

POLITICAL SUBDIVISIONS

ETHICS ACT

[Title 51 O.S. 2011, §§ 301 through 325]

including other related statutory provisions

governing the

ETHICAL CONDUCT

of

COUNTY OFFICERS AND EMPLOYEES

and

CAMPAIGNS

for

COUNTY, MUNICIPAL AND SCHOOL BOARD OFFICE

and

COUNTY AND MUNICIPAL PROPOSITIONS

PREAMBLE

This document contains the following:

- Sections 187, 187.1 and 187.2 of Title 21 of the Oklahoma Statutes;
- Sections 334, 360 and 463 of Title 21 of the Oklahoma Statutes;
- Section 2358.3 of Title 68 of the Oklahoma Statutes;
- Section 4260 of Title 74 of the Oklahoma Statutes; and
- Sections 301 through 325 of Title 51 of the Oklahoma Statutes.

Please note that the Ethics Commission has jurisdiction over the Political Subdivisions Ethics Act [the "Act"] as it pertains to campaigns for county office, county officers and employees, and county propositions (ballot measures) only. The Commission has no jurisdiction, other than to provide reporting forms, over the Act as it pertains to campaigns for municipal and school board office. The Act specifically excludes a municipal election involving a utility franchise from its reporting provisions.

Further, the Commission has no jurisdiction to enforce criminal penalties under Title 21 and criminal penalties for violations of statutes governing municipal and school board campaigns. Local district attorneys are the enforcement authorities for these provisions.

Criminal and civil statutes related to the ethical conduct of local officers or employees or local campaigns are included in this compilation for the convenience of the user.

Title 21 Oklahoma Statutes 2001

SECTION

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§ 187. Definitions

As used in Sections 1 through 3* of this act:

1. **"Accept"**, with reference to a contribution, means failure by a candidate, treasurer, deputy treasurer or agent of a committee to expressly and unconditionally reject and return a tendered contribution to the contributor within six (6) business days from receipt of the tender;

2. **"Ballot measure"** means an initiative, referendum, legislative referendum, legislative initiative, state question, or any proposition or measure submitted to voters for their approval or rejection at a statewide election;

3. **"Campaign"** means and includes all activities for or against the election of a candidate to a specific state office or local office for a specific term or the passage or defeat of a ballot measure from the date of acceptance of the first contribution, the making of the first expenditure, or the filing of a declaration of candidacy, whichever is first, until a final campaign contributions and expenditures report is filed;

4. **"Candidate"** means a person who seeks nomination or election to state or local office. An individual is a candidate when the individual:

- a. has filed a declaration of candidacy for any state office with the Secretary of the State Election Board;
- b. has filed a declaration of candidacy for any local office with the secretary of any county election board,
- c. has filed a declaration of candidacy with the Secretary of State and has drawn active opposition,

d. is nominated as a "substitute candidate" pursuant to Section 1-105 of Title 26 of the Oklahoma Statutes; or

e. solicits or accepts contributions, makes expenditures or gives consent to an individual, organization, party committee, or other committee to solicit or accept contributions or make expenditures to secure election to any state office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

- (1) solicitation is made,
- (2) contribution is accepted, or
- (3) expenditure is made.

The term "candidate" shall include a person whose candidacy is unopposed;

5. **"Candidate committee"** means the committee, consisting of one or more persons who may be the candidate only, designated by a candidate to promote the candidate's candidacy and serve as the recipient of all contributions and the disbursing officer of all expenditures for the candidate.

6. **"Committee"** means a candidate committee, political action committee, or party committee;

7. a. **"Contribution"** means and includes:

- (1) a gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, distribution, or deposit of money or anything of value made to and with the knowledge and for the benefit of a committee for use in a campaign, or for reducing the debt of a committee,
- (2) an expenditure made by a person or committee, other than a candidate committee, with the cooperation of, or in consultation with, a committee, a candidate, candidate committee, or candidate's agent or that is made in concert with, or at the request or suggestion of, a candidate, candidate committee, or candidate's agent,
- (3) the difference between the payment to a person, other than a candidate or committee, of compensation for

personal services or products to the candidate or committee, and the reasonable and customary rate charged by the person for like services or products in like quantities when the candidate or committee has knowledge of the discounted services or products,

- (4) anything of value received by a committee that is transferred from another committee or other source,
 - (5) sums paid for tickets for a political event such as a reception, rally, or a similar fundraising event; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting and contribution limitations requirements of Section 2* of this act, by the actual cost of consumables furnished by the committee in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution,
 - (6) the candidate's own money used on behalf of that candidate's candidacy; and
 - (7) the difference between the open market value and a discount or rebate:
 - (a) not extended to the public generally, or
 - (b) by a television or radio station not extended equally to all candidates for the same office.
- b. The term "contribution" shall not include:
- (1) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or committee,
 - (2) for purposes of the contribution limits set forth in Section 2* of this act, the transfer of any funds by a political action committee to another political action committee, provided the committees have been established as provided by law and the

transferring committee and the receiving committee have been established, directly or indirectly, and are administered or financially supported, directly or indirectly, by a common entity,

- (3) any payment or obligation incurred by a corporation, labor organization, membership organization, cooperative or corporation without capital stock for the establishment, administration, and solicitation of contributions to a separate segregated fund or political action committee to be utilized for political purposes,
- (4) a nonreimbursed payment made by an individual for the individual's own travel expenses on behalf of a committee,
- (5) a payment made by an occupant of a residence or office for costs related to a meeting or fundraising event held in the occupant's residence or office if the costs for the meeting or fundraising event do not exceed Five Hundred Dollars (\$500.00). However, if the occupant hosts more than one event in an election cycle for the same beneficiary, all subsequent payments that exceed Five Hundred Dollars (\$500,00) in the aggregate are contributions,
- (6) a loan of money made in the ordinary course of business by a financial institution authorized to transact business in this state at terms and interest rates generally available to a member of the public without regard to that person's status as a state or local officer or state or local employee or a candidate for state or local office by the institution,
- (7) a communication by a corporation, labor organization, or association aimed at its members, owners, stockholders, directors, executive administrative personnel, or their families, or
- (8) a tender of a contribution if the tender is not accepted, including use as collateral, or is transferred to the state as provided in Rule 10-1-2 of the Rules of the Ethics Commission, 74 O.S. Supp. 1994, Chapter 62, App.;

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8. **"Expenditure"** means a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee deposit, transfer of funds between committees, or a gift made by a committee. An expenditure does not include the following:

- a. a loan of money, made in the ordinary course of business, by a financial institution authorized to transact business in this state,
- b. a communication by a corporation, labor organization, or association aimed at its members, owners, stockholders, executive administrative personnel, or their families, except a communication by the corporation's political action committee promoting or opposing a candidate or candidates,
- c. uncompensated services provided by an individual volunteering the individual's time, or
- d. a transfer of funds to another committee if such transfer is not accepted;

9. **"Family"** means an individual, his or her spouse, if any, and all children under the age of eighteen (18) years residing in the same household;

10. **"Local office"** means all elective offices for which a declaration of candidacy is filed with the secretary of any county election board;

11. **"Party committee"** means a political party or any affiliated or connected entity;

12. **"Person"** means an individual, corporation, association, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business trust, estate, trust, company, organization, committee, or club, or a group of persons who are voluntarily acting in concert;

13. **"Political action committee":**

- a. means a combination of at least two individuals, or a person other than an individual:

(1) with the primary purpose of:

- (a) supporting or opposing a candidate or candidates, or a party committee, except those required to file with the Federal Election Commission, or

(b) supporting or opposing a ballot measure, and

- (2) which accepts or gives contributions or makes expenditures from a joint account aggregating at least Five Hundred Dollars (\$500) during a calendar year, and

b. does not include:

- (1) a party committee or a candidate committee,
- (2) a person other than an individual, when that person makes an expenditure or expenditures from an account to which contributions have not been solicited or accepted from any other persons or individuals; and the expenditure or expenditures are required by law or by Chapter 10 of the Rules of the Ethics Commission to be reported by the recipient committee or committees as a contribution or contributions, and
- (3) a combination of individuals, or a person other than an individual, if the combination of individuals, or a person other than an individual, solicits contributions on behalf of a committee, and any contributions received as a result of the solicitation are forwarded to the committee without being deposited in any account; and, the contributions are required by law or by Chapter 10 of the Rules of the Ethics Commission to be reported by the committee that receives the contributions;

14. **"Political party"** means any political party so recognized for the purpose of having candidates appear on the ballot; and

15. **"State office"** means all elective offices for which declarations of candidacy are filed with the Secretary of the State Election Board.

