

EHB 2196

THE STATE SENATE
Monday, April 7, 2008

ENGROSSED

House Bill No. 2196

As Amended

ENGROSSED HOUSE BILL NO. 2196 - By: Dank, Dorman, Jett, Kiesel,
BigHorse, Brown, Cannaday, Glenn, Harrison, Hoskin, Inman, Lamons,
McMullen, Pittman, Proctor, Pruett, Renegar and Sherrer of the House
and Coffee of the Senate.

(Oklahoma Clean Campaigns Act of 2008 - amending 21 O.S.,
Section 187.1 - limits on contributions - criminal penalties
- codification - noncodification -

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".

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

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

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

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

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

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

14 B. No candidate, candidate committee, or other committee shall
15 knowingly accept contributions in excess of the amounts provided
16 herein.

17 C. These restrictions shall not apply to a committee supporting
18 or opposing a ballot measure or local question or to a candidate
19 making a contribution of his or her own funds to his or her own
20 campaign.

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

1 1. Evading requirements of effective Rules of the Ethics
2 Commission promulgated pursuant to Article XXIX of the Oklahoma
3 Constitution or laws relating to the reporting of contributions and
4 expenditures; or

5 2. Exceeding the contribution limitations imposed by subsection
6 A of this section.

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

11 ~~C~~ E. Any person who knowingly and willfully violates any
12 provision of this section where the aggregate amount contributed
13 exceeds the contribution limitation specified in subsection A of
14 this section by Five Thousand Dollars (\$5,000.00) or more, upon
15 conviction, shall be guilty of a felony punishable by a fine of up
16 to four times the amount exceeding the contribution limitation or by
17 imprisonment in the State Penitentiary for up to one (1) year, or by
18 both such fine and imprisonment.

19 ~~D~~ F. Any person who knowingly and willfully violates any
20 provision of this section where the aggregate amount contributed is
21 less than Five Thousand Dollars (\$5,000.00) in excess of the
22 contribution limitation specified in subsection A of this section,
23 upon conviction, shall be guilty of a misdemeanor punishable by a

1 fine of not more than three times the amount exceeding the
2 contribution limitation or One Thousand Dollars (\$1,000.00),
3 whichever is greater, or by imprisonment in the county jail for up
4 to one (1) year, or by both such fine and imprisonment.

5 G. Contributions shall not be made to, nor solicited or
6 accepted by, a member of the Oklahoma Legislature fifteen (15) days
7 prior to, fifteen (15) days after, or during any regular legislative
8 session.

9 H. Contributions accepted by a candidate or a committee may not
10 be converted by any person to any personal use, but shall be used,
11 together with any interest income earned on such contributions, for
12 campaign purposes only. Any funds not used for campaign purposes
13 may:

14 1. Be deposited with the State Treasurer to the credit of the
15 General Revenue Fund;

16 2. Be returned to the contributors pursuant to any formula
17 approved by the candidate; provided, any amount returned to a
18 contributor shall not exceed the amount of the original
19 contribution;

20 3. Be contributed to a charitable organization;

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

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

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

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

8 I. All campaign contributions and expenditures shall be
9 reported in compliance with the rules established under the Oklahoma
10 Ethics Act and shall include sufficient information for expenditures
11 in an aggregate amount or value in excess of Fifty Dollars (\$50.00)
12 during the reporting period made by the reporting committee to meet
13 a candidate or committee operating expense, together with the date,
14 amount, and purpose of such operating expenditure. For purposes of
15 this section, "sufficient information" means information from which
16 a person not associated with the committee could easily discern why
17 the expenditure was made. As used in this section, "purpose" means
18 a brief statement or description of why the expenditure was made.
19 Examples of statements or descriptions which meet the requirements
20 of sufficient information include the following: dinner expenses,
21 media, salary, polling, travel, party fees, phone banks, travel
22 expenses, travel expense reimbursement, and catering costs.
23 However, statements or descriptions such as advance, election day

1 expenses, other expenses, expenses, expense reimbursement,
2 miscellaneous, outside services, get-out-the-vote and voter
3 registration would not meet the requirements of sufficient
4 information for reporting the purpose of an expenditure.

5 J. Contributions made to a candidate for a state or local
6 office shall not be used by such candidate in a campaign for another
7 office.

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

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

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

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

1 SECTION 4. 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 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 4-2-08 - DO PASS, As
6 Amended.