

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1664

By: Dank

AS INTRODUCED

An Act relating to state government; amending Rules 2.17, 2.26, 2.35, 2.50, 2.52, 2.107 and 2.108 of the Rules of the Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), which relate to various rules of the Oklahoma Ethics Commission; creating the Ethics Disclosure and Transparency Act of 2015; stating legislative intent; modifying general rules of contributions; requiring filing of certain reports to the Oklahoma Ethics Commission; removing certain amounts of independent expenditures; removing certain amounts of electioneering communications; providing for noncodification; and providing an effective date.

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 "Ethics Disclosure and Transparency Act of 2015".

B. The Legislature hereby finds that:

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

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

3 SECTION 2. AMENDATORY Rule 2.17 of the Rules of the
4 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
5 read as follows:

6 Rule 2.17 General Rule for Contributions.

7 Unless otherwise prohibited or limited by law or these Rules, a
8 contribution to a political party, a political action committee or a
9 candidate committee may be made by any individual or other person or
10 entity; provided, any such contribution shall be reported to the
11 Oklahoma Ethics Commission. A child under the age of eighteen (18)
12 may make a contribution only if the contribution is attributed to
13 his or her parent (or equally between two parents) or guardian.

14 SECTION 3. AMENDATORY Rule 2.26 of the Rules of the
15 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
16 read as follows:

17 Rule 2.26 Use of Corporate Funds for Political Action
18 Committees.

19 A corporation may use its funds to pay for the establishment of,
20 administration of and solicitation of contributions to, one (1)
21 political action committee affiliated with the corporation. The
22 corporation shall file a report with the Oklahoma Ethics Commission
23 that contains the name of each entity and the date and amount of
24 each contribution received. For purposes of this section,

1 "corporation" shall mean a corporation, its parent, subsidiary,
2 branch, division, department or local unit of such corporation.

3 SECTION 4. AMENDATORY Rule 2.35 of the Rules of the
4 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
5 read as follows:

6 Rule 2.35 Contributions to and by Unlimited Committee.

7 Any person not otherwise prohibited by law, including but not
8 limited to individuals, partnerships, limited liability companies,
9 corporations and labor unions, may make contributions in any amount
10 to an unlimited committee organized exclusively for the purpose of
11 making independent expenditures or electioneering communications.

12 An unlimited committee organized exclusively for the purpose of
13 making independent expenditures or electioneering communications may
14 make contributions in any amount to another unlimited committee
15 organized exclusively for the purpose of making independent
16 expenditures or electioneering communications. Any contribution
17 made in accordance with this section shall be reported to the
18 Oklahoma Ethics Commission. The report shall contain the name of
19 each entity and the date and amount of each contribution received.

20 SECTION 5. AMENDATORY Rule 2.50 of the Rules of the
21 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
22 read as follows:

23 Rule 2.50 Unlimited Independent Expenditures.
24

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

8 SECTION 6. AMENDATORY Rule 2.52 of the Rules of the
9 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
10 read as follows:

11 Rule 2.52 Unlimited Electioneering Communications.

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

19 SECTION 7. AMENDATORY Rule 2.107 of the Rules of the
20 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
21 read as follows:

22 Rule 2.107 Time and Requirements for Independent Expenditure
23 Reports.
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1 (A) Any person other than an individual, including a political
2 action committee, that makes an independent expenditure ~~of Five~~
3 ~~Thousand Dollars (\$5,000.00) or more in the aggregate~~ at least
4 fifteen (15) days prior to any election shall be required to file a
5 report with the Commission at the same time that candidate
6 committees are required to file pre-election reports for the
7 applicable election.

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

15 (C) Each report filed by a person other than a political action
16 committee shall include the name and address of the person making
17 the independent expenditure and the name, street address, telephone
18 number, and office or title of the individual filing the report.

19 (D) Each report filed shall include the name of the political
20 action committee or the person making the independent expenditure;
21 the amount, date and a brief description or statement of each
22 independent expenditure; and the name and office of the candidate
23 supported or opposed, indicating whether the candidate was supported
24 or opposed.

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

16 (F) Reports required by this section shall not relieve the
17 person making the report from filing other reports required by these
18 Rules.

19 SECTION 8. AMENDATORY Rule 2.108 of the Rules of the
20 Ethics Commission (74 O.S. 2014, Chapter 62, App. 1), is amended to
21 read as follows:

22 Rule 2.108 Time and Requirements for Electioneering
23 Communication Report.
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1 (A) Any person other than an individual, including a political
2 action committee, that makes an electioneering communication ~~of Five~~
3 ~~Thousand Dollars (\$5,000.00) or more in the aggregate~~ at least
4 fifteen (15) days prior to any election shall be required to file a
5 report with the Commission at the same time that candidate
6 committees are required to file pre-election reports for the
7 applicable election.

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

15 (C) Each report filed by a person other than a political action
16 committee shall include the name and address of the person making
17 the electioneering communication and the name, street address,
18 telephone number, and office or title of the individual filing the
19 report.

20 (D) Each report filed shall include the name of the political
21 action committee or the person making the electioneering
22 communication; the amount, date and a brief description or statement
23 of each electioneering communication, and the name and office of the
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1 candidate supported or opposed, indicating whether the candidate was
2 supported or opposed.

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

18 (F) Reports required by this section shall not relieve the
19 person making the report from filing other reports required by these
20 Rules.

21 SECTION 9. This act shall become effective November 1, 2015.

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