14 (2) does not include:

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

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

1 (C) a combination of individuals, or a person other than an individual, if
2 the combination of individuals, or a person other than an individual,
3 solicits contributions on behalf of a committee; and, any contributions
4 received as a result of the solicitation are forwarded to the committee
5 without being deposited in any account; and, the contributions are
6 required by these rules to be reported by the committee that receives
7 the contributions.

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

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

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

16 (2) A public member does not include:

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

19 (B) Postadjudication Review Board members appointed pursuant to
20 Section 1116.2 of Title 10 of the Oklahoma Statutes;

21 (C) board members of guaranty associations created pursuant to state
22 statute; and

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

2 "Registered lobbyist" means a person that has filed as a lobbyist with the
3 Commission.

4 "Represent" or "representation" means any formal or informal attendance before, or
5 any written or oral communication with, or the filing of documents with any
6 governmental entity on behalf of a person or organization whether gratuitous or for
7 compensation.

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

12 "State or county employee"

13 (1) means:

14 (A) an elective or appointed officer or an employee of any governmental
15 entity, except members of the House of Representatives or State
16 Senate; and

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

20 (2) does not mean a public member.

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

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

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

14 "Surplus funds" arise:

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

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

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

1 "Transfer" means the movement or exchange of anything of value between
2 committees, except the disposition of surplus funds or material assets by a candidate
3 committee to a party committee in accordance with the dissolution procedure in Sections
4 19 and 20 of Chapter 10 of this title.

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

6 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03-06-07 - DO PASS, As
7 Amended and Coauthored.