*Section 187, 187.1 and 187.2 of Title 21 of the Oklahoma Statutes.

§ 187.1. Limitations on campaign contributions

A. No person or family may contribute more than:

1. Five Thousand Dollars (\$5,000.00) in any calendar year to a committee other than a candidate committee;

2. Five Thousand Dollars (\$5,000.00) to a candidate for state office, to a candidate for municipal office in a municipality with a population of over two hundred fifty thousand (250,000) persons, according to the most recent Federal Decennial Census, to a candidate for county office in a county with a population of over two hundred fifty thousand (250,000) persons, according to the most recent Federal Decennial Census, or to a candidate committee authorized by such a candidate to receive contributions or make expenditures on his or her behalf, for any campaign; or

3. One Thousand Dollars (\$1,000.00) to a candidate for other local office, or to a candidate committee authorized by such a candidate to receive contributions or make expenditures on his or her behalf, for any campaign.

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

C. These restrictions shall not apply to a committee supporting or opposing a ballot measure or local question or to a candidate making a contribution of his or her own funds to his or her own campaign.

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

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

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

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

E. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed exceeds the contribution limitation specified in subsection A of this section by Five Thousand Dollars (\$5,000.00) or more, upon conviction, shall be guilty of a felony punishable by a fine of up to four times the amount exceeding the contribution limitation or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment.

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

G. No lobbyist or lobbyist principal as defined in Section 4249 of Title 74 of the Oklahoma Statutes shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for a member of the Oklahoma Legislature or a candidate for a state legislative office during any regular legislative session, beginning the first Monday in February, through its adjournment, and for five (5) calendar days following sine die adjournment. A member of the Oklahoma Legislature or a candidate for a state legislative office shall not intentionally solicit or accept a contribution from a lobbyist or lobbyist principal as defined in Section 4249 of Title 74 of the Oklahoma Statutes during any regular legislative session and for five (5) calendar days after sine die adjournment. For the purposes of this subsection, a candidate shall mean any person who has filed a statement of organization for a state legislative office pursuant to Oklahoma Statutes, Title 74, Chapter 62 Appendix, Rule 257:10-1-8.

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

Amended Laws 2008 [Subsections G and H effective November 1, 2008].

§ 187.2. Prohibition on corporate contributions to candidate campaigns—Penalties

A. No corporation shall contribute to any campaign fund of any party committee of this state or to any other person for the benefit of such party committee or its candidates, nor shall it, through any agent, officer, representative, employee, attorney, or any other person or persons, so contribute. Nor shall any such corporation, directly or through such other person, make any loan of money or anything of value, or give or furnish any privilege, favor or other thing of value to any party committee, or to any representative of a party committee, or to any other person for it, or to any candidate upon the ticket of any political party.

B. A corporation shall not make a contribution or expenditure to, or for the benefit of, a candidate or committee in connection with an election, except that this provision shall not apply to:

- (1) A campaign or committee solely for or against a ballot measure or local question; or
- (2) The establishment, administration, and solicitation of contributions to a political action committee to be utilized for political purposes by a corporation.

C. No candidate, candidate committee, or other committee shall knowingly accept contributions given in violation of the provisions of subsection A or B of this section.

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

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

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

One Thousand Dollars (\$1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

§ 334. Contingent fees—Influencing legislation or official action

No person may retain or employ a lobbyist, as defined in Section 6* of this act, for compensation contingent in whole or in part on the passage or defeat of any official action or the approval or veto of any legislation, issuance of an executive order or approval or denial of a pardon or parole by the Governor. No lobbyist may accept any employment or render any service for compensation contingent on the passage or defeat of any legislation or the approval or veto of any legislation by the Governor. Any person convicted of violating the provisions of this section shall be guilty of a felony punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the state penitentiary not exceeding two (2) years or by both such fine and imprisonment.

*Section 4249 of Title 74 of the Oklahoma Statutes.

§ 360. Prohibitions on public officers or public employees soliciting contributions from state employees—Penalties

No public employee or public officer, as defined in Section 18* of this act, shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes. No public employee or official shall retaliate against any employee for exercising his or her rights or for not participating in permitted political activities as provided in Ethics Commission Rule 10-1-4. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not longer than two (2) years, or by both said fine and imprisonment.

*Section 304 of Title 51 of the Oklahoma Statutes.

§ 463. Offering forged or false instruments for record

Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or

recorded under any law of this state or of the United States, shall be guilty of a felony.

Title 68 Oklahoma Statutes 2001, § 2358.3

§ 2358.3. Income tax deduction for contributions

A person who contributes money to a political party or to a candidate or candidate committee shall be entitled to deduct the amount contributed, not to exceed One Hundred Dollars (\$100.00) in any one tax year, from the person's adjusted gross income in the computation of Oklahoma Income tax.

§ 4260. Local candidates—Electronic reports

All candidates allowed to receive the maximum contribution of Five Thousand Dollars (\$5,000.00), pursuant to paragraph 2 of subsection A of Section 187.1 of Title 21 of the Oklahoma Statutes, shall file a campaign contributions and expenditures report electronically with the Ethics Commission. The Ethics Commission shall make the report available online. The Ethics Commission shall consult with the Office of State Finance regarding an information technology services contract to comply with this section.

Added Laws 2011 [Effective November 1, 2011].

CHAPTER 6. – POLITICAL SUBDIVISIONS ETHICS ACT

SECTION

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§ 301. Short title

Sections 15 through 39 of this act shall be known and may be cited as the "Political Subdivisions Ethics Act".

§ 302. Legislative intent

It is the intent of the Legislature that the law reflect the following items:

1. That the operation of government be properly conducted so that public officials are independent and impartial and that a public office is not used for private gain other than the remuneration provided by law. Public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist;

2. That the government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when such interests conflict with the responsibility of such officials to the public;

3. That the campaign process in this state operate to ensure that the people of this state elect their representatives in an informed and equitable manner and that qualified persons become candidates for public office with full confidence in the ability of the process to protect them from wrongful allegations of unlawful election practices;

4. That the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and pending legislative actions at every level of government;

5. That these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflict of interest without creating unnecessary barriers to public service be implemented;

6. That no officer or employee of any political subdivision of this state, have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activities; or incur any obligation of any nature that is in substantial conflict with the proper discharge of duties in the public interest; and

7. That all public officials and public employees are agents of the people and hold their positions for the benefit of the people. They are bound to uphold the Constitution of the United States and the Constitution of this state and to perform efficiently and faithfully their duties under the laws of the federal, state and local governments. Such officers and employees must observe, in their official acts, high standards of ethics regardless of personal consideration, recognizing that promoting the public interest and maintaining the respect for their government must be a foremost concern.

