

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2974

By: Dank

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to ethics; amending 51 O.S. 2011,
10 Sections 304 and 314, which relates to the Political
11 Subdivisions Ethics Act; modifying definitions;
12 modifying the filing of certain reports; amending
13 Rule 257:10-1-14 of the Rules of the Ethics
14 Commission (74 O.S. 2011, Chapter 62, App.), which
15 relates to contents of report; modifying amount of
16 campaign expenditure required to report; providing an
17 effective date; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 51 O.S. 2011, Section 304, is
20 amended to read as follows:

21 Section 304. As used in the Political Subdivisions Ethics Act:

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

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

3 2. "Calendar quarter" means each three-month period of a
4 calendar year, beginning on January 1, April 1, July 1 and October 1
5 of each year;

6 3. "Campaign" means and includes all activities for or against
7 the election of a candidate to a specific local office for a
8 specific term from the date of the first contribution, the making of
9 the first expenditure, the filing of a declaration of candidacy or a
10 public announcement of intent to seek such election, whichever is
11 first;

12 4. "Candidate" means a person who has filed a notification and
13 declaration of candidacy for any public office with the secretary of
14 any county election board. The term "candidate" shall include a
15 person whose candidacy is unopposed, but shall not include any
16 person who has withdrawn such notification and declaration of
17 candidacy;

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

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1 6. "Committee" means a candidate committee, political action
2 committee, political party, or organization;

3 7. "Compensation" means money, service, facility or thing of
4 value or financial benefit which is received or is to be received in
5 return for or in connection with services rendered or to be
6 rendered;

7 8. "Complainant" means a person filing a complaint pursuant to
8 the provisions of Section ~~21~~ 307 of this ~~act~~ title;

9 9. "Contributor" means and includes every person or committee
10 who makes a contribution;

11 10. "Contribution" means and includes any money, property, or
12 in-kind services, including but not limited to, printing or
13 engraving, radio or television time, billboards, advertising,
14 subscription, forgiveness of indebtedness, personal or professional
15 services or any other thing of value whatsoever which is given or
16 loaned to be used in a campaign. The term "contribution" shall not
17 include:

18 a. money loaned to a candidate in connection with his own
19 campaign by a bank, savings and loan association or
20 credit union which is to be repaid with interest at a
21 rate comparable to that of loans for equivalent
22 amounts for other purposes,

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- 1 b. the value of services provided without compensation by
2 individuals volunteering a portion or all of their
3 time on behalf of a candidate, organization, political
4 action committee or political party,
- 5 c. for purposes of the contribution limits set forth in
6 Section 2 187.1 of ~~this act~~ Title 21 of the Oklahoma
7 Statutes, the transfer of any funds by a political
8 action committee to another political action
9 committee, provided the committee has been established
10 as provided by law if the transferring committee and
11 the receiving committee have been established,
12 directly or indirectly, and are administered or
13 financially supported, directly or indirectly, by a
14 common organization, or
- 15 d. any payment or obligation incurred by a corporation,
16 labor organization, membership organization,
17 cooperative or corporation without capital stock for
18 the establishment, administration, and solicitation of
19 contributions to a separate segregated fund or
20 political action committee to be utilized for
21 political purposes;

22 11. "Commission" means the Ethics Commission;

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

3 13. "Election board" means the appropriate county election
4 board in reference to candidates who file a declaration of candidacy
5 with the county election board;

6 14. "Electioneering communication":

7 a. means any communication or series of communications
8 that is sent by handbill or direct mail; broadcast by
9 radio, television, cable or satellite; or appear in a
10 newspaper, magazine or on a billboard which:

11 (1) refer to one candidate or one or more of the same
12 clearly identified candidates or one ballot
13 measure or one or more of the same ballot
14 measures,

15 (2) are made within:

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

20 (b) thirty (30) days before a primary or runoff
21 primary election for the office sought by
22 the candidate or candidates, and

23 (3) are targeted to the relevant electorate, and
24

1 b. does not mean:

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

11 (2) a communication or series of communications which
12 constitute an expenditure or an independent
13 expenditure under this act, or

14 (3) a communication or series of communications which
15 constitute a candidate debate or forum or which
16 solely promotes such a debate or forum and is
17 made by or on behalf of the person sponsoring the
18 debate or forum.

