

Oklahoma Ethics Commission Rule Amendment 2024-01

Modification: Adding a new definition for foreign national, including political caucus committee as a type of political party committee, and including clarification for independent expenditure definition to conform with FEC definition

Section 1. AMENDATORY Ethics Rules 2.2 Definitions is amended

to read as follows:

As used in Rule 2:

1. "Campaign" means all activities for or against the election of a candidate for elective state office or for or against a state question;
2. "Candidate" means an individual who has filed or should have filed a statement of organization for a candidate committee for state office with the Commission as required by these Rules. A candidate committee shall include committees for candidates for partisan elective offices, for nonpartisan judicial offices and for judicial retention offices;
3. "Candidate committee" means the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate's campaign, including the campaign of a judicial retention candidate;
4. "Clearly identified candidate" means a candidate whose name, nickname, photograph or drawing appears, or whose identity is otherwise apparent by unambiguous reference;
5. "Commission" means the Oklahoma Ethics Commission;

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6. "Contribution" means any gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, distribution or deposit of money made to, or anything of value given to, or an expenditure other than an independent expenditure made on behalf of, a political party, political action committee or candidate committee, but shall not include the value of services provided without compensation by an individual who volunteers those services;

7. "Electioneering communication" means any communication or series of communications that is sent by Internet advertising, direct mail, broadcast by radio, television, cable or satellite, or appears in a newspaper or magazine that (a) refers to a clearly identified candidate for state office, (b) is made within sixty (60) days before a general election (including a special general election) or thirty (30) days before a primary or runoff primary election (including a special primary or runoff primary election) for the office sought by the candidate, (c) that is targeted to the relevant electorate and (d) does not explicitly advocate the election or defeat of any candidate. "Relevant electorate" shall mean twenty-five thousand (25,000) or more persons in the State of Oklahoma

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in the case of a candidate for statewide elective office, two thousand five hundred (2,500) or more persons in the district the candidate seeks to represent in the case of a candidate for the Oklahoma State House of Representatives or judge of the District Court, and five thousand (5,000) or more persons in the district the candidate seeks to represent in the case of all other elective state offices;

8. "Expenditure" means a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee, deposit or gift made by a political party, political action committee, candidate committee or other individual or entity that is used to expressly advocate the election, retention or defeat of one or more clearly identified candidates or for or against one or more state questions;

9. "Family member" shall include spouse, children (including stepchildren), mother, father, sister or brother;

10. "Foreign National" is an individual who is: (1) not a citizen of the United States and (2) not lawfully admitted for permanent residence (as defined in 8 U.S.C. § 1101(a)(20)); or a foreign principal, as defined in 22 U.S.C. § 611(b), meaning a foreign government or

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political party; or a partnership, association, corporation, organization, or other combination of persons organized under the laws of a foreign country or whose principal place of business is in a foreign country.

11. "Independent expenditure" means an expenditure made by a person for a communication expressly advocating the election or defeat of a clearly identified candidate or a vote for or against the retention of a judicial retention candidate. The communication must not be coordinated, meaning cooperation, consultation or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents, or a political party committee or its agents. An independent expenditure shall not include the display of a noncommercial yard sign, lapel pin, button, bumper sticker or similar de minimis display of support or opposition to a political party or a candidate;

12. "Independent judicial retention committee" means a political action committee organized exclusively for the purpose of making independent expenditures or electioneering communications supporting or opposing the retention of a candidate for judicial retention;

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13. "Labor union" means an organization of workers formed for the purpose of advancing its members' interests in respect to wages, benefits and working conditions;

14. "Limited committee" means a political action committee organized to make contributions to candidates. A limited committee may make independent expenditures or electioneering communications, but may not accept contributions in excess of the limits prescribed for limited committees;

15. "Officeholder expenses" means ordinary and necessary expenses incurred in connection with a candidate's duties as the holder of a state elective office, provided that the expenses are not otherwise reimbursed or paid for by the state. "Ordinary and necessary expenses" are those that would not exist but for the fact that the candidate was elected to and holds a state elective office;

16. "Political action committee" means a limited or unlimited committee that has filed or should have filed a statement of organization with the Commission as required by these Rules;

17. "Political party" means a political party recognized under laws of this state;

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18. "Political party committee" means a committee authorized by the political party to accept contributions or make expenditures on behalf of the political party. A political party committee may include a state committee, a Congressional District committee, a legislative caucus committee, a county committee, a precinct committee or any other committee or entity of the party officially recognized in the party's bylaws or similar governing document;