§ 303. Administration of act—Certain clerks not to receive complaints under act

A. The provisions of the Political Subdivisions Ethics Act shall be administered as follows:

1. The Ethics Commission created in Section 1 of Article XXIX of the Oklahoma Constitution, shall administer the Political Subdivision Ethics Act with respect to candidates or candidate committees for county office, campaigns for or against county ballot measures and public officials and public employees elected or appointed to serve in county government;

2. The municipal clerk shall administer the Political Subdivisions Ethics Act with respect to

candidates or candidate committees for municipal office, committees supporting or opposing candidates for municipal office and campaigns for or against municipal ballot measures other than those involving utility franchises; and

3. The clerk of the board of education shall administer the Political Subdivisions Ethics Act with respect to candidates or candidate committees for school district office or committees supporting or opposing candidates for school district office.

B. The municipal clerk and the clerk of the board of education shall not receive any complaints of violations of the Political Subdivisions Ethics Act and shall be limited to the duties prescribed in paragraphs 1, 2, 3, 4 and 5 of Subsection A of Section 19* of this title.

*Section 305 of Title 51 of the Oklahoma Statutes.

§ 304. Definitions

As used in the Political Subdivisions Ethics Act:

1. "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, or any legal entity through which business is conducted for profit;

2. "Calendar quarter" means each three-month period of a calendar year, beginning on January 1, April 1, July 1 and October 1 of each year;

3. "Campaign" means and includes all activities for or against the election of a candidate to a specific local office for a specific term, the making of the first expenditure, the filing of a declaration of candidacy or a public announcement of intent to seek such election, whichever is first;

4. "Candidate" means a person who has filed a notification and declaration of candidacy for any public office with the secretary of any county election board. The term "candidate" shall include a person whose candidacy is unopposed, but shall not include any person who has withdrawn such notification and declaration of candidacy;

5. "Candidate committee" means the committee, consisting of one or more persons who may be the candidate only, designated by a candidate to promote the candidate's candidacy and serve as the recipient of all contributions and the disbursing officer of all expenditures for the candidate;

6. "Committee" means a candidate committee, political action committee, political party, or organization;

7. "Compensation" means money, service, facility or thing of value or financial benefit which is received or is to be received in return for or in connection with services rendered or to be rendered;

8. "Complainant" means a person filing a complaint pursuant to the provisions of Section 21* of this act;

*Section 307 of Title 51 of the Oklahoma Statutes.

9. "Contributor" means and includes every person or committee who makes a contribution;

10. "Contribution" means and includes any money, property, or in-kind services, including but not limited to, printing or engraving, radio or television time, billboards, advertising, subscription, forgiveness of indebtedness, personal or professional services or any other thing of value whatsoever which is given or loaned to be used in a campaign. The term "contribution" shall not include:

- a. money loaned to a candidate in connection with his own campaign by a bank, savings and loan association or credit union which is to be repaid with interest at a rate comparable to that of loans for equivalent amounts for other purposes,
- b. the value of services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, organization, political action committee, or political party,
- c. for purposes of the contribution limits set forth in Section 2* of this act, the transfer of any funds by a political action committee to another political action committee, provided the committee has been established as provided by law if the transferring committee and the receiving committee have been established, directly or indirectly, and are administered or financially supported, directly or indirectly, by a common organization, or
- d. any payment or obligation incurred by a corporation, labor organization, membership organization, cooperative or corporation without capital stock for the establishment, administration, and solicitation of contributions

to a separate segregated fund or political action committee to be utilized for political purposes;

*Section 187.1 of Title 21 of the Oklahoma Statutes.

11. "Commission" means the Ethics Commission;

12. "Election" means a Primary, Run-off Primary, General, or Special Election in which a candidate is on the ballot;

13. "Election board" means the appropriate county election board in reference to candidates who file a declaration of candidacy with the county election board;

14. "Expenditure" means a payment, distribution, contribution, loan, advance, compensation, reimbursement, fee deposit or gift of money securement, or any other thing of value, or services including but not limited to postage, telephone, telegraph, printing, advertising, travel, lodging, meals or entertainment for which payment is made with private or public funds, and includes a contract, promise or agreement to make an expenditure, whether or not legally enforceable;

15. "Family" means an individual, his or her spouse, if any, and all children under the age of eighteen (18) years residing in the same household;

16. "Governmental entity" means any department, commission, authority, council, board, bureau, committee, legislative body, agency, public trust, or other establishment of the a political subdivision of this state;

17. "Income" means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, gift, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof; provided, the term "income" shall not include campaign contributions;

18. "Local office" means all elective offices for which declarations of candidacy are filed with the secretary of any county election board;

19. "Ministerial action" means an action that a person performs in a prescribed manner which involves no discretionary judgment;

20. "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, union, education or action group or committee or entity

with two or more persons having a joint or common political interest;

21. "Person" means an individual, corporation, association, firm, partnership, labor union or labor organization, committee, club or other organization, or a group of persons who are voluntarily acting in concert;

22. "Political action committee" means a combination of at least two individuals, or a person other than an individual:

- a. with the primary or incidental purpose of supporting or opposing a candidate or political party, except those required to file with the Federal Election Commission or the Ethics Commission, and
- b. which accepts contributions or makes expenditures aggregating at least Two Hundred Dollars (\$200.00) during a calendar year;

23. "Political party" means any political party so recognized for the purpose of having candidates appear on the ballot;

24. "Public employee" means any person who is employed by and receives compensation from any governmental entity, but shall not mean independent contractors or public officials;

25. "Public official" means an elected or appointed official in the executive or legislative branch of a political subdivision of the state;

26. "Represent" or "representation" means any formal or informal attendance before, or any written or oral communication with, or the filing of documents with any governmental entity on behalf of a person or organization;

27. "Respondent" means a person named in a complaint filed pursuant to the provisions of Section 21* of this title;

*Section 307 of Title 51 of the Oklahoma Statutes.

28. "Source" means the name, address, and description of the principal business activity of a person or organization; and

29. "Substantial financial interest" means an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of ownership or interest in a business entity, or as a result of salary, gratuity or other

compensation or remuneration from any person, partnership, organization or association.

§ 305. Powers and responsibilities of Commission—Promulgation of rules and regulations

A. The Ethics Commission shall:

1. Serve as the official repository for financial disclosure statements, campaign contributions and expenditures reports and such other documents filed by candidates or candidate committees for county office and public officials and public employees of county government as pertain to its duties;

2. Accept and file any information voluntarily supplied that exceeds the requirements of the Political Subdivisions Ethics Act; provided, the Commission shall not require the disclosure of any information other than as specifically provided by the Political Subdivisions Ethics Act;

3. Make available from its website forms upon which information shall be provided as required by the Political Subdivisions Ethics Act and copies of the Political Subdivisions Ethics Act for all candidates, committees, officials, and employees required to submit such forms;

4. Make campaign contributions and expenditures reports, political action committees' registrations and financial disclosure statements filed with it available during regular business hours to the public subject to the Open Records Act, Section 24A.1 et seq. of this title. No original or record copies of reports, registrations and statements shall be removed from the office of the Commission. No records or materials of the Commission shall be subject to the Oklahoma Open Records Act unless expressly provided for in this act;

5. Preserve such reports, registrations and statements in accordance with the Records Management Act, Section 201 et seq. of Title 67 of the Oklahoma Statutes, or for a period of at least two (2) years from date of receipt;

6. Issue ethics interpretations pertaining to the provisions of the Political Subdivisions Ethics Act when requested by any person or committee under the jurisdiction of the Commission and publish its ethics interpretations annually; provided, that failure of a person to request an ethics interpretation shall have no relevance in any subsequent proceeding under the Political Subdivisions Ethics Act. Provided further, such interpretation shall be binding on the Commission in any

subsequent proceeding under the Political Subdivisions Ethics Act. Sufficient deletions shall be made by the Commission in published ethics interpretations to prevent the disclosure of the identity of the persons involved in the situations presented in the ethical interpretations;

7. Pursuant to a complaint filed under the provisions of Section 307 of this title and as specifically authorized by law, hold hearings, subpoena witnesses upon a vote of a majority of the members of the Commission, and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the Commission's duties or exercise of its powers;

8. Enforce and collect such late filing fees as provided for by the Political Subdivisions Ethics Act. The Commission shall establish a procedure by which an employee of or person contracting with the Commission shall conduct a hearing regarding any late filing fee imposed upon written request. The hearing shall be conducted within thirty (30) days of the request. The decision of the person conducting the hearing may be appealed to the Commission upon written request; and

9. Initiate and continue programs for the purpose of educating officials, employees and citizens of political subdivisions of this state on matters of ethics and government service.