19 For purposes of this definition, a communication or series of
20 communications which refer to one or more clearly identified
21 candidates or one or more ballot measures are "targeted to the
22 relevant electorate" if the communication or series of
23 communications have been or can be received by two thousand five

1 hundred or more persons in the municipality, district, or county the
2 candidate seeks to represent;

3 15. "Expenditure" means a payment, distribution, contribution,
4 loan, advance, compensation, reimbursement, fee deposit or gift of
5 money securement, or any other thing of value, or services including
6 but not limited to postage, telephone, telegraph, printing,
7 advertising, travel, lodging, meals or entertainment for which
8 payment is made with private or public funds, and includes a
9 contract, promise or agreement to make an expenditure, whether or
10 not legally enforceable;

11 ~~15.~~ 16. "Family" means an individual, his or her spouse, if
12 any, and all children under the age of eighteen (18) years residing
13 in the same household;

14 ~~16.~~ 17. "Governmental entity" means any department, commission,
15 authority, council, board, bureau, committee, legislative body,
16 agency, public trust, or other establishment of a political
17 subdivision of this state;

18 ~~17.~~ 18. "Income" means any money or thing of value received, or
19 to be received as a claim on future services, whether in the form of
20 a fee, salary, gift, expense, allowance, forbearance, forgiveness,
21 interest, dividend, royalty, rent, capital gain, or any other form
22 of recompense or any combination thereof; provided, the term
23 "income" shall not include campaign contributions;

1 ~~18.~~ 19. "Independent expenditure" means an expenditure made by
2 a person to advocate the election or defeat of a clearly identified
3 candidate or candidates or a ballot measure or ballot measures, but
4 which is not made to, controlled by, coordinated with, requested by,
5 or made upon consultation with a candidate, committee, treasurer,
6 deputy treasurer or agent of a candidate committee or a ballot
7 measure committee;

8 20. "Local office" means all elective offices for which
9 declarations of candidacy are filed with the secretary of any county
10 election board;

11 ~~19.~~ 21. "Ministerial action" means an action that a person
12 performs in a prescribed manner which involves no discretionary
13 judgment;

14 ~~20.~~ 22. "Organization" includes a corporation, government or
15 governmental subdivision or agency, business trust, estate, trust,
16 partnership or association, union, education or action group or
17 committee or entity with two or more persons having a joint or
18 common political interest;

19 ~~21.~~ 23. "Person" means an individual, corporation, association,
20 firm, partnership, labor union or labor organization, committee,
21 club or other organization, or a group of persons who are
22 voluntarily acting in concert;

1 ~~22.~~ 24. "Political action committee" means a combination of at
2 least two individuals, or a person other than an individual:

3 a. with the primary or incidental purpose of supporting
4 or opposing a candidate or political party, except
5 those required to file with the Federal Election
6 Commission or the Ethics Commission, and

7 b. which accepts contributions or makes expenditures
8 aggregating at least Two Hundred Dollars (\$200.00)
9 during a calendar year;

10 ~~23.~~ 25. "Political party" means any political party so
11 recognized for the purpose of having candidates appear on the
12 ballot;

13 ~~24.~~ 26. "Public employee" means any person who is employed by
14 and receives compensation from any governmental entity, but shall
15 not mean independent contractors or public officials;

16 ~~25.~~ 27. "Public official" means an elected or appointed
17 official in the executive or legislative branch of a political
18 subdivision of the state;

19 ~~26.~~ 28. "Represent" or "representation" means any formal or
20 informal attendance before, or any written or oral communication
21 with, or the filing of documents with any governmental entity on
22 behalf of a person or organization;

1 ~~27.~~ 29. "Respondent" means a person named in a complaint filed
2 pursuant to the provisions of Section ~~21~~ 307 of this ~~act~~ title;

3 ~~28.~~ 30. "Source" means the name, address, and description of
4 the principal business activity of a person or organization; and

5 ~~29.~~ 31. "Substantial financial interest" means an interest that
6 could result in directly or indirectly receiving a substantial
7 pecuniary gain or sustaining a substantial pecuniary loss as a
8 result of ownership or interest in a business entity, or as a result
9 of salary, gratuity or other compensation or remuneration from any
10 person, partnership, organization or association.

