



**OKLAHOMA ETHICS COMMISSION**  
**REVISED CONSTITUTIONAL ETHICS RULES**

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AS PROMULGATED BY THE OKLAHOMA ETHICS COMMISSION  
December 11, 2015

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Submitted to the Legislature and the Governor  
in accordance with Title 29 Okla. Const. § 3 this  
2nd day of February, 2016.

New Ethics Rules and Amendments to effective Ethics Rules, codified in Title 74, Appendix I, as provided by Article 29, Section 3 of the Constitution of the State of Oklahoma.

## **RULE 2 CAMPAIGN FINANCE**

SECTION 1. AMENDATORY Ethics Rule 2.3, codified in the Oklahoma Statutes as Rule 2.3 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

No state officer or employee shall use or authorize the use of public funds, property or time to solicit, receive or accept funds for a political party, a political action committee, a candidate or a state question campaign, except as permitted by law or these Rules. Any unsolicited funds tendered in violation of this section shall not be accepted by the intended recipient and shall be returned to the sender as soon as possible. This prohibition shall apply to ~~political fund raising activities for~~ federal, state and political subdivision committees.

SECTION 2. AMENDATORY Ethics Rule 2.6 codified in the Oklahoma Statutes as Rule 2.6 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

No person shall solicit or accept a contribution for a political party, a political action committee, a candidate or a

state question campaign in any area of the state capitol building under any circumstances. No person shall solicit or accept a contribution for a political party, a political action committee, a candidate or a state question campaign in any building or other property owned, leased or occupied by the State of Oklahoma office or other space owned, leased, or occupied by the State of Oklahoma that ordinarily is used for the conduct of official state business. This does not include college campuses and public meeting rooms, auditoriums, or similar meeting areas that are available for use by the public at large.

SECTION 3. AMENDATORY Ethics Rule 2.7 codified in the Oklahoma Statutes as Rule 2.7 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

No materials designed to influence the results of an election for state office or a state question shall be posted ~~or distributed~~ in the state capitol building or in any building or other property office or other space owned, leased or occupied by the State of Oklahoma that ordinarily is used for the conduct of official state business, except as permitted by law or these Rules. Provided, however, such materials may be posted for a reasonable period of time when state facilities are being used for political purposes as provided in these Rules.

SECTION 4. AMENDATORY Ethics Rule 2.8 codified in the Oklahoma Statutes as Rule 2.8 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

Public meeting rooms, auditoriums, parks, colleges and other educational campuses or similar spaces may be used for political purposes ~~other than fund-raising~~ provided (1) if a fee is customarily charged for use of the facility, that fee will be charged for use of the facility for political activities and (2) the facility will be made available upon request to all political parties, to all political action committees, to all candidates for the same state office or to all supporters or opponents of a state question, respectively, all in the order in which the requests were received. Nothing herein shall require that any public facility be made available for political purposes. Nothing herein shall prohibit the use for political purposes of a traditional public forum or other forum required by the United States Constitution or Oklahoma Constitution to be used for such purposes.

SECTION 5. AMENDATORY Ethics Rule 2.71 codified in the Oklahoma Statutes as Rule 2.71 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

A candidate committee shall have a Chair and a Treasurer, who may be the same person and who shall serve at the pleasure of the candidate. The candidate may be either the Chair or Treasurer of his or her candidate committee, or both, but a candidate may not be an officer of any other candidate committee or any political action committee. A candidate committee may designate a Deputy Treasurer, who may perform the duties of the Treasurer in the Treasurer's absence and who also shall serve at the candidate's pleasure. The candidate may be the Deputy Treasurer of his or her committee. The Treasurer and Deputy Treasurer shall be residents of Oklahoma.

SECTION 6. AMENDATORY Ethics Rule 2.107 codified in the Oklahoma Statutes as Rule 2.107 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

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

(B) Any person other than an individual, including a political action committee, that makes an independent expenditure of Five

Thousand Dollars (\$5,000.00) or more in the aggregate during the period beginning no more than fourteen (14) days prior to any election and ending on the day of the election shall make a report to the Commission no later than the business day following the day the expenditure is made.

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

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

(E) If the person making the independent expenditure, other than a political action committee, received funds from any other person for the purpose of making an independent expenditure or expenditures, the report shall include the name, address and principal business activity of each person contributing funds in excess of Fifty Dollars (\$50.00) in the aggregate and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all

contributions made by each person since the first report was filed for the election for which the independent expenditure is being made. As used in this section, "for the purpose of" means that the funds are either (1) received by an organization or corporation in response to a solicitation specifically requesting funds to pay for an independent expenditure or electioneering communication or (2) specifically designated for independent expenditures or electioneering communications by the donor.

