

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1764

By: Russ

AS INTRODUCED

An Act relating to crimes and punishment; amending 21 O.S. 2011, Sections 187.1 and 187.2, as amended by Sections 2 and 3, Chapter 312, O.S.L. 2014 (21 O.S. Supp. 2016, Sections 187.1 and 187.2), which relate to crimes relating to elections; modifying violations; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 187.1, as amended by Section 2, Chapter 312, O.S.L. 2014 (21 O.S. Supp. 2016, Section 187.1), is amended to read as follows:

Section 187.1 A. No person may contribute more than:

1. The limits set forth in the Rules of the Ethics Commission to a political party committee or political action committee;

2. The limits set forth in the Rules of the Ethics Commission to a candidate committee for a candidate for state office; or

3. The limits set forth in the Rules of the Ethics Commission to a campaign committee for a candidate for municipal office or to a

1 campaign committee for a candidate for county office or to a  
2 municipal or county political committee.

3 B. No candidate, candidate committee, or other committee shall  
4 knowingly accept contributions in excess of the amounts provided  
5 herein.

6 C. These restrictions shall not apply to a committee supporting  
7 or opposing a state question or local question or to a candidate  
8 making a contribution of his or her own funds to his or her own  
9 campaign.

10 D. It shall be prohibited for a campaign contribution to be  
11 made to a particular candidate or committee through an intermediary  
12 or conduit for the purpose of:

13 1. Evading requirements of effective Rules of the Ethics  
14 Commission promulgated pursuant to Article XXIX of the Oklahoma  
15 Constitution or laws relating to the reporting of contributions and  
16 expenditures; or

17 2. Exceeding the contribution limitations imposed by subsection  
18 A of this section.

19 Any person making a contribution in violation of this subsection  
20 or serving as an intermediary or conduit for such a contribution,  
21 upon conviction, shall be subject to the penalties prescribed in  
22 subsections E and F of this section.

23 E. Any person who knowingly and willfully violates any  
24 provision of this section where the aggregate amount contributed

1 exceeds the contribution limitation specified in subsection A of  
2 this section by Five Thousand Dollars (\$5,000.00) or more, upon  
3 conviction, shall be guilty of a ~~felony~~ misdemeanor punishable by a  
4 fine of up to four times the amount exceeding the contribution  
5 limitation ~~or by imprisonment in the State Penitentiary for up to~~  
6 ~~one (1) year, or by both such fine and imprisonment.~~

7 F. Any person who knowingly and willfully violates any  
8 provision of this section where the aggregate amount contributed is  
9 less than Five Thousand Dollars (\$5,000.00) in excess of the  
10 contribution limitation specified in subsection A of this section,  
11 upon conviction, shall be guilty of a misdemeanor punishable by a  
12 fine of not more than three times the amount exceeding the  
13 contribution limitation or One Thousand Dollars (\$1,000.00),  
14 whichever is greater, or by imprisonment in the county jail for up  
15 to one (1) year, or by both such fine and imprisonment.

16 G. No lobbyist or lobbyist principal as defined in the Rules of  
17 the Ethics Commission shall make or promise to make a contribution  
18 to, or solicit or promise to solicit a contribution for a member of  
19 the Oklahoma Legislature or a candidate for a state legislative  
20 office during any regular legislative session, beginning the first  
21 Monday in February, through its adjournment, and for five (5)  
22 calendar days following sine die adjournment. A member of the  
23 Oklahoma Legislature or a candidate for a state legislative office  
24 shall not intentionally solicit or accept a contribution from a

1 lobbyist or lobbyist principal as defined in the Rules of the Ethics  
2 Commission during any regular legislative session and for five (5)  
3 calendar days after sine die adjournment. For the purposes of this  
4 subsection, a candidate shall mean any person who has filed a  
5 statement of organization for a state legislative office pursuant to  
6 the Rules of the Ethics Commission.

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

12 SECTION 2. AMENDATORY 21 O.S. 2011, Section 187.2, as  
13 amended by Section 3, Chapter 312, O.S.L. 2014 (21 O.S. Supp. 2016,  
14 Section 187.2), is amended to read as follows:

15 Section 187.2 A. 1. No corporation or labor union may make a  
16 contribution to a political party, a political action committee or a  
17 candidate committee, and no political party committee, political  
18 action committee or candidate committee may accept a contribution  
19 from a corporation or labor union, except as permitted by law or the  
20 Rules of the Ethics Commission.

21 2. No limited liability company that has one or more  
22 incorporated members may make a contribution to a political party  
23 committee, a political action committee or a candidate committee,  
24 except as permitted by law or the Rules of the Ethics Commission.

1        3. No partnership that has one or more incorporated partners  
2 may make a contribution to a political party committee, a political  
3 action committee or a candidate committee, except as permitted by  
4 law or the Rules of the Ethics Commission.

5        B. No candidate, candidate committee, political party  
6 committee, political action committee or other committee shall  
7 knowingly accept contributions given in violation of the provisions  
8 of subsection A of this section.

9        C. The provisions of this section shall not apply to a bank,  
10 savings and loan association or credit union loaning money to a  
11 candidate in connection with his or her own campaign which is to be  
12 repaid with interest at a rate comparable to that of loans for  
13 equivalent amounts for other purposes.

14        D. Any person who knowingly and willfully violates any  
15 provision of this section where the aggregate amount contributed  
16 exceeds Five Thousand Dollars (\$5,000.00), upon conviction, shall be  
17 guilty of a ~~felony~~ misdemeanor punishable by a fine of up to four  
18 times the amount of the prohibited contribution ~~or by imprisonment~~  
19 ~~in the State Penitentiary for up to one (1) year, or by both such~~  
20 ~~fine and imprisonment.~~

21        E. Any person who knowingly and willfully violates any  
22 provision of this section where the aggregate amount contributed is  
23 Five Thousand Dollars (\$5,000.00) or less, upon conviction, shall be  
24 guilty of a misdemeanor punishable by a fine of not more than three

1 times the amount of the prohibited contribution or One Thousand  
2 Dollars (\$1,000.00), whichever is greater, or by imprisonment in the  
3 county jail for up to one (1) year, or by both such fine and  
4 imprisonment.

5 SECTION 3. This act shall become effective November 1, 2017.

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