

1 ENGROSSED HOUSE
2 BILL NO. 3056

By: Sims of the House

3 and

4 Paxton of the Senate

5
6 [cities and towns - Municipal Campaign Finance and
7 Financial Disclosure Act - setting penalty for
8 violation - effective date]
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 11 O.S. 2021, Section 56-102, is
13 amended to read as follows:

14 Section 56-102. A. Definitions of terms used in the Municipal
15 Campaign Finance and Financial Disclosure Act shall be the same as
16 those terms are defined in Rules of the Ethics Commission
17 promulgated pursuant to Section 3 of Article XXIX of the Oklahoma
18 Constitution, unless otherwise provided herein.

19 B. As used in the Municipal Campaign Finance and Financial
20 Disclosure Act:

21 1. "Campaign committee" means a committee which may be composed
22 of one or more persons the purpose of which is to support the
23 election of a specific candidate to municipal office, whose name as
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1 it will appear on the ballot shall appear in the name of the
2 committee;

3 2. "Municipal office" means any elective municipal office
4 established under state or municipal law; and

5 3. "Municipal political committee" means any committee composed
6 of one or more persons whose purpose includes the election or defeat
7 of one or more candidates for municipal office or municipal
8 questions but which is not required to register with the Ethics
9 Commission or the Federal Election Commission for this purpose.

10 SECTION 2. AMENDATORY 11 O.S. 2021, Section 56-103, is
11 amended to read as follows:

12 Section 56-103. A. The Municipal Campaign Finance and
13 Financial Disclosure Act shall apply only to municipalities with a
14 population of more than ten thousand (10,000) according to the most
15 recent Federal Decennial Census and a general fund expenditure
16 budget in excess of Ten Million Dollars (\$10,000,000.00) in the
17 fiscal year in which the municipal elections are held.

18 Notwithstanding, the requirements provided in this act shall
19 additionally apply to committees and candidates when the
20 municipality is not covered by this act based on the population and
21 budget requirements of this subsection, but the candidate or
22 committee expends or receives more than One Thousand Dollars
23 (\$1,000.00) in donations or in-kind expenditures.
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1 B. A municipality described in subsection A of this section may
2 enact a comprehensive code of campaign finance and personal
3 financial disclosure ordinances, including provisions for
4 enforcement thereof, in which case the Municipal Campaign Finance
5 and Financial Disclosure Act shall not apply to the municipality.
6 Any municipality enacting such a code shall file a notice of its
7 action with the Ethics Commission, which shall have no enforcement
8 responsibilities under the code.

9 SECTION 3. AMENDATORY 11 O.S. 2021, Section 56-110, is
10 amended to read as follows:

11 Section 56-110. The Municipal Campaign Finance and Financial
12 Disclosure Act shall be enforced by the Ethics Commission in the
13 same manner as Rules of the Ethics Commission promulgated pursuant
14 to Section 3 of Article XXIX of the Oklahoma Constitution are
15 enforced, including but not limited to acceptance of complaints,
16 civil prosecutions, settlement agreements and any other compliance
17 practices or requirements. Complaints may be received by the Ethics
18 Commission alleging filing of statements or reports required to be
19 filed under the Municipal Campaign Finance and Financial Disclosure
20 Act later than the prescribed time for filing. Such complaints
21 shall be in the same form as other complaints. Upon receipt of such
22 complaints of late filing, the Ethics Commission shall investigate
23 whether the allegation or allegations are true and, if so, shall
24 assess a late filing penalty of One Hundred Dollars (\$100.00) per

1 day, not to exceed a maximum of One Thousand Dollars (\$1,000.00) for
2 the filing of any statement or report. If the Ethics Commission
3 determines the allegation or allegations are not true, it shall take
4 no further action. Persons assessed a late filing fee may protest
5 the assessment subject to provisions of the Administrative
6 Procedures Act. The Ethics Commission shall not have enforcement
7 jurisdiction concerning candidates or committees that are covered by
8 this act based on expenditures alone, as outlined in subsection A of
9 Section 56-103 of this title. Any violation of this act may be
10 prosecuted by the district attorney or a locally adopted policy. An
11 omission or failure to report expenditures in compliance with this
12 act shall constitute a misdemeanor with a fine of up to One Hundred
13 Dollars (\$100.00) per day, not to exceed a maximum of One Thousand
14 Dollars (\$1,000.00). The court shall have discretion as to the fine
15 amount with the intent of the fine to obtain compliance with
16 reporting requirements. Willful noncompliance with this act shall
17 constitute a misdemeanor offense with a fine of One Thousand Dollars
18 (\$1,000.00) with the intent of the fine to deter unlawful activity
19 and punish willful offenders.

20 SECTION 4. This act shall become effective November 1, 2022.
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1 Passed the House of Representatives the 8th day of March, 2022.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.
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9 Presiding Officer of the Senate
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