

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4   HOUSE BILL 1368

                                  By: Dank

5  
6  
7                                   AS INTRODUCED

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

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

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

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

19           1. "Business" means any corporation, partnership, sole  
20   proprietorship, firm, enterprise, franchise, association,  
21   organization, self-employed individual, holding company, joint stock  
22   company, receivership, trust, or any legal entity through which  
23   business is conducted for profit;

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

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

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14 person who has withdrawn such notification and declaration of  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

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

21       6. "Committee" means a candidate committee, political action  
22 committee, political party, or organization;

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

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

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

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

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

21 b. the value of services provided without compensation by  
22 individuals volunteering a portion or all of their  
23

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1 time on behalf of a candidate, organization, political  
2 action committee or political party,

3 c. for purposes of the contribution limits set forth in  
4 Section 2 187.1 of ~~this act~~ Title 21 of the Oklahoma  
5 Statutes, the transfer of any funds by a political  
6 action committee to another political action  
7 committee, provided the committee has been established  
8 as provided by law if the transferring committee and  
9 the receiving committee have been established,  
10 directly or indirectly, and are administered or  
11 financially supported, directly or indirectly, by a  
12 common organization, or

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

20 11. "Commission" means the Ethics Commission;

21 12. "Election" means a Primary, ~~Run-off~~ Runoff Primary,  
22 General, or Special Election in which a candidate is on the ballot;

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

4 14. "Electioneering communication":

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

9 (1) refers to one candidate or one or more of the  
10 same clearly identified candidates or one ballot  
11 measure or one or more of the same ballot  
12 measures,

13 (2) is made within:

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

18 (b) thirty (30) days before a Primary or Runoff  
19 Primary election for the office sought by  
20 the candidate or candidates, and

21 (3) is targeted to the relevant electorate, and

22 b. does not mean:

- 1           (1) a communication or series of communications  
2           appearing in a news story, commentary, or  
3           editorial distributed through the facilities of  
4           any broadcasting station, newspaper, magazine, or  
5           other periodical publication, unless such  
6           facilities are owned or controlled by any  
7           political party, political action committee,  
8           candidate, candidate committee or ballot measure  
9           committee,
- 10          (2) a communication or series of communications which  
11          constitute an expenditure or an independent  
12          expenditure under this act, or
- 13          (3) a communication or series of communications which  
14          constitute a candidate debate or forum or which  
15          solely promotes such a debate or forum and is  
16          made by or on behalf of the person sponsoring the  
17          debate or forum.

18 For purposes of this definition, a communication or series of  
19 communications which refer to one or more clearly identified  
20 candidates or one or more ballot measures is "targeted to the  
21 relevant electorate" if the communication or series of  
22 communications has 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;

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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;

23  
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- 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.
- 24

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

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

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

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) A~~  
8 ~~candidate for local office in a municipality or county with a~~  
9 ~~population of over two hundred fifty thousand (250,000) persons,~~  
10 ~~according to the most recent Federal Decennial Census, or a person~~  
11 ~~or committee supporting or opposing any such candidate shall file~~  
12 ~~electronically with the Ethics Commission reports of contributions~~  
13 ~~and expenditures, statements of inactivity, last-minute~~  
14 ~~contributions, independent expenditures or electioneering~~  
15 ~~communications in the same manner and time prescribed in Rules~~  
16 ~~257:10-1-13, 257:10-1-14, 257:10-1-15 and 257:10-1-16 of the Rules~~  
17 ~~of the Ethics Commission.~~

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

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

23 (1) the following administrative information:

24

- 1 (A) committee name and address;
- 2 (B) candidate's name, if a candidate committee; or title
- 3 or number of ballot measure if supporting or opposing
- 4 a ballot measure;
- 5 (C) type(s) of report (pre-election, monthly, quarterly,
- 6 or annual and whether it is amended or final);
- 7 (D) period covered by the report; and
- 8 (E) the office sought and the year of the general election
- 9 or special general election for the candidate that is
- 10 supported or opposed by the committee; or the date of
- 11 the election for the ballot measure, if known, that is
- 12 supported or opposed by the committee;

13 (2) the information reported pursuant to Paragraph (16) of this

14 subsection on the last campaign contributions and expenditures

15 report.

16 (A) For purposes of this paragraph, the beginning of the

17 reporting period for the initial report of a candidate

18 committee shall be the date the first contribution was

19 accepted or expenditure was made or declaration of

20 candidacy was filed, whichever is earlier; the

21 beginning of the reporting period for subsequent

22 reports shall be the day following the last day of the

23 previous reporting period.

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

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

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

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

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

5 (D) for other than out-of-state or federal committees, the  
6 name and address, occupation and employer, or  
7 principal business activity, of each contributor  
8 contributing in excess of fifty dollars (\$50) 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 (E) for out-of-state and federal committees, the number of  
17 contributors making contributions of two hundred  
18 dollars (\$200.00) or less accepted and the total  
19 amount of contributions in the amount of two hundred  
20 dollars (\$200.00) or less in the aggregate accepted  
21 during the campaign, if a candidate committee, or  
22 calendar year, if other than a candidate committee,  
23 less contributions from the lender, guarantor or  
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1           endorser of a loan reported under paragraph (4) of  
2           this subsection; and

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

14          (4) the following information about monetary contributions  
15          accepted from a committee;

16           (A) the total sum of all contributions accepted during the  
17           current reporting period;

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

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

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

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

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

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

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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;  
23  
24

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;

24

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~~ Rule 257:10-1-2 and Subsection (a) of  
4 ~~Section 20 of this chapter~~ Rule 257:10-1-20:

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  
24

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  
24

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, 2013.

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 02/07/2013 - DO PASS.

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