11 SECTION 2. AMENDATORY 51 O.S. 2011, Section 314, is
12 amended to read as follows:

13 Section 314. A. Except as provided by subsection F of this
14 section, the campaign contributions and expenditures reports shall
15 disclose:

16 1. The carryover from a previous campaign or cumulative period.
17 For purposes of this act, a cumulative period shall begin on the
18 first day of an even-numbered year and end on the last day of an
19 odd-numbered year;

20 2. The grand total of contributions from the last campaign
21 contributions and expenditures report unless beginning a new
22 campaign or cumulative period;

- 1 3. The specific identification of each contributor who gives a
2 contribution which exceeds Two Hundred Dollars (\$200.00), including:
- 3 a. the date the contribution is accepted,
 - 4 b. the contributor's address, and
 - 5 c. a specific description of the contribution;
- 6 4. The aggregate value of all contributions received from each
7 such contributor during the campaign for candidates and candidate
8 committees or during the current calendar year for other committees;
- 9 5. The aggregate total of all contributions in the amount of
10 Two Hundred Dollars (\$200.00) or less;
- 11 6. The total sum of all contributions during the current
12 reporting period;
- 13 7. The grand total of all contributions for the campaign or
14 cumulative period to date;
- 15 8. The grand total of expenditures from the last campaign
16 contributions and expenditures report, unless beginning a new
17 campaign or cumulative period;
- 18 9. All campaign expenditures in detail by categories or objects
19 of expenditure;
- 20 10. The total of all expenditures during the current reporting
21 period; and
- 22 11. The grand total of all expenditures for the campaign or
23 cumulative period to date.

1 B. Such reports shall be certified by the candidate, the
2 principal officer of the committee, or the designated agent. No
3 fictitious names shall be used on the reports. The reports shall
4 show the correct name of the person actually making the
5 contribution.

6 C. The form of the campaign contributions and expenditures
7 reports shall be as follows:

8 CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

9 DATE OF REPORT _____, 20____

10 Name of Candidate or Committee

11 _____

12 Address of Candidate or Committee

13 _____

| 14 Office Sought | Report Period | From: | To: |
|------------------|---------------|------------|---------|
| | | (Beginning | (End of |
| | | of period) | Period) |

17 _____

18 Listed below are the contributions received and the expenditures
19 made which are required by law to be reported.

20 Carryover from Previous Campaign or Cumulative Period \$ _____

21 CONTRIBUTIONS

22 Grand Total of Contributions from Previous Report \$ _____

| 23 Date | Name and | Nature of | Amount | Total of |
|---------|----------|-----------|--------|----------|
|---------|----------|-----------|--------|----------|

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

| | | | | | |
|----|----------|---------|---------------|---------------|--------------|
| 1 | Accepted | Address | Contribution: | contributions | contributors |
| 2 | | | Cash, Check, | contributed | of more than |
| 3 | | | or In-Kind | during | \$200.00 |
| 4 | | | (Describe) | calendar | |
| 5 | | | | year | |
| 6 | _____ | | | \$ _____ | \$ _____ |
| 7 | _____ | | | \$ _____ | \$ _____ |
| 8 | _____ | | | \$ _____ | \$ _____ |
| 9 | _____ | | | \$ _____ | \$ _____ |
| 10 | _____ | | | \$ _____ | \$ _____ |

11 Total of other contributions \$200.00

12 or less this reporting

13 period (not itemized) \$ _____

14 Total contributions this

15 reporting period \$ _____

16 Grand Total - All contributions

17 for campaign or

18 cumulative period \$ _____

19 EXPENDITURES

20 Amount

21 Previous Grand Total of Expenditures from Last Report

22 _____ \$ _____

23 Personal Services

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

| | | |
|----|----------------------------------|----------|
| 1 | | \$ _____ |
| 2 | Printing | |
| 3 | | \$ _____ |
| 4 | Radio and Television | |
| 5 | | \$ _____ |
| 6 | Billboards | |
| 7 | | \$ _____ |
| 8 | Advertising - general | |
| 9 | | \$ _____ |
| 10 | Contributions to Other Campaigns | |
| 11 | | \$ _____ |

12 All committees, except for candidate committees, must identify
13 recipients of contributions to other campaigns following
14 verification of acceptance of amounts aggregating in excess of
15 \$200.00 by name, address, amount of contribution and total amount of
16 contributions during the campaign or calendar year:

| 17 | Name and Address | Amount | Total amount |
|----|------------------|----------|------------------|
| 18 | | | contributed |
| 19 | | | during campaign |
| 20 | | | or calendar year |
| 21 | _____ | \$ _____ | \$ _____ |
| 22 | _____ | \$ _____ | \$ _____ |
| 23 | _____ | \$ _____ | \$ _____ |