19. "State question communication" means an expenditure made by person for a communication or series of communications that is sent by internet advertising, direct mail, broadcast by radio, television, cable or satellite, or appears in a newspaper, magazine, or other printed medium supporting or opposing a state question that is made within sixty (60) days before the election deciding the state question. A state question communication shall not include the display of a noncommercial yard sign, lapel pin, button, bumper sticker or similar de minimis display of support or opposition to a state question;

20. "State question" means an initiative or referendum petition for which the Secretary of State has assigned a state question number; and

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21. "Unlimited committee" means an independent judicial retention committee, a political action committee organized exclusively for the purpose of making independent expenditures or electioneering communications or a political action committee organized exclusively for the purpose of advocating the approval or defeat of a state question.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-02

Modification: Adding in reference to prohibition on contributions by foreign nationals and increasing contribution amount from \$50 to \$200.

Section 1. AMENDATORY Ethics Rules 2.17 General Rule for Contributions is amended in the following sections to read as follows:

(B) The name, address, occupation and employer shall be required for any individual contributor regardless of amount or value of contribution unless the contribution is an anonymous contribution of less than Two-Hundred Dollars (\$200.00) as provided for in Rule 2.20.

(C) Contributions as described in (A) are prohibited by or from foreign nationals in connection with any state or local campaign. This prohibition includes advances of personal funds, contributions or donations made to political party committees and organizations, state or local party committees for the purchase or construction of an office building fund under 11 CFE 300.35, and contributions or disbursements to make electioneering communications.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-03

Modification: Increasing mandatory reporting from \$50 to \$200 with inflationary index included.

Section 1. AMENDATORY Ethics Rules Rule 2.20. Anonymous

Contributions is amended to read as follows:

No anonymous contribution of more than Two-Hundred Dollars (\$200.00) may be made to or accepted by a political party committee, a political action committee or a candidate committee. Any anonymous contribution of more than Two-Hundred Dollars (\$200.00) received by a committee shall be deposited in the general revenue fund of the state to the extent that the contribution exceeds Two-Hundred Dollars (\$200.00). The \$200.00 contribution amount will be subject to a biennial adjustment, in accordance with Rule 2.37(H), commencing on January 1, 2027. The amount will be adjusted upward or downward each year, and rounded to the nearest \$10.00, but shall not revert to below \$200.00.

Oklahoma Ethics Commission Rule Amendment 2024-04

Modification: Adding language to require certification by treasurers and/or deputy treasurers regarding any funding received by foreign nationals

Section 1. AMENDATORY Ethics Rules 2.95 Campaign Depository

Account Requirements is amended to read as follows:

Every candidate committee, political action committee and political party committee shall maintain a campaign account in each campaign depository in the name of the committee as it is registered with the Commission. All contributions to a committee except in-kind contributions, including contributions by a candidate to his or her candidate committee, shall be deposited in a campaign account. All expenditures made by a committee shall be made on a check or by debit card, signed by the candidate, Treasurer or Deputy Treasurer of a candidate committee and by the Treasurer or Deputy Treasurer of a political action committee. Provided, however, a candidate may authorize other individuals to sign checks or debit cards for the candidate's committee; however, the candidate, the Treasurer and Deputy Treasurer shall remain responsible for the lawful expenditure of committee funds. Further, Treasurers and/or Deputy Treasurers, as applicable, shall personally certify that no campaign funds came from foreign nationals or principals, or shall be subject to civil penalties under the provisions established by the Ethics Rules. Checks for a political action committee shall include the identification number of the committee assigned by the Commission. A campaign account may earn interest paid by the financial institution in which the account is maintained, but campaign funds shall not be

Oklahoma Ethics Commission Rule Amendment 2024-04

Modification: Adding language to require certification by treasurers and/or deputy treasurers regarding any funding received by foreign nationals

invested in any other way. Contributions from corporations, labor unions, a limited liability company that has one or more corporate members or a partnership that has one or more corporate partners shall not be commingled with other contributions made to a candidate committee, a limited committee or a political party committee.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-05

Modification: Adding domicile requirements and increasing amount of mandatory reporting from \$50 to \$200 with inflationary index included.