Amended by House Bill 2408, § 1, emerg. eff. July 1, 2010.

§ 305.1. Repealed by House Bill 2408, § 6, emerg. eff. July 1, 2010.

§ 306. Promulgation of statutory rules and regulations

A. The Ethics Commission shall be authorized to promulgate rules and regulations pursuant to the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes, for the purpose of carrying out its duties pursuant to the Political Subdivisions Ethics Act with respect to candidates and candidate committees for county office, for campaigns for county initiatives and referenda and for county officers and employees.

B. The Ethics Commission shall adopt rules and regulations providing standards for allowing registrations, reports and statements to be filed on magnetic media or in other machine-readable form with the Commission.

§ 307. Complaints

A. Except as otherwise provided in this section, complaints alleging violations of the provisions of this act by persons, committees, candidates, public officials or public employees of county government shall be filed with the Ethics Commission. The Commission shall not accept a complaint alleging a violation by a candidate for local office other than county office. Such complaint must be filed by the complainant with the district attorney of the county in which the violation is alleged to have occurred.

B. The Commission shall not initiate any investigation or other proceedings except:

1. Pursuant to a complaint which meets the requirements of this section; or

2. Pursuant to the provisions of Section 23* of this act.

*Section 309 of Title 51 of the Oklahoma Statutes.

C. Complaints shall be made in writing and signed by the person making the complaint and shall be verified and notarized. Each complaint shall state specifically the sections of the Political Subdivisions Ethics Act that the person named in the complaint is alleged to have violated and the date of the alleged violation, which shall not be more than two (2) years before the date the complaint is filed. The Executive Director shall be authorized, without action of the Commission, to refuse to accept any complaint which does not meet the requirements of this section and shall notify the person filing the complaint of the reasons for such refusal. The Executive Director shall, without action of the Commission, forward any complaint filed with the Commission, over which the Court on the Judiciary has jurisdiction to the Court on the Judiciary. The Executive Director shall forward any complaint alleging a violation by a member of the Commission to the Council on Judicial Complaints, which shall be authorized to refer the complaint to the district attorney of the county in which the alleged violation occurred.

D. No person shall disclose the contents of a complaint, his or her intention to file a complaint, the fact that a complaint has been filed or his or her knowledge of another person's intention to file a complaint; provided, the respondent may disclose the entire contents of a complaint and any related materials at any time in the proceedings. If the respondent so discloses, any provisions of this act prohibiting disclosure of information shall be waived and the

complaint and all records and materials related thereto shall be open for public inspection.

E. No complaint alleging any violation of the provisions of Sections 24 through 31* of this act by a candidate or by any person in connection with a campaign for county office may be filed with, received by or initiated by the Commission during the period beginning on the first day of the period for filing declarations of candidacy for the office and ending on the day after certification of the results of the election at which the office is filled.

*Sections 310 through 317 of Title 51 of the Oklahoma Statutes.

F. A copy of any complaint filed with the Commission that meets the requirements of subsection C of this section and a general statement of the applicable laws with respect to the complaint, shall be sent by certified mail to the person named in the complaint. Such person shall have twenty (20) days from the day of receipt of the copy of the complaint to file a written response to the complaint. Upon written request by the person, the chairman of the Commission may extend the time for response an additional twenty (20) days.

G. A complaint may be withdrawn by the complainant at any time during the proceedings outlined in this section with the consent of the Commission and the respondent.

H. Upon the filing of a complaint, the Commission shall determine if the complaint may be resolved by action on the part of either party or by a conciliation agreement pursuant to the provisions of subsection Q of this section or if the complaint should be dismissed. If not, the Commission may cause an investigation to be conducted and may order a hearing to be held pursuant to the provisions of Article II of the Administrative Procedures Act. The respondent shall have the right to be present during any of the proceedings except the final deliberations and the right to appear with counsel and shall be notified that the investigation and hearing may result in a referral of the complaint to the appropriate authority for prosecution if a criminal penalty is provided in this act for the violation cited in the complaint. The complainant shall not be present except at such times as he may be required to provide testimony.

I. The rules of evidence shall apply to any hearings held pursuant to the provisions of this section.

J. All proceedings held pursuant to the provisions of this section shall be conducted in executive sessions. All records relating to any such complaint, review or investigation shall be confidential and not open for public inspection.

K. The Commission shall cause a record to be made of such proceedings and shall request a hearing officer to conduct the proceedings and advise the Commission as necessary. The hearing officer shall be an attorney licensed to practice law in this state. The Court Administrator shall designate hearing officers. The Executive Director or designee shall present the complaint and any evidence supporting the complaint. The Commission shall determine:

1. The order of the proceedings;

2. The order in which the Executive Director or designee and the respondent and his or her counsel are to put on testimony and evidence, cross-examine witnesses and present arguments; and

3. Such other matters as may be necessary to ensure orderly proceedings. The Commission may request the assistance of the hearing officer in making such determinations.

L. At the conclusion of the hearing, the Commission shall conduct final deliberations and shall determine if the complaint may be resolved by a conciliation agreement. No other person shall be present at such deliberations; provided, after such determination, the Commission may request the assistance of the Executive Director.

M. At the conclusion of final deliberations, the Commission shall set forth its determination in writing with findings of fact and conclusions of law. Such written decision with findings of fact and conclusions of law must contain one of the following orders:

1. A dismissal of the complaint;

2. An order reflecting the terms of a conciliation agreement with the respondent pursuant to the provisions of subsection Q of this section; or

3. For complaints alleging a violation of this act for which a criminal penalty is provided, an order referring the complaint and all material gathered by the Commission concerning the alleged violation to the appropriate authority for prosecution or action; provided such referral shall only be made upon the affirmative vote of a majority of the members serving that there is probable cause to believe that the respondent

committed a knowing and willful violation of the sections of the Political Subdivisions Ethics Act cited in the complaint. If the Commission refers the complaint for prosecution or action, the records of any proceedings held pursuant to the complaint shall be transcribed.

As used in this section, "appropriate authority" means the district attorney of the county in which the violation occurred. If uncertainty exists as to the county in which the violation occurred, the Commission may prosecute in, or refer complaints to the district attorney of, any county in which the evidence indicates the violation might have been committed.

N. If the appropriate authority declines to prosecute or take action, the investigation and order and all materials related thereto shall remain confidential. If the appropriate authority decides to prosecute or take action, the respondent shall be entitled to a copy of any report prepared by the Commission concerning the complaint and only that material presented at trial shall become open for public inspection. If the Commission dismisses the complaint, all materials related to the investigation shall be destroyed by the Commission six (6) months after the date of dismissal unless such materials are required for prosecution of filing a frivolous complaint pursuant to the provisions of Section 22* of this act.