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

1 _____ \$ _____ \$ _____

2 Total

3 Miscellaneous \$ _____

4 Total expenditures

5 this reporting period \$ _____

6 Grand Total - All expenditures

7 for campaign or

8 cumulative period \$ _____

9 BALLOT INFORMATION: candidates or candidate committees, please
10 indicate whether the candidate's name appeared on the ballots for
11 the following elections.

| | | | |
|----|---------|---------|---------|
| 12 | PRIMARY | RUNOFF | GENERAL |
| 13 | | PRIMARY | |
| 14 | () Yes | () Yes | () Yes |
| 15 | () No | () No | () No |

16 To the best of my knowledge and belief, the above is a true and
17 correct compilation.

18 _____

19 Candidate's, Chairperson's, or Designated Agent's Signature

20 Subscribed and sworn to before me this ____ day of _____, 20____.

21 My commission expires _____

22 _____

23 Notary Public

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1 D. A statement of inactivity must include:

2 1. The candidate or candidate committee, political party or
3 organization's name and address; and

4 2. A statement by the designated agent verifying that a
5 contribution was not received and an expenditure was not made during
6 the reporting period.

7 Interest earned shall not be considered to be a contribution,
8 and a filing fee paid by the candidate shall not be considered to be
9 an expenditure.

10 E. Dissolution Procedures

11 1. A candidate may not file a "final" report or a candidate
12 committee may not dissolve until:

- 13 a. after a Primary Election or a Run-off Primary Election
14 in which the candidate is elected or defeated,
- 15 b. after the General Election in which the candidate's
16 name appears on the ballot,
- 17 c. after the last day for filing a declaration of
18 candidacy for a candidate who is unopposed in the
19 Primary, Run-off Primary and General Election,
- 20 d. after a candidate's name has been stricken from the
21 ballot pursuant to Section 5-127 of Title 26 of the
22 Oklahoma Statutes, or
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1 e. after withdrawal of the candidate's candidacy pursuant
2 to Sections 5-115 or 5-116 of Title 26 of the Oklahoma
3 Statutes.

4 2. A political party committee may dissolve only after the
5 political party itself dissolves.

6 3. A political action committee or an organization may dissolve
7 only after it determines that it will not accept contributions or
8 make expenditures.

9 4. A final campaign contributions and expenditures report may
10 be filed at the time or before a scheduled filing is due. The form
11 must:

12 a. be marked "final", and

13 b. include a list of the material assets worth Fifty
14 Dollars (\$50.00) or more, and detail their
15 disposition.

16 5. If a committee owes or is owed money, the committee may
17 dissolve, but must report the status of the debts on the same dates
18 as campaign contributions and expenditures reports would be due
19 until all debts are resolved. Methods of resolution must also be
20 detailed.

21 6. Unused contributions and campaign assets must be disposed of
22 by candidates or candidate committees according to Section 316 of
23 this title.

1 F. ~~All candidates allowed to receive the maximum contribution~~
2 ~~of Five Thousand Dollars (\$5,000.00), pursuant to paragraph 2 of~~
3 ~~subsection A of Section 187.1 of Title 21 of the Oklahoma Statutes~~
4 ~~shall file a campaign contributions and expenditures report~~
5 ~~electronically with the Ethics Commission. The campaign~~
6 ~~contributions and expenditures report shall include the same~~
7 ~~information required by Ethics Commission Rule 257:10-1-14(a)~~
8 The reports of contributions or expenditures, statements of
9 inactivity, last-minute contributions, independent expenditures or
10 electioneering communications shall be filed electronically with the
11 Ethics Commission for candidates for local office in a municipality
12 or county with a population of over two hundred fifty thousand
13 (250,000) persons, according to the most recent Federal Decennial
14 Census, or to a candidate committee authorized by such a candidate
15 to receive contributions or make expenditures on his or her behalf,
16 for any campaign in the same manner and time prescribed in Rules
17 257:10-1-13, 257:10-1-14, 257:10-1-15, and 257:10-1-16 of the Rules
18 of the Ethics Commission.