(F) If the person making the independent expenditure is a non-profit corporation that has not been officially approved by the United States Internal Revenue Service for tax exempt status under Section 501(c) of Title 26 of the United States Code as it currently exists or as it may be amended, the report shall include the name, address and principal business activity of each person contributing funds in excess of Fifty Dollars (\$50.00) in the aggregate to the corporation during the current calendar year and the preceding calendar year and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all contributions made by each person since the first report was filed for the election for which the independent expenditure is being made.

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

(H) If any person makes, or contracts to make, any expenditure for an independent expenditure and such expenditure is coordinated with a candidate or a candidate committee in any way, the expenditure shall be considered as a contribution to the candidate committee and as an expenditure by the candidate committee.

SECTION 7. AMENDATORY Ethics Rule 2.108 codified in the Oklahoma Statutes as Rule 2.108 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

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

(B) Any person other than an individual, including a political action committee, that makes an electioneering communication of Five Thousand Dollars (\$5,000.00) or more in the aggregate during the period beginning no more than fourteen



(14) days prior to any election and ending on the day of the election shall make a report to the Commission no later than the business day following the day the electioneering communication is made.

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

(D) Each report filed shall include the name of the political action committee or the person making the electioneering communication; the amount, date and a brief description or statement of each electioneering communication, and the name and office of the candidate or candidates identified in the electioneering communication.

(E) If the person making the electioneering communication, other than a political action committee, received funds from any other person for the purpose of making an electioneering communication or communications, the report shall include the name, address and principal business activity of each person contributing funds in excess of Fifty Dollars (\$50.00) in the aggregate and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all contributions made by each person

since the first report was filed for the election for which the electioneering communication is being made. As used in this section, "for the purpose of" means that the funds are either: (1) received by an organization or corporation in response to a solicitation specifically requesting funds to pay for an electioneering communication or independent expenditure or (2) specifically designated for electioneering communications or independent expenditures by the donor.

(F) If the person making the electioneering communication is a non-profit corporation that has not been officially approved by the United States Internal Revenue Service for tax exempt status under Section 501(c) of Title 26 of the United States Code as it currently exists or as it may be amended, the report shall include the name, address and principal business activity of each person contributing funds in excess of Fifty Dollars (\$50.00) in the aggregate to the corporation during the current calendar year and the preceding calendar year and the amount of any such contribution or contributions that have not been previously reported, together with a cumulative total of all contributions made by each person since the first report was filed for the election for which the electioneering communication is being made.

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

(H) If any person makes, or contracts to make, any expenditure for an electioneering communication and such expenditure is coordinated with a candidate or a candidate committee in any way, the expenditure shall be considered as a contribution to the candidate committee and as an expenditure by the candidate committee.

### **RULE 3 FINANCIAL DISCLOSURE**

SECTION 8. NEW RULE A new ethics rule to be codified in the Oklahoma Statutes as Rule 3.13 of Title 74, Appendix I, unless there is created a duplication in numbering, reads as follows:

The purpose of Rule 3 is to establish rules of ethical conduct to assist state officers who file financial disclosure statements to identify and disclose potential conflicts of interests between their public duties and private economic interests.

SECTION 9. NEW RULE A new ethics rule to be codified in the Oklahoma Statutes as Rule 3.14 of Title 74, Appendix I, unless there is created a duplication in numbering, reads as follows:

As used in Rule 3:

A. "Commission" shall mean the Oklahoma Ethics Commission;

B. "Dependent" shall mean an individual claimed as a dependent on the filer's federal or state income tax return;

C. "Filer" shall mean an individual required to file a financial disclosure statement as required by these Rules.

SECTION 10. NEW RULE        A new ethics rule to be codified in the Oklahoma Statutes as Rule 3.15 of Title 74, Appendix I, unless there is created a duplication in numbering, reads as follows:

A. An initial financial disclosure statement shall be filed within thirty (30) days of assuming office for a full or partial term or as otherwise provided in these Rules.

B. Annual financial disclosure statements shall be filed between January 1 and May 15 of each year.

C. No individual shall be required to file more than one (1) financial disclosure statement for any calendar year.

D. A filer may amend a financial disclosure statement at any time to correct a bona fide oversight or error, provided the filer certifies that the amendment is not made for the purpose of reporting information that was intentionally omitted or misstated on a prior filed statement. If the filer files an amendment that is not in fact made for the purpose of reporting information that was intentionally omitted or misstated, the filer shall not be deemed to have violated these Rules by having made an erroneous prior filing.

E. Financial disclosure statements shall be filed electronically in the manner determined by the Executive Director of the Commission, unless otherwise ordered by the Commission or the Executive Director of the Commission.

F. All filers must provide to the Commission an electronic mail address that will be used by the filer to receive notifications regarding the electronic filing of financial disclosure statements.