*Section 308 of Title 51 of the Oklahoma Statutes.

O. In making a determination pursuant to the provisions of subsection M of this section, the Commission may exercise such discretion as it deems necessary to provide fairness to the accused and to maintain confidence in the public officials and employees who are subject to the provisions of this act.

P. Any person disclosing any material made confidential pursuant to the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00). If the Commission upon a vote of a majority of the members serving determines that confidential information has been disclosed, it shall forward any materials related to such disclosure, along with any information it deems necessary, to the appropriate district attorney.

Q. A conciliation agreement to resolve any complaint filed may be entered into by the Commission and the respondent at any time during the proceedings provided for in this section. A conciliation agreement, unless violated, shall be a bar to any other action by the Commission or the district attorney. A conciliation agreement shall not be made public unless such

disclosure is made part of the agreement. A conciliation agreement may include a requirement that the respondent pay a civil penalty of up to Two Thousand Five Hundred Dollars (\$2,500.00).

Such penalties shall be deposited with the State Treasurer to the credit of the General Revenue Fund. If the Commission finds, or either party alleges, that a conciliation agreement has been violated, the Commission shall conduct a hearing under the procedures specified in this section to determine if the conciliation agreement has been violated and, if so, if the complaint should be referred to the appropriate authority for prosecution. A conciliation agreement may be amended by the Commission.

§ 308. Frivolous complaints

It shall be unlawful to file a frivolous complaint with the Ethics Commission. A person shall be deemed to have filed a frivolous complaint if:

1. The person has submitted or has caused or conspired with the complainant to submit substantially the same complaint to the Commission within the preceding six (6) months;
2. To the best of his or her knowledge, the complaint is not accurate or is not well grounded in fact; or
3. The complaint is made for an improper purpose, including harassment of any person named in the complaint.

If the Commission upon a vote of a majority of the members serving determines that a frivolous complaint has been filed, it shall forward the complaint, along with any information it deems necessary, to the appropriate district attorney. Any person convicted of filing a frivolous complaint shall be guilty of a misdemeanor and shall be punished by a fine not exceeding Ten Thousand Dollars (\$10,000.00).

§ 309. Filing of statements or reports—Delinquency

The Ethics Commission shall post in public view in its office a list of those delinquent in filing any statements or reports required by the Political Subdivisions Ethics Act. It shall send a delinquency notice to the appropriate person within twenty-four (24) hours of the filing deadline by registered or certified mail and may impose late filing fees as provided by law. If any person has not filed any statement or report within forty-eight (48) hours after receipt of such notice, the

Commission may, on its own motion, institute proceedings against such person pursuant to the provisions of Section 21* of this act; provided, the provisions of subsection E of Section 21* of this act shall not apply to proceedings instituted pursuant to the provisions of this section.

*Section 307 of Title 51 of the Oklahoma Statutes.

*Section 307 of Title 51 of the Oklahoma Statutes.

§ 310. Reports of contributions from candidates and committees

A. If a candidate or committee has accepted one or more contributions, or made one or more expenditures during a reporting period, the designated agent shall be required to file a complete written report of all contributions and expenditures as provided for in the Political Subdivisions Ethics Act. If a candidate or committee has not accepted any contributions and has made no expenditures during a reporting period, the designated agent shall file a statement of inactivity.

B. Every candidate or candidate committee for county office and every committee, except for committees supporting or opposing municipal or school board candidates, which receives a contribution which exceeds Two Hundred Dollars (\$200.00) in a campaign shall file reports with the Ethics Commission. Every candidate or candidate committee for local office other than county office shall file reports with the clerk of the appropriate political subdivision.

C. Every candidate and committee shall report the sources of each contribution which exceeds Two Hundred Dollars (\$200.00) in the aggregate during the campaign or calendar year.

D. Every committee, except for candidate committees, that makes a contribution to another candidate or committee in an amount which exceeds Two Hundred Dollars (\$200.00) in the aggregate during the campaign or calendar year shall report the contribution as an expenditure as provided in Section 28* of this act; provided, this subsection shall not authorize any contribution otherwise prohibited by law. A committee shall not make a contribution in cash. A committee shall not make a contribution, other than in kind, except by written instrument containing the name of the donor and the name of the payee.

*Section 314 of Title 15 of the Oklahoma Statutes.

E. If a contributor makes more than one contribution to a candidate or committee and any of such contributions are of a value less than Two

Hundred Dollars (\$200.00) in the aggregate during the campaign or calendar year, then such contributions shall be reported whenever the aggregate value or amount of such contributions and the theretofore unreported contributions to such candidate or committee exceeds Two Hundred Dollars (\$200.00).

F. Contributions of a value Two Hundred Dollars (\$200.00) or less during the reporting period shall be reported as one aggregate total without identifying the contributors thereof. All corporate contributions to a committee or person for or against a state question shall be segregated from, and may not be commingled with, a fund established by such person or committee to contribute to candidates or committees which support or oppose candidates.

G. Expenditures made by a candidate or candidate committee from the candidate's own funds including, but not limited to, any funds loaned by a bank, savings and loan association or credit union, and on the candidate's own behalf shall not be considered as contributions but shall be reported as expenditures.

§ 311. Registration of committees—Form

A. Committees shall register with the Ethics Commission within ten (10) days of organization or within ten (10) days of receiving or expending more than Two Hundred Dollars (\$200.00). The form shall require the following information:

1. The name and address of the committee;
2. The name and address and relationship of any affiliated or connected organizations;
3. The name, address and position of the designated agent of the committee;
4. The name and address of the chairman, vice-chairman and treasurer of the committee and its staff director, if any;
5. If the committee is authorized by a candidate, the name, address, office and party affiliation of the candidate; and
6. A listing of all banks, safety deposit boxes or other depository used by the committee.

B. The form shall be as follows:

REGISTRATION: Committees

Please type or print clearly in ink.

1. NAME OF COMMITTEE: (Full Exact Name, Do not abbreviate)

Street Address

City State Zip

2. PURPOSE OF COMMITTEE: (Check only one, then provide additional information on line checked)

Candidate	Candidate's Name (Last, First, Middle)	Office Sought	District/ County
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()
Special Interest (Associated with a business, association, labor union or similar organization)

()
Other (Explain fully on an attached sheet) Brief Description

()
3. DURATION: Will committee continue beyond next election? () Yes () No
4. DATE: General/ Special MM/DD/YY
5. FEC ID NUMBER: (Federal Committees Only)

6. OFFICERS: Name (Last, First, Middle) Address (Street, City, State, Zip)

Chairman
Vice-Chairman
Treasurer
Staff Director

7. DESIGNATED AGENT: Name Daytime Phone No.
Address City State Zip

8. DEPOSITORIES: Please list all banks, safety boxes or other depositories used by the above-named organization, committee or party. List primary depository first; use attached sheet if necessary.

Institution Name	City	Description (Account, Safety Deposit Box...) & Number
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9. CONNECTED ORGANIZATIONS: List all affiliated or connected organizations and indicate their relationship

to this committee. List primary connected organization first; use attached sheet if necessary.

Organization Name	Address (Street, City, State, Zip)	Relationship
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10. CERTIFICATE: We certify that the above information is true, complete and correct.

Chairman's Signature	Date	Designated Agent's Signature	Date
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C. Any change in submitted information shall be reported within ten (10) days after the date of change.

§ 312. Certain out-of-state organizations exempt from requirements of act

The provisions of the Political Subdivisions Ethics Act shall not apply to out-of-state committees which receive contributions and which contribute in Oklahoma only through an Oklahoma committee that registers and files reports of contributions and expenditures pursuant to the provisions of the Rules of the Ethics Commission or the Political Subdivisions Ethics Act.