19 SECTION 3. AMENDATORY Rule 257:10-1-14 of the Rules of
20 the Ethics Commission (74 O.S. 2011, Chapter 62, App.), is amended
21 to read as follows:

22 Rule 257:10-1-14. (a) Basic reporting form. The campaign
23 contributions and expenditures report shall include:

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1 (1) the following administrative information:

2 (A) committee name and address;

3 (B) candidate's name, if a candidate committee; or title
4 or number of ballot measure if supporting or opposing
5 a ballot measure;

6 (C) type(s) of report (pre-election, monthly, quarterly,
7 or annual and whether it is amended or final);

8 (D) period covered by the report; and

9 (E) the office sought and the year of the general election
10 or special general election for the candidate that is
11 supported or opposed by the committee; or the date of
12 the election for the ballot measure, if known, that is
13 supported or opposed by the committee;

14 (2) the information reported pursuant to Paragraph (16) of this
15 subsection on the last campaign contributions and expenditures
16 report.

17 (A) For purposes of this paragraph, the beginning of the
18 reporting period for the initial report of a candidate
19 committee shall be the date the first contribution was
20 accepted or expenditure was made or declaration of
21 candidacy was filed, whichever is earlier; the
22 beginning of the reporting period for subsequent
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1 reports shall be the day following the last day of the
2 previous reporting period.

3 (B) For purposes of this paragraph, the beginning of the
4 reporting period for the initial report of a
5 committee, other than a candidate committee, shall be
6 the date the first contribution was accepted or
7 expenditure was made for a new reporting committee;
8 the beginning of the reporting period for subsequent
9 reports shall be the day following the last day of the
10 previous reporting period;

11 (3) the following information about monetary contributions,
12 including loans, accepted from a person other than a committee:

13 (A) the total sum of all contributions accepted during the
14 current reporting period less contributions from the
15 lender, guarantor or endorser of a loan reported under
16 Paragraph (4) of this subsection;

17 (B) the total of contributions accepted for the campaign-
18 to-date or calendar year-to-date less contributions
19 from the lender, guarantor or endorser of a loan
20 reported under Paragraph (4) of this subsection;

21 (C) for other than out-of-state or federal committees, the
22 number of contributors making contributions of fifty
23 dollars (\$50) or less accepted and the total amount of
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1 contributions in the amount of fifty dollars (\$50) or
2 less in the aggregate accepted during the campaign, if
3 a candidate committee, or calendar year, if other than
4 a candidate committee, less contributions from the
5 lender, guarantor or endorser of a loan reported under
6 Paragraph (4) of this subsection; and

7 (D) for other than out-of-state or federal committees, the
8 name and address, occupation and employer, or
9 principal business activity, of each contributor
10 contributing in excess of fifty dollars (\$50) in the
11 aggregate during the reporting period; the date
12 accepted, amount and nature (cash or written
13 instrument) of each contribution by the contributor
14 during the reporting period; and the total
15 contributions of the contributor to the campaign-to-
16 date for candidate committees and year-to-date for
17 other committees;

18 (E) for out-of-state and federal committees, the number of
19 contributors making contributions of two hundred
20 dollars (\$200.00) or less accepted and the total
21 amount of contributions in the amount of two hundred
22 dollars (\$200.00) or less in the aggregate accepted
23 during the campaign, if a candidate committee, or

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1 calendar year, if other than a candidate committee,
2 less contributions from the lender, guarantor or
3 endorser of a loan reported under paragraph (4) of
4 this subsection; and

5 (F) for out-of-state and federal committees, the name and
6 address, occupation and employer, or principal
7 business activity, of each contributor contributing in
8 excess of two hundred dollars (\$200.00) in the
9 aggregate during the reporting period; the date
10 accepted, amount and nature (cash or written
11 instrument) of each contribution by the contributor
12 during the reporting period; and the total
13 contributions of the contributor to the campaign-to-
14 date for candidate committees and year-to-date for
15 other committees;

16 (4) the following information about monetary contributions
17 accepted from a committee;

18 (A) the total sum of all contributions accepted during the
19 current reporting period;

20 (B) the total of contributions accepted for the campaign-
21 to-date or calendar year-to-date;

22 (C) the number of committees making contributions of fifty
23 dollars (\$50) or less accepted and the total amount of
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1 contributions in the amount of fifty dollars (\$50) or
2 less in the aggregate accepted during the reporting
3 period; and