SECTION 11. NEW RULE A new ethics rule to be codified in the Oklahoma Statutes as Rule 3.16 of Title 74, Appendix I, unless there is created a duplication in numbering, reads as follows:

A. All state officers who are elected or subject to retention to judicial office are required to file financial disclosure statements pursuant to this Rule.

B. Officers identified in subsection (A) of this Rule shall disclose the following information:

1. Name, mailing address, work place telephone number and electronic mail address of the filer;
2. Name of state office held by filer;
3. Beginning date of term of office;
4. Expiration date of term of office;

5. Acknowledgements of the jurisdiction of the Commission, the Ethics Rules, and educational opportunities provided by the Commission;

6. Acknowledgments of understanding of certain conflicts of interest Rules applicable to state officers;

7. Disclosure of all material financial interests as defined in subsection (C) of this Rule by disclosing the full name and address of the entity or entities; and

8. Any other information required by the Executive Director of the Commission that is consistent with the intent and purpose of these Rules.

C. For purposes of this Rule, a "material financial interest" shall mean:

1. an ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the filer, the filer's spouse or a dependent is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the filer, the filer's spouse or a dependent owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Twenty Thousand Dollars (\$20,000.00) or more at any point during the preceding calendar year; or

2. an ownership interest of five percent (5%) or more in a publicly traded corporation or other business entity by a filer, the filer's spouse, or a dependent at any point during the preceding calendar year; or

3. an ownership interest in a publicly traded corporation or other business entity from which dividends or income, not to include salary, of Fifty Thousand Dollars (\$50,000.00) or more were derived during the preceding calendar year by the filer, the filer's spouse, or a dependent;

4. an interest that arises as a result of the filer's, the filer's spouse, or a dependent's service as a director or officer of a publicly traded corporation or other business entity at any time during the preceding calendar year; or

5. any sources of income derived from employment, other than compensation pertaining to the office for which the state officer is subject to election or retention, in the amount of Twenty Thousand Dollars (\$20,000.00) or more by the filer, the filer's spouse or a dependent not otherwise disclosed herein.

D. For purposes of this Rule a "material financial interest" shall not mean (1) an interest in a mutual fund or other community investment vehicle in which the filer, the filer's spouse or a dependent exercises no control over the acquisition or sale of particular holdings, or (2) an interest in a pension plan, 401k, individual retirement account or other

retirement investment vehicle that makes diversified investments over which the filer, the filer's spouse or a dependent exercises no control over the acquisition or sale of particular holdings.

#### **RULE 4 CONFLICTS OF INTEREST**

SECTION 12. AMENDATORY Ethics Rule 4.16 codified in the Oklahoma Statutes as Rule 4.16 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

Any elected state officer or any state officer or employee approved by the chief administrative officer of the agency to represent the agency at a professional, civic or community event may accept a meal at the event provided by the sponsoring organization. In such instances, the state officer or employee also may accept a token or souvenir gift or memento commemorating the occasion provided the item given is of a value commensurate with the occasion and is neither monetary or a cash equivalent. A professional, civic or community event shall not include political events. An employee for an elected state officer may accept a meal at a political event he or she attends with the elected state officer as long as he or she is not on state time.

#### **RULE 5 LOBBYIST REGISTRATION AND REPORTING**

SECTION 13. AMENDATORY Ethics Rule 5.13 codified in the



Oklahoma Statutes as Rule 5.13 of Title 74, Appendix I, unless there is created a duplication in numbering, is amended as follows:

A lobbyist principal may give a plaque, trophy or similar item suitable for display no more than once per year to a state officer or employee in acknowledgement of the officer or employee's public service, provided the value of the item is no more than Two Hundred Dollars (\$200.00), and the gift is reported on the Legislative Lobbyist Report. No state officer or employee may accept more than one (1) such gift during any calendar year from the same lobbyist principal. A legislative liaison, legislative lobbyist, executive lobbyist or lobbyist principal may provide a gift of any single item with a fair market value not exceeding Ten Dollars (\$10.00) to any state officer or employee, provided that a legislative liaison, legislative lobbyist, executive lobbyist or lobbyist principal shall not make more than one such gift during any calendar year to any state officer or employee.

SECTION 14. REPEALER. Ethics Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.10, and 3.11 of Title 74, Chapter 62-Appendix I of the Oklahoma Statutes shall be repealed effective July 1, 2016. Rules 3.8 and 3.12 shall be repealed effective immediately.

SECTION 15. EFFECTIVE DATES. Sections 8, 9, 10, and 11

shall become effective July 1, 2016 for financial disclosures covering calendar year 2015 and all subsequent years; all other sections shall become effective immediately.