§ 313. Designation of agent for receipt and expenditure of contributions—Records

A. Every candidate or committee shall designate a person, who may be the candidate himself or herself for a candidate committee, to be the agent of the committee for the receipt and expenditure of contributions for reporting purposes. The agent may designate as many subagents as he or she deems fit. The chairperson of a committee may remove the designated agent and designate another agent at any time. The chairperson or agent may remove a subagent and designate other subagents at any time. The designations of agents and subagents shall be made in writing and filed with the Ethics Commission for candidates or candidate committees for county office and with the clerk of the appropriate political subdivision for candidates or candidate committees for local office other than county office. No person shall act as any agent or as a subagent until after his designation is so filed.

B. The form for designation of agent shall be as follows:

POLITICAL SUBDIVISIONS ETHICS ACT

State of Oklahoma

Candidate, Chairman or Agent's Signature Date
(person serving as appointing authority)

DESIGNATION OF AGENT

Please type or print clearly in ink.

NAME OF CANDIDATE OR COMMITTEE:
(Do not abbreviate.)

Business Address (Street or Box, City, State, Zip)

CHECK YOUR FILING STATUS: (mark only one box)

() A CANDIDATE COMMITTEE. Name of authorized candidate committee (if any):

() A POLITICAL ACTION COMMITTEE. Name of Corporation or Organization:

() A POLITICAL PARTY. Central Committee/ District/County/Club:

() AN AGENT. Name of candidate or committee represented:

Candidates or Candidate Committees Only:
(fill in each applicable blank for candidate)

Office Title:	Position No.:	District/ City/County
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Date of Primary Election:	Date of Runoff Primary Election:	Date of General Election:
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DESIGNATION OF AGENT: Name Daytime
Phone No.

Address	City	State	Zip
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DESIGNATION OF SUBAGENTS:

Name	Address	Daytime Phone Number
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AGENT/SUBAGENTS REMOVED:

Name	Term of Service (from date of appointment to present)
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Certificate: I certify that the above information is true, complete and correct.

C. Each agent shall maintain written records of all contributions and expenditures handled by him or her and shall require each of the subagents to maintain a written record of all contributions and expenditures handled by each such subagent. The written records shall be the property of the candidate or committee to which they relate and shall be delivered to the candidate or committee immediately upon:

1. Demand by the candidate or committee;
2. Removal of an agent or subagent; or
3. The expiration of the agent's or subagent's appointment, whichever shall first occur.

D. No committee shall solicit, accept or make a contribution on behalf of any individual candidate without expressed permission of the candidate.

§ 314. Campaign contributions and expenditures report

A. Except as provided by subsection F of this section, the campaign contributions and expenditures reports shall disclose:

1. The carryover from a previous campaign or cumulative period. For purposes of this act, a cumulative period shall begin on the first day of an even-numbered year and end on the last day of an odd-numbered year;

2. The grand total of contributions from the last campaign contributions and expenditures report unless beginning a new campaign or cumulative period;

3. The specific identification of each contributor who gives a contribution which exceeds Two Hundred Dollars (\$200.00), including :

- a. the date the contribution is accepted,
- b. the contributor's address, and
- c. a specific description of the contribution;

4. The aggregate value of all contributions received from each such contributor during the campaign for candidates and candidate committees or during the current calendar year for other committees;

5. The aggregate total of all contributions in the amount of Two Hundred Dollars (\$200.00) or less;

6. The total sum of all contributions during the current reporting period;

7. The grand total of all contributions for the campaign or cumulative period to date;

8. The grand total of expenditures from the last campaign contributions and expenditures report, unless beginning a new campaign or cumulative period;

9. All campaign expenditures in detail by categories or objects of expenditure;

10. The total of all expenditures during the current reporting period; and

11. The grand total of all expenditures for the campaign or cumulative period to date.

B. Such reports shall be certified by the candidate, the principal officer of the committee, or the designated agent. No fictitious names shall be used on the reports. The reports shall show the correct name of the person actually making the contribution.

C. The form of the campaign contributions and expenditures reports shall be as follows:

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORT

DATE OF REPORT _____, 20 _____

Name of Candidate or Committee

Address of Candidate or Committee

Office sought	Report Period	From: (Beginning of Period)	To: (End of Period)

Listed below are the contributions received and the expenditures made which are required by law to be reported.

Carryover from Previous Campaign or Cumulative Period \$ _____

CONTRIBUTIONS

Date Accepted	Name and Address	Nature of Contribution	Amount contributed by Cash, Check or In Kind (Describe)	Total of contributions of more than \$200 during calendar year

Total of other contributions \$200.00 or less this reporting period (not itemized) \$ _____

Total contributions this reporting period \$ _____

Grand Total-All contributions for campaign or cumulative period \$ _____

EXPENDITURES

Amount
Previous Grand Total of Expenditures from Last Report \$ _____
Personal Services _____
Printing _____
Radio and Television _____
Billboards _____
Advertising - general _____
Contributions to Other Campaigns _____

All committees, except for candidate committees, must identify recipients of contributions to other campaigns following verification of acceptance of amounts aggregating in excess of \$200.00 by name, address, amount of contribution and total amount of contributions during the campaign or calendar year:

Name and Address	Amount	Total amount contributed during campaign or calendar year	
	\$	\$	
_____		_____	
_____		_____	
_____		_____	
Total		\$	_____
Miscellaneous		\$	_____
Total expenditures this reporting period		\$	_____
Grand Total - All expenditures for campaign or cumulative period		\$	_____

BALLOT INFORMATION: candidates or candidate committees, please indicate whether the candidate's name appeared on the ballots for the following elections.

PRIMARY	RUNOFF PRIMARY	GENERAL
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No

To the best of my knowledge and belief, the above is a true and correct compilation.

Candidate's, Chairperson's, or Designated Agent's Signature

Subscribed and sworn to before me this _____ day of _____, 20 _____

My commission expires _____

Notary Public

D. A statement of inactivity must include:

1. The candidate or candidate committee, political party or organization's name and address; and

2. A statement by the designated agent verifying that a contribution was not received and an expenditure was not made during the reporting period.

Interest earned shall not be considered to be a contribution, and a filing fee paid by the candidate shall not be considered to be an expenditure.

E. Dissolution Procedures

1. A candidate may not file a "final" report or a candidate committee may not dissolve until:

- a. after a Primary Election or a Run-off Primary Election in which the candidate is elected or defeated,
- b. after the General Election in which the candidate's name appears on the ballot,
- c. after the last day for filing a declaration of candidacy for a candidate who is unopposed in the Primary, Run-off Primary and General Election,
- d. after a candidate's name has been stricken from the ballot pursuant to Section 5-127 of Title 26 of the Oklahoma Statutes, or
- e. after withdrawal of the candidate's candidacy pursuant to Sections 5-115 or 5-116 of Title 26 of the Oklahoma Statutes.

2. A political party committee may dissolve only after the political party itself dissolves.

3. A political action committee or an organization may dissolve only after it determines that it will not accept contributions or make expenditures.

4. A final campaign contributions and expenditures report may be filed at the time or before a scheduled filing is due. The form must:

- a. be marked "final"; and
- b. include a list of the material assets worth Fifty Dollars (\$50.00) or more, and detail their disposition.

5. If a committee owes or is owed money, the committee may dissolve, but must report the status of the debts on the same dates as campaign contributions and expenditures reports would be due until all debts are resolved. Methods of resolution must also be detailed.

6. Unused contributions and campaign assets must be disposed of by candidates or candidate committees according to Section 316 of this title.