4 (D) the name, address, Ethics Commission number, and the
5 principal interest or principal business activity of
6 each committee contributing in excess of fifty dollars
7 (\$50) in the aggregate during the reporting period;
8 the date accepted, amount of each contribution by the
9 committee during the reporting period; and the total
10 contributions of the committee to the campaign-to-date
11 for candidate committees and year-to-date for other
12 committees;

13 (5) the following information about loans, promissory notes, or
14 security agreements the proceeds of which are to be used by or for
15 the benefit of the candidate's campaign or the committee:

16 (A) the total amount of all loans, promissory notes, or
17 security agreements received during the reporting
18 period, and the total amount of loans, promissory
19 notes, or security agreements for the campaign-to-date
20 for candidate committees and year-to-date for other
21 committees;

22 (B) the amount of each loan, promissory note, or security
23 agreement during the reporting period, and

- 1 (i) the date and amount of each loan, promissory
2 note, or security agreement,
3 (ii) the name and address of the lending institution,
4 (iii) the name and address of each lender, guarantor or
5 endorser,
6 (iv) the year-to-date or campaign-to-date total, and
7 (v) the terms of the loan, promissory note, or
8 security agreement including the interest rate
9 and repayment schedule;

10 (6) the following information about other receipts:

- 11 (A) the total of other receipts, including refunds, sale
12 of assets, rebates (other than those that qualify as
13 contributions), interest from an interest bearing
14 account with the campaign depository or depositories,
15 or other receipts, not previously identified during
16 the reporting period received of fifty dollars
17 (\$50.00) or less; and
18 (B) the date and amount of each refund, rebate, interest,
19 or other receipt not previously identified of more
20 than fifty dollars (\$50.00) in the aggregate from one
21 source, the name of each source, and the campaign-to-
22 date total for candidate committees and year-to-date
23 total for other committees;

1 (7) the aggregate total of monetary receipts for the reporting
2 period and for the campaign-to-date for candidate committees or
3 year-to-date for other committees;

4 (8) the same information for in-kind contributions, including
5 guarantors and endorsers of loans, as for monetary contributions,
6 together with the Ethics Commission number for committees, and shall
7 also include a description of the in-kind contribution;

8 (9) the amount of funds loaned or donated by a corporation,
9 labor organization, or other person to its political action
10 committee for the establishment and for solicitation costs of the
11 committee;

12 (10) written agreements, written promises or written pledges to
13 make a dated, undated or postdated contribution to be reported
14 separately and in the same manner as other monetary contributions

15 (11) the aggregate total of contributions, loans, and other
16 receipts, both monetary and in-kind, including payment of costs
17 described in Paragraph (9) of this subsection, during the reporting
18 period, and the campaign-to-date aggregate total for candidate
19 committees and year-to-date aggregate total for other committees;

20 (12) the following information about expenditures:

21 (A) the total of expenditures made during the reporting
22 period and the year-to-date or campaign-to-date total;

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1 (B) the amount, date, a brief description of the
2 consideration, and an explanation of the purpose –
3 which must permit a reasonable person to determine the
4 reason for the purchase – for which each campaign
5 expenditure was made in excess of ~~one thousand dollars~~
6 ~~(\$1,000.00)~~ fifty dollars (\$50.00) in the aggregate to
7 one (1) entity during the reporting period, the name
8 and address of the person to which the expenditure was
9 made, the beneficiary of the expenditure, and the year
10 to date total. Disbursements to consultants,
11 advertising agencies, and similar firms; credit card
12 expenses; and candidate reimbursements must be
13 itemized to permit a reasonable person to determine
14 the ultimate intended recipient of the expenditure and
15 its purpose;

16 (C) the total amount of all campaign expenditures not
17 required to be reported in Subparagraph (B); and

18 (D) Committees may file all expenditures in lieu of the
19 additional bookkeeping requirement of grouping
20 together all expenditures aggregating \$50 or less to
21 one entity and all expenditures aggregating more than
22 \$50 to one entity;

1 Provided, a committee shall not divide expenditures which would
2 otherwise be made individually for the purpose of evading the
3 reporting requirements of this paragraph;

4 (13) the following information about independent expenditures:

5 (A) the total of independent expenditures made during the
6 reporting period and the year-to-date or campaign-to-
7 date total;

8 (B) the amount, the date and a brief description of what
9 was purchased for each individual independent
10 expenditure in excess of fifty dollars (\$50) in the
11 aggregate made during the reporting period, and the
12 purpose of the expenditure; and

13 (C) the total of independent expenditures not required to
14 be reported in Subparagraph (B).