Section 1. AMENDATORY Ethics Rules 2.107 Time and Requirements for Independent Expenditure Reports is amended in the following sections to read as follows:

(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 Two-Hundred Dollars (\$200.00) 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. The \$200.00 contribution amount will be subject to a biennial adjustment, in accordance with Rule 2.37(H), commencing on January 1, 2027. The amount will be adjusted upward or downward each year, and rounded to the nearest \$10.00, but shall not revert to below \$200.00.

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

Oklahoma Ethics Commission Ethics Rule Amendment 2024-05

Modification: Adding domicile requirements and increasing amount of mandatory reporting from \$50 to \$200 with inflationary index included.

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 Two-Hundred Dollars (\$200.00) 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.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-06
Modification: Adding domicile requirements and increasing contribution amount from \$50 to \$200 with inflationary index included.

Section 1. AMENDATORY Ethics Rules 2.108 is amended in the following sections to read as follows:

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 Two-Hundred Dollars (\$200.00) 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. The \$200.00 contribution amount will be subject to a biennial adjustment, in accordance with Rule 2.37(H), commencing on January 1, 2027. The amount will be adjusted upward or downward each year, and rounded to the nearest \$10.00, but shall not revert to below \$200.00. 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

Oklahoma Ethics Commission Ethics Rule Amendment 2024-06
Modification: Adding domicile requirements and increasing contribution amount from \$50 to \$200 with inflationary index included.

(2) specifically designated for electioneering communications or independent expenditure 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 Two Hundred Dollars (\$200.00) 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.

(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

Oklahoma Ethics Commission Ethics Rule Amendment 2024-06
Modification: Adding domicile requirements and increasing
contribution amount from \$50 to \$200 with inflationary index
included.

committee in any way as previously defined in Rule 2.2, the
expenditure shall be considered as a contribution to the
candidate committee and as an expenditure by the candidate
committee.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-07
Modification: Adding domicile requirements and increasing contribution amount from \$50 to \$200 with inflationary index included.

Section 1. AMENDATORY Ethics Rules 2.109 Time and Requirements for State Question Communications is amended in the following sections to read as follows:

(E) If the person making the state question communication, other than a political action committee, received funds from any other person for the purpose of making state question communications, the report shall include the name, address and principal business activity of each person contributing funds in excess of Two-Hundred Dollars (\$200.00) 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 state question communication was made. The \$200.00 contribution amount will be subject to a biennial adjustment, in accordance with Rule 2.37(H), commencing on January 1, 2027. The amount will be adjusted upward or downward each year, and rounded to the nearest \$10.00, but shall not revert to below \$200.00. 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 a state question communication; or (2) specifically designated for

Oklahoma Ethics Commission Ethics Rule Amendment 2024-07

Modification: Adding domicile requirements and increasing contribution amount from \$50 to \$200 with inflationary index included.

expenditures supporting or opposing a state question by the donor.

(F) If the person making the state question 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 Two-Hundred Dollars (\$200.00) 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 state question communication is made.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-8
Modification: Removing requirement of attendance at event by lobbyist, liaison, or lobbyist principal.

Section 1. AMENDATORY Ethics Rules 5.6 Prohibition on Things of Value Provided to or Accepted by Governor, Legislative Officers and Employees is amended to read as follows:

Except as provided in these Rules, a legislative liaison, a legislative lobbyist or a lobbyist principal by whom the legislative liaison or legislative lobbyist is employed or retained shall provide no gift to the Governor, a legislator or any employee of the Governor or the Legislature. The Governor, a legislator or any employee of the Governor or the Legislature shall not knowingly accept anything of value from a legislative liaison, a legislative lobbyist or a lobbyist principal by whom the legislative liaison or legislative lobbyist is employed or retained except as permitted by these Rules. Except as provided in these Rules, an executive lobbyist or a lobbyist principal by whom the executive lobbyist is employed or retained shall provide nothing of value to any officer or employee of an agency that is the subject of the executive lobbyist's lobbying activities. No officer or employee of an agency that is subject to an executive lobbyist's lobbying activities shall knowingly accept anything of value from an executive lobbyist or a lobbyist principal by whom an executive lobbyist is employed except as permitted by these Rules. In no event shall a legislative liaison, a legislative lobbyist, an executive lobbyist or a lobbyist principal indirectly provide anything of value to any state officer

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Modification: Removing requirement of attendance at event by lobbyist, liaison, or lobbyist principal.

or employee by providing a thing of value to a family member of the state officer or employee, other than as permitted by these Rules.