F. All candidates allowed to receive the maximum contribution of Five Thousand Dollars (\$5,000.00), pursuant to paragraph 2 of subsection

A of Section 187.1 of Title 21 of the Oklahoma Statutes shall file a campaign contributions and expenditures report electronically with the Ethics Commission. The campaign contributions and expenditures report shall include the same information required by Ethics Commission Rule 257:10-1-14(a).*

*Amended Laws 2011; HB 1776, effective November 1, 2011.

§ 315. Time for filing reports of contributions and expenditures

A. The reports of contributions and expenditures or statements of inactivity shall be filed with the Ethics Commission for candidates or candidate committees for county office and committees supporting or opposing county candidates and organizations, or with the clerk of the appropriate political subdivision for municipal or school board candidates, candidate committees, and committees supporting or opposing municipal or school board candidates, as follows:

1. The reports of a candidate or committee as herein defined shall be filed on or before the tenth day preceding the date of the Primary Election and shall include all contributions accepted and all expenditures made from the date on which the earliest contribution was received or expenditure was made, whichever was earlier, through a period of time ending fifteen (15) days preceding the date of the Primary Election;

2. A further report of a candidate or committee, as herein defined, shall be filed on or before the tenth day preceding the date of the Runoff Primary Election and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 1 of this section through the fifteenth day preceding the date of the Runoff Primary Election;

3. A further report of a candidate or committee, as herein defined, shall be filed on or before the tenth day preceding the date of the General Election and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 2 of this section through the fifteenth day preceding the date of the General Election;

4. A further report of a candidate or committee, as herein defined, shall be filed on or before the fortieth day after the date of the General Election, and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 3 of this section through the thirtieth day after the date of the General Election; and

5. If any contributions are accepted or any expenditures made within six (6) months after close of the reporting period required by paragraph 4 of this section, the candidate or committee, as herein defined, shall file a supplemental report within six (6) months and ten (10) days after the date of the General Election, together with the names of the contributors and the purpose for which the expenditures were made. Such report shall include all contributions accepted and expenditures made from the close of the reporting period required by paragraph 4 of this section, through six (6) months after the date of the General Election. Provided further, that if any contributions are accepted or expenditures are made in connection with such campaign after said six-month period same shall also be fully reported not later than January 15 of each year thereafter. Such reports shall include all contributions accepted and expenditures made from the close of the reporting period of the report most recently filed through December 31 of the previous year.

B. The reports of contributions and expenditures or statements of inactivity of committees accepting contributions or making expenditures for or against a proposition or measure submitted to voters at a county election or a municipal election other than one involving utility franchises shall be filed with the appropriate administering entity as provided by Section 17 of this act as follows:

1. A report shall be filed on or before the tenth day preceding the date of the election and shall include all contributions accepted and all expenditures made from the date on which the earliest contribution was accepted or expenditure was made, whichever was earlier, through a period of time ending fifteen (15) days preceding the date of the election;

2. A final report shall be filed on or before the fortieth day after the date of election wherein the proposition or measure was voted upon, and shall include all contributions accepted and all expenditures made from the close of the reporting period required by paragraph 1 of this subsection through the thirtieth day after the date of the election; and

3. If any contributions are accepted or any expenditures are made within six (6) months after the date of the election wherein the proposition or measure was voted upon, the committee shall file a supplemental report within six (6) months and ten (10) days after the election at which the proposition or measure was voted upon, together with the names of the contributors and the purpose for which the expenditures were made. Such report shall include all contributions accepted and expenditures made from the date of the election

wherein the proposition or measure was voted upon through six (6) months after the date of the election wherein the proposition or measure was voted upon. Provided, further, that if any contributions are accepted or expenditures are made in connection with such campaign after said six-month period, same shall also be fully reported not later than January 15 of each year thereafter. Such reports shall include all contributions accepted and expenditures made from the close of the reporting period of the report most recently filed through December 31 of the previous year.

C. Reports may be filed by mail or delivered to the Commission or the clerk of the appropriate political subdivision but the same must be received by the Commission or the clerk of the appropriate political subdivision not later than 4:30 p.m. of the day specified for filing in order to be deemed timely filed.

§ 316. Use of campaign contributions—Unused contributions—Notification and declaration of candidacy

A. Contributions accepted by any candidate or candidate committee shall be used to defray any campaign expenditures or any ordinary and necessary expenses incurred by the person in connection with duties as a holder of the public office including, but not limited to, expenses for use in a future election campaign, for political activity, for community activity or for nonreimbursed public office related expenses. Said contributions shall not be used for any other purposes. Contributions and any interest income earned on said contributions which are not used in this manner within forty-eight (48) months of the date of the General Election which is intended to result in the final election of a single individual to the office at stake shall be disposed of as follows:

1. Returned to the contributors pursuant to any formula approved by the candidate; provided, any amount returned to a contributor shall not exceed the amount of the original contribution;
2. Donated to the campaign of any other political candidate or to any political party officially recognized by the State Election Board;
3. Donated to a charitable organization qualified for a tax exemption pursuant to the provisions of the Internal Revenue Code; or
4. Retained by the candidate or candidate committee for use in a future election.

B. Any person who receives contributions for a campaign but does not file a notification and declaration of candidacy for public office with the secretary of any county election board, or any person who has withdrawn such notification and declaration of candidacy, shall be governed by the provisions of this section.

§ 317. Penalties

A. Every person who knowingly and willfully violates any of the provisions of Sections 24 through 30* of this act shall, upon conviction, be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by confinement in the county jail for not more than six (6) months, or by both such fine and imprisonment. Such violations shall be prosecuted in the county in which said reports are required to be filed.

B. Every candidate or candidate committee for county office and every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures or statements of inactivity on or before the days specified in Sections 25, 27 and 29* of this act shall be assessed by the Ethics Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed One Thousand Dollars (\$1,000.00). The agent, except for agents for candidates or candidate committees, may be liable for the late fee. Failure to file a report shall be deemed to be a separate offense for each day that the report remains unfiled after it becomes due. Fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the General Revenue Fund. Candidates or candidate committees shall not pay such fees from campaign funds.

*Sections 310 through 316 of Title 51 of the Oklahoma Statutes.

*Sections 311, 313 and 315 of Title 51 of the Oklahoma Statutes.

§ 318. Legislative Intent

The Legislature hereby declares those persons elected and employed to administer the government on behalf of the people of the State of Oklahoma have a responsibility to make certain financial disclosures to demonstrate that fair and equitable treatment is given all governmental decisions.

§ 319. Persons required to file financial disclosure statement

A. Any person elected to an office for which a declaration of candidacy is required to be filed with the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes, except any person required to file financial disclosure pursuant to the provisions of any federal law, shall file a Financial Disclosure Statement with the Ethics Commission on or before the fortieth day after each General Election.

B. Any candidate for an office for which a declaration of candidacy is required to be filed with the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes shall file a Financial Disclosure Statement with the Commission on or before the tenth day following the last day for filing the declaration of candidacy for the office.

C. A member of a board or commission as created by the Oklahoma Constitution or by statute except members of advisory committees to the legislative, executive, or judicial branches of state government, Foster Care Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes, and board members of guaranty associations created pursuant to state statute, shall file a Financial Disclosure Statement with the Commission upon initial appointment and not later than April 30 of each even-numbered year thereafter. The provisions of this subsection shall not be construed to require precinct inspectors, judges, clerks and counters to file Financial Disclosure Statements.