15 (D) Committees may file all independent expenditures in
16 lieu of the additional bookkeeping requirement of
17 grouping together all independent expenditures
18 aggregating \$50 or less to one entity and all
19 independent expenditures aggregating more than \$50 to
20 one entity;

21 Provided, a committee shall not divide independent expenditures
22 which would otherwise be made individually for the purpose of
23 evading the reporting requirements of this paragraph;

1 (14) the following information about monetary transfers to
2 other committees, subject to the restrictions in Subsection (e) of
3 Section 2 of this chapter and Subsection (a) of Section 20 of this
4 chapter:

5 (A) the total amount of monetary transfers to other
6 committees for the reporting period;

7 (B) the total amount of all monetary transfers to other
8 committees for the campaign-to-date for candidate
9 committees and the year-to-date for other committees;

10 (C) the amount of each monetary transfer during the
11 reporting period, the name and address of each
12 recipient, the date tendered, and the total monetary
13 transfers to the recipient for the campaign-to-date
14 for candidate committees and year-to-date for other
15 committees;

16 (15) the total of all monetary expenditures and monetary
17 transfers;

18 (16) the following information about in-kind transfers:

19 (A) the total amount of in-kind transfers to other
20 committees for the reporting period;

21 (B) the total amount of all in-kind transfers to other
22 committees for the campaign-to-date for candidate
23 committees and the year-to-date for other committees;

1 (C) the fair market value of each in-kind transfer during
2 the reporting period, the name and address of each
3 recipient, the date tendered, a description of the
4 goods or services transferred, and the total value of
5 in-kind transfers to the recipient for the campaign-
6 to-date for candidate committees and year-to-date for
7 other committees;

8 (17) the following information about expenditures incurred:

9 (A) the total amount of all expenditures incurred; and

10 (B) the amount of each expenditure incurred if the amount
11 is in excess of fifty dollars (\$50) in the aggregate
12 to one entity, a brief description of what was
13 purchased, the purpose of the purchase, and the date
14 the goods or services were delivered; and

15 (C) the total amount of expenditures incurred not required
16 to be reported in Subparagraph (B).

17 (D) Committees may file all expenditures incurred in lieu
18 of the additional bookkeeping requirement of grouping
19 together all expenditures incurred aggregating \$50 or
20 less to one entity and all expenditures incurred
21 aggregating more than \$50 to one entity.

22 An expenditure incurred shall be reported on each report filed
23 after the date of receipt of goods or services until payment is made

1 to the vendor. A payment shall be listed as an expenditure when the
2 payment is made; provided, a committee shall not divide expenditures
3 incurred which would otherwise be made individually for the purpose
4 of evading the reporting requirements of this paragraph;

5 (18) the following information about unpaid loans, promissory
6 notes, or security agreements the proceeds of which were used by or
7 for the benefit of the candidate's campaign or the committee:

8 (A) the total balance of loans, promissory notes, and
9 security agreements owed by the committee during the
10 reporting period;

11 (B) each loan, promissory note, or security agreement owed
12 by the committee, itemized by name and address of
13 lending institution or any other lender, and the date
14 of the loan, promissory note and/or security
15 agreement;

16 (19) the difference between total monetary receipts and total
17 monetary expenditures, as of the end of the reporting period; and

18 (20) the signature, or typed signature on electronically filed
19 forms of the treasurer or, in the treasurer's absence, the deputy
20 treasurer, who shall certify that during this campaign-to-date for
21 candidate committees or calendar year-to-date for other committees,
22 the treasurer, or deputy treasurer in the treasurer's absence,
23 received contributor statements or made three separate good-faith

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1 requests to obtain contributor statements as required by this
2 chapter. The signature, or typed signature on electronically filed
3 forms, shall certify that the report filed is a true and correct
4 record of the committee's contribution and expenditure transactions.

5 (b) Statement of inactivity. A statement of inactivity must
6 include the same information as required by Subsection (a),
7 Paragraphs (1) and (19) of this section; and a statement that a
8 contribution was not accepted and an expenditure was not made during
9 the reporting period.

10 SECTION 4. This act shall become effective July 1, 2012.

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

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16 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/16/2012 - DO PASS,
17 As Amended.

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