In no event shall the costs of a thing of value provided by a legislative liaison or legislative lobbyist to the Governor, a legislator or any employee of the Governor or the Legislature permitted by these Rules be divided or shared with other legislative liaisons or legislative lobbyists in filing a report required by these Rules unless otherwise provided by these Rules. Agencies may provide two (2) tickets or admissions to any conference, seminar, lecture or similar event held within the boundaries of the State of Oklahoma and sponsored in whole or in part by the agency to the Governor, any legislator or any employee of the Governor or Legislature, provided the tickets or admissions are used by the recipient and a family member of the recipient.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-09
Modification: Increasing limit from \$500 to \$750 for meal limits.

Section 1. AMENDATORY Ethics Rules 5.7 Meal Limits for

Legislative Liaisons or Legislative Lobbyist is amended to read as follows:

A legislative liaison or a legislative lobbyist shall pay no more than Seven Hundred Fifty Dollars (\$750.00) per calendar year for meals for the Governor, for any individual legislator or for any individual employee of the Governor or the Legislature, regardless of the source of funds used for payment.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-10
Modification: Increasing limit from \$500 to \$750 for meal limits.

Section 1. AMENDATORY Ethics Rules 5.8 Gift Limits for

Legislative Liaison or Legislative Lobbyist is amended to read as follows:

A legislative liaison or a legislative lobbyist may make a gift to the Governor or any legislator or any employee of the Governor or the Legislature in recognition of infrequently occurring occasions of personal significance. The gift shall be given and received contemporaneously with the occasion or at times when such gifts are traditionally given. Such gifts may be made to a family member of the Governor or any legislator or any employee of the Governor or the Legislature, provided such family member is a party to a marriage, serious illness, birth or adoption of a child or retirement. Such gifts to any individual recipient may not exceed Two Hundred Dollars (\$200.00) in the aggregate in any calendar year from any legislative liaison or legislative lobbyist. Any such gifts shall be reported to the Commission and aggregated with meals, and the aggregate total of meals and other gifts provided to an individual recipient by a legislative liaison or legislative lobbyist may not exceed Seven Hundred Fifty Dollars (\$750.00).

Oklahoma Ethics Commission Ethics Rule Amendment 2024-11
Modification: Increasing limit from \$500 to \$750 for meal limits.

Section 1. AMENDATORY Ethics Rules 5.10 Meal Limits for

Executive Lobbyist is amended to read as follows:

An executive lobbyist shall pay no more than Seven Hundred Fifty Dollars (\$750.00) per calendar year for meals for an individual state officer or employee of an agency for which he or she is registered or should be registered as an executive lobbyist, regardless of the source of funds used for payment.

Oklahoma Ethics Commission Ethics Rule Amendment 2024-12
Modification: Increasing limit from \$500 to \$750 for meal limits.

Section 1. AMENDATORY Ethics Rules 5.11 Gift Limits for

Executive Lobbyist is amended to read as follows:

An executive lobbyist may make a gift to a state officer or employee of an agency for which he or she is registered or should be registered as an executive lobbyist in recognition of infrequently occurring occasions of personal significance. The gift shall be given and received contemporaneously with the occasion or at times when such gifts are traditionally given. Such gifts may be made to a family member of a state officer or employee of an agency for which he or she is registered or should be registered as an executive lobbyist, provided such family member is a party to a marriage, serious illness, birth or adoption of a child or retirement. Such gifts to any individual recipient may not exceed Two Hundred Dollars (\$200.00) in the aggregate in any calendar year from any executive lobbyist. Any such gifts shall be reported to the Commission and aggregated with meals, and the aggregate total of meals and other gifts provided to an individual recipient by an executive lobbyist may not exceed Seven Hundred Fifty Dollars (\$750.00).

Oklahoma Ethics Commission Ethics Rule Amendment 2024-13

Modification: Modifying blackout period to conclude after primary election if such election determines outcome.

Section 1. AMENDATORY Ethics Rules 6.4 Blackout Period is

amended to read as follows:

The Commission shall not accept a complaint from any person alleging a violation of these Rules by a candidate or candidate committee during a period beginning the first day that the State Election Board may accept Declarations of Candidacy for the office sought by the candidate or candidates and ending on the day of either the Primary Election, only if such Primary Election determines the overall outcome of the winner of the Election, or the General Election during the same year. However, this section shall not prohibit acceptance of a complaint from a member or employee of the Commission.