

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1664

By: Dank

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9 COMMITTEE SUBSTITUTE

10 An Act relating to state government; amending Rules
11 2.35, 2.50, 2.52, 2.107 and 2.108 of the Rules of the
12 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1),
13 which relate to various rules of the Oklahoma Ethics
14 Commission; creating the Ethics Disclosure and
15 Transparency Act of 2015; stating legislative intent;
16 requiring filing of certain reports to the Oklahoma
17 Ethics Commission; removing certain amounts of
18 independent expenditures; removing certain amounts of
19 electioneering communications; providing for
20 noncodification; and providing an effective date.

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

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

26 A. This act shall be known and may be cited as the "Ethics
27 Disclosure and Transparency Act of 2015".

28 B. The Legislature hereby finds that:

1 1. The rules of the Oklahoma Ethics Commission should require
2 all entities spending money in state and local political races to
3 abide by the same donor and expenditure reporting rules as political
4 action committees and individual candidates; and

5 2. The rules of the Oklahoma Ethics Commission should protect
6 the voters of our state and the integrity of our electoral process.

7 SECTION 2. AMENDATORY Rule 2.35 of the Rules of the
8 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
9 read as follows:

10 Rule 2.35 Contributions to and by Unlimited Committee.

11 Any person not otherwise prohibited by law, including but not
12 limited to individuals, partnerships, limited liability companies,
13 corporations and labor unions, may make contributions in any amount
14 to an unlimited committee organized exclusively for the purpose of
15 making independent expenditures or electioneering communications.
16 An unlimited committee organized exclusively for the purpose of
17 making independent expenditures or electioneering communications may
18 make contributions in any amount to another unlimited committee
19 organized exclusively for the purpose of making independent
20 expenditures or electioneering communications. Any contribution
21 made in accordance with this section shall be reported to the
22 Oklahoma Ethics Commission. The report shall contain the name of
23 each entity and the date and amount of each contribution received.
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1 SECTION 3. AMENDATORY Rule 2.50 of the Rules of the
2 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
3 read as follows:

4 Rule 2.50 Unlimited Independent Expenditures.

5 An independent expenditure may be made in any amount by a
6 political party committee, by a political action committee or by any
7 other entity not otherwise prohibited by law or these Rules from
8 making an independent expenditure. Any entity making such
9 independent expenditure shall file a report with the Oklahoma Ethics
10 Commission listing the name of each entity and the date and amount
11 of the independent expenditure.

12 SECTION 4. AMENDATORY Rule 2.52 of the Rules of the
13 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
14 read as follows:

15 Rule 2.52 Unlimited Electioneering Communications.

16 An electioneering communication may be made in any amount by a
17 political party committee, by a political action committee or by any
18 other entity not otherwise prohibited by law or these Rules from
19 making an electioneering communication. Any entity making such
20 electioneering communication shall file a report with the Oklahoma
21 Ethics Commission listing the name of each entity and the date and
22 amount of the electioneering communication.

1 SECTION 5. AMENDATORY Rule 2.107 of the Rules of the
2 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
3 read as follows:

4 Rule 2.107 Time and Requirements for Independent Expenditure
5 Reports.

6 (A) Any person other than an individual, including a political
7 action committee, that makes an independent expenditure ~~of Five~~
8 ~~Thousand Dollars (\$5,000.00) or more in the aggregate~~ at least
9 fifteen (15) days prior to any election shall be required to file a
10 report with the Commission at the same time that candidate
11 committees are required to file pre-election reports for the
12 applicable election.

13 (B) Any person other than an individual, including a political
14 action committee, that makes an independent expenditure ~~of Five~~
15 ~~Thousand Dollars (\$5,000.00) or more in the aggregate~~ during the
16 period beginning no more than fourteen (14) days prior to any
17 election and ending on the day of the election shall make a report
18 to the Commission no later than the business day following the day
19 the expenditure is made.

20 (C) Each report filed by a person other than a political action
21 committee shall include the name and address of the person making
22 the independent expenditure and the name, street address, telephone
23 number, and office or title of the individual filing the report.
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1 (D) Each report filed shall include the name of the political
2 action committee or the person making the independent expenditure;
3 the amount, date and a brief description or statement of each
4 independent expenditure; and the name and office of the candidate
5 supported or opposed, indicating whether the candidate was supported
6 or opposed.

7 (E) If the person making the independent expenditure, other
8 than a political action committee, received funds from any other
9 person for the purpose of making an independent expenditure or
10 expenditures, the report shall include the name, address and
11 principal business activity of each person contributing funds in
12 excess of Fifty Dollars (\$50.00) in the aggregate and the amount of
13 any such contribution or contributions that have not been previously
14 reported, together with a cumulative total of all contributions made
15 by each person since the first report was filed for the election for
16 which the independent expenditure is being made. As used in this
17 section, "for the purpose of" means that the funds are either (1)
18 received by an organization or corporation in response to a
19 solicitation specifically requesting funds to pay for an independent
20 expenditure or (2) specifically designated for independent
21 expenditures by the donor.

22 (F) Reports required by this section shall not relieve the
23 person making the report from filing other reports required by these
24 Rules.

1 SECTION 6. AMENDATORY Rule 2.108 of the Rules of the
2 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
3 read as follows:

4 Rule 2.108 Time and Requirements for Electioneering
5 Communication Report.

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7 (A) Any person other than an individual, including a political
8 action committee, that makes an electioneering communication ~~of Five~~
9 ~~Thousand Dollars (\$5,000.00) or more in the aggregate~~ at least
10 fifteen (15) days prior to any election shall be required to file a
11 report with the Commission at the same time that candidate
12 committees are required to file pre-election reports for the
13 applicable election.

14 (B) Any person other than an individual, including a political
15 action committee, that makes an electioneering communication ~~of Five~~
16 ~~Thousand Dollars (\$5,000.00) or more in the aggregate~~ during the
17 period beginning no more than fourteen (14) days prior to any
18 election and ending on the day of the election shall make a report
19 to the Commission no later than the business day following the day
20 the electioneering communication is made.

21 (C) Each report filed by a person other than a political action
22 committee shall include the name and address of the person making
23 the electioneering communication and the name, street address,
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1 telephone number, and office or title of the individual filing the
2 report.

3 (D) Each report filed shall include the name of the political
4 action committee or the person making the electioneering
5 communication; the amount, date and a brief description or statement
6 of each electioneering communication, and the name and office of the
7 candidate supported or opposed, indicating whether the candidate was
8 supported or opposed.

9 (E) If the person making the electioneering communication,
10 other than a political action committee, received funds from any
11 other person for the purpose of making an electioneering
12 communication or communications, the report shall include the name,
13 address and principal business activity of each person contributing
14 funds in excess of Fifty Dollars (\$50.00) in the aggregate and the
15 amount of any such contribution or contributions that have not been
16 previously reported, together with a cumulative total of all
17 contributions made by each person since the first report was filed
18 for the election for which the electioneering communication is being
19 made. As used in this section, "for the purpose of" means that the
20 funds are either: (1) received by an organization or corporation in
21 response to a solicitation specifically requesting funds to pay for
22 an electioneering communication or (2) specifically designated for
23 electioneering communications by the donor.
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1 (F) Reports required by this section shall not relieve the
2 person making the report from filing other reports required by these
3 Rules.

4 SECTION 7. This act shall become effective November 1, 2015.
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6 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
7 02/18/2015 - DO PASS, As Amended.
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