D. No individual shall be required to file more than one Financial Disclosure Statement in any calendar year.

E. Every person failing to file a Financial Disclosure Statement on or before the dates specified in this section shall be assessed by the Commission a late filing fee of up to One Hundred Dollars (\$100.00) for each day the statement remains unfiled; provided, the total amount of such fees assessed per report shall not exceed One Thousand Dollars (\$1,000.00). Failure to file a Financial Disclosure Statement shall be deemed to be a separate offense for each day that the Statement remains unfiled after it becomes due. Fees collected pursuant to the provisions of this subsection shall be deposited with the State Treasurer to the credit of the General Revenue Fund. Such fees shall not be paid from campaign funds.

F. Every board and commission created by the Oklahoma Constitution or by state statute, except those

exempted in subsection E of this section, shall designate an employee or member who shall be responsible for filing a list of employees and/or members of governing boards or commissions required under this section to file Financial Disclosure Statements on or before January 1 of each year. Names of individuals no longer required to file shall also be reported along with the effective date of the termination of their services.

§ 320. Extension of filing time—Oath—Retention of financial disclosure statements

A. Except for those persons required to file a Financial Disclosure Statement pursuant to the provisions of subsection B of Section 33^{*} of this act, any person who is required to file a Financial Disclosure Statement may effect one thirty-day extension of the time for filing such a statement by filing with the Ethics Commission, not more than ten (10) days before or ten (10) days after the date the Financial Disclosure Statement is due, a declaration of intention to defer the filing of his Financial Disclosure Statement.

B. All Financial Disclosure Statements required to be filed pursuant to the provisions of this act shall be certified.

C. The Commission shall retain the Financial Disclosure Statements according to the provisions of the Records Management Act, Section 201 et seq. of Title 67 of the Oklahoma Statutes; provided, all statements shall be retained by the Commission for at least two (2) years.

*Section 319 of Title 51 of the Oklahoma Statutes.

§ 321. Information required in financial disclosure statement—Form

A. The Financial Disclosure Statement shall contain the following information for the preceding two (2) calendar years or for the period since the most recent Financial Disclosure Statement was filed:

1. Name or title of the office;
2. Name of the person filing the Financial Disclosure Statement;
3. Business address of the person;
4. Residential address of the person;

5. Occupation or business of the person prior to the election or employment for which the Financial Disclosure Statement is being filed;

6. Prior positions held as a public official, regardless of whether a salary or reimbursement was received for such service;

7. Names, business addresses, residential addresses and occupations of the spouse of the person and all living adult children if such spouse or children are doing business with the county;

8. A list of categories or industries from which income is received without reference to amounts or frequency of receipt of income. Provided, categories or industries from which less than One Thousand Dollars (\$1,000.00) annually is received may be omitted. Such persons shall list special areas of practice in general subjective terms;

9. A list of categories or industries in which the person has had stock during the period for which the information on the Financial Disclosure Statement is required. Provided, categories or industries in which the person has stock valued at less than One Thousand Dollars (\$1,000.00) at the time of filing the Financial Disclosure Statement may be omitted;

10. The name of any entity from which an honorarium or honoraria, valued at more than Two Hundred Dollars (\$200.00) over and above actual expenses paid to the person, was received and the value of any such honorarium; and

11. The name of any registered lobbyist with whom the person has engaged in business from which income of over One Thousand Dollars (\$1,000.00) was received.

B. The form for the Financial Disclosure Statement shall be as follows:

FINANCIAL DISCLOSURE STATEMENT

NAME: (Last, First, Middle) Birth Date
Business Address (Street or Box, City, State, Zip)
Residential Address (Street or Box, City, State, Zip)

CHECK YOUR FILING STATUS: (mark only one box)

() An elected official.

() A candidate running in an election:
month _____ year _____
() A member of a board or commission.

Position you hold or have been appointed to: (fill in all applicable blanks)
Position Title: _____

County or agency of the office:

Position number: _____

Term begins: _____ ends: _____

Appointment date: _____

Employment date: _____

1. OCCUPATION OR BUSINESS: (current or prior to this election or appointment)

2. PRIOR POSITIONS HELD AS A PUBLIC OFFICIAL: (List most recent positions first)

3. SPOUSE and ADULT CHILDREN: Give the following information for your spouse and all living adult children (over 18 years of age) if your spouse or children are doing business with the county.

NAME	RESIDENTIAL ADDRESS
BUSINESS ADDRESS	OCCUPATION

Check here () if continued on attached sheet

4. INCOME: List categories or industries from which you receive \$1,000 or more annually:

Check here () if continued on attached sheet

5. STOCK: List categories or industries in which you have owned stock which is valued at \$1,000 or more during the period for which this Financial Disclosure Statement is required:

CATEGORY OR INDUSTRY

CATEGORY OR INDUSTRY

CATEGORY OR INDUSTRY

Check here () if continued on attached sheet

6. HONORARIA: List names of any entities from which you received an honorarium or honoraria valued at more than \$200 over and above actual expenses and list the value of such honorarium or honoraria:

DATE

ENTITY

VALUE

Check here () if continued on attached sheet

7. LOBBYISTS: List any registered lobbyists with whom you have engaged in business from which income of over \$1,000 was received:

LOBBYIST'S NAME:

LOBBYIST'S NAME:

Check here () if continued on attached sheet

Report additional information on plain 8 1/2 x 11 paper using format of each question. Attach pages to this report. Put your name and the date on all attachments.

To the best of my knowledge and belief, the above is a true and correct compilation:

SIGNATURE: (Person Filing Statement) Date

§ 322. Failure to file financial disclosure statement—Penalties

A. Any person who fails to file a Financial Disclosure Statement required in the Political Subdivisions Ethics Act, who knowingly gives false information in the Financial Disclosure Statement or who knowingly omits required information from the Financial Disclosure Statement shall be guilty of a misdemeanor. Each violation shall be a separate offense.

B. In addition to any penalty imposed pursuant to the provisions of subsection A of this section, the person shall not be permitted to perform the duties conferred upon him by law until the statement is properly filed.

§ 323. Certain persons prohibited from having ownership interest in certain governmental securities

No person who is a public official, director, officer or trustee of a governmental entity shall own any direct or indirect interest in any bond, obligation or security issued by or in the name of such governmental entity.

§ 324. Representation by county officers and county employees

A. No county officer or county employee shall:

1. Represent another person as an attorney in any matter before the Commission; or

2. Represent another person before the governmental entity the officer or employee serves.

B. The restrictions in subsection A shall not apply to:

1. Purely ministerial matters which do not require discretion on the part of the entity;

2. Representation by the officer or employee in the course of the officer's or employee's official duties;

3. Representation of the officer or employee in the officer's or employee's personal capacity; or

4. Representation of the officer or employee in matters arising out of or rules promulgated pursuant to the Oklahoma Personnel Act.

C. A county officer or county employee shall promptly disqualify himself or herself prior to recommending or taking any official action in a matter affecting a person with whom the officer or employee is negotiating for employment.

D. The restrictions set forth in this section do not apply if the officer or employee is testifying under oath to facts that are within the individual's knowledge, or as an expert witness who does not accept compensation other than regularly provided for by law or rule for subpoenaed witnesses.

§ 325. Exemptions from compliance with act

A. Notwithstanding any other provision of the Political Subdivisions Ethics Act, no candidate or committee shall be required to file any reports, statements, registrations or other documents pursuant

to the Political Subdivisions Ethics Act until such time as the candidate or committee accepts contributions or makes expenditures exceeding Five Hundred Dollars (\$500.00) in the aggregate during a campaign, for candidates or candidate committees, or during a calendar year, for other committees.

B. The provisions of the Political Subdivisions Ethics Act shall not apply to:

1. State officers or employees or state candidates, campaigns or committees; or

2. Public officers, public employees, candidates, campaigns or committees subject to the rules of the Ethics Commission.

ETHICS COMMISSION

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