

ATTACHMENT B

ORIENTATION

**NORMAN ELECTION COMMISSION MINUTES
CANDIDATE ORIENTATION**

January 21, 2015

The Norman Election Commission of the City of Norman, Cleveland County, Oklahoma, met in the Municipal Building Council Chambers at 201 West Gray on the 21st day of January, 2015, at 6:00 p.m. Notice and agenda of the meeting were posted at the Municipal Building 48 hours prior to the beginning of the meeting.

MEMBERS PRESENT:

Richard Hilbert
Elizabeth Pierce
Elizabeth Windes
Chairman Ty Hardiman

MEMBERS ABSENT:

Robin Allen

Item 1. Chairman Hardiman provided opening comments and introduced members of the Norman Election Commission and the City Clerk.

Item 2. Review of the political sign regulations from a representative of the City of Norman Code Compliance Division. Mr. Kelvin Winter, Code Compliance Officer, explained the regulations for political signs and answered questions specific to the size and placement of signs.

Items submitted for the record

1. Regulations for Political Signs

Item 3. Role of the Norman Election Commission. Chairman Hardiman highlighted the duties and responsibilities of the Norman Election Commission.

Item 4. Presentation and discussion of the Oklahoma State Ethics Commission regulations regarding the Municipal Campaign Finance and Financial Disclosure Act with City Council Candidates, Elected Officials and/or their designated agents.

Reports and who must file

- ***Statement of Organization***
- ***Financial Disclosure Statement***
- ***Campaign Contribution and Expenditure Reports***
 - Report Due Dates***
 - Criteria included in reports***
 - Contribution limits***
 - Definition of contribution and expenditure***

City Clerk Brenda Hall provided an overview of the Municipal Campaign Finance and Financial Disclosure Act. Areas covered included Financial Disclosure Statements; Campaign Contribution and Expenditure Reports – who must file reports, where to file reports, and due dates for filing reports; contribution limits; and definitions of the various contribution types and expenditures. City Clerk Hall fielded questions from candidates and their representatives.

Items submitted for the record

1. PowerPoint presentation entitled, "City Council Candidate Orientation, presented by the Norman Election Commission, January 21, 2015"
2. 2015 City Council Candidate Manual

Item 5. Miscellaneous Discussion.

None

Item 6. Adjournment.

The meeting was adjourned at 7:45 p.m.

CITY COUNCIL CANDIDATE ORIENTATION

Presented by the
Norman Election Commission
Wednesday, January 21, 2015

Opening Remarks

Ty Hardiman - Chairman

Introduction of Members & Staff

Norman Election Commission Members

- Ty Hardiman – Chairman
- Dr. Richard Hilbert – Vice Chairman
- Robin Allen
- Elizabeth Pierce
- Elizabeth Windes

City Staff

- Brenda Hall – City Clerk
- Kelvin Winter – Code Compliance Inspector

Political Sign Regulations

Kelvin Winter – Code Compliance Inspector

Political Sign Regulations

- No signs can ever be placed within the sight triangle.
- No signs shall be placed within any public right-of-way (except as provided for single family homes) that has been dedicated to the City by plat, easement, or statute, nor any median, boulevard, street, road,, or parkway, nor any public or private park.
- Signs should only be placed on privately owned property and you should obtain permission of the property owner prior to placing the sign.

Political Sign Regulations

- No signs may be placed within 300 feet of any polling site.
- Signs can not cause a sight obstruction or traffic hazard at any time.
- In regard to single family dwellings only, political signs may be placed within the right-of-way in front of or along the side of any such dwelling, provided that the permission of the property owner has been obtained and such signs are no wider than thirty (30) inches or taller than twenty (20) inches in height.

Political Sign Regulations

- On major thoroughfares, the area between the street and fence lines is public right-of-way and no signs may be placed in that area.
- Political signs must be removed within ten (10) days after the election to which they pertain.
- Any illegally placed signs may be removed and disposed of by the City of Norman without notice.

Role of the Norman Election Commission (NEC)

Ty Hardiman - Chairman

Role of the Norman Election Commission

- Review of campaign contribution and expenditure reports
- Inform and educate the public on the reporting procedures
- Make a public report to City Council after each election

Campaign and Reporting Requirements

Ty Hardiman – NEC Chairman
Brenda Hall – City Clerk

Completing Reports Overview

- Who must file
- Where to file
- Report filing dates
- Maximum Contributions
- Information to be listed on reports
 - a) Contributions
 - b) Expenditures
 - c) Loans
 - d) In-Kind contributions
- Campaign periods
- Information to be retained by candidate

Reports Required

WHO MUST FILE

- All candidates/candidate committees and all committees supporting or opposing candidates if more than \$1,000 is expended or received

WHERE TO FILE

- Office of the City Clerk – 201 West Gray Street

WHEN TO FILE

- Statement of Organization – within 10 days after a person has accepted or spent \$1,000
- Financial Disclosure Statement – within 10 days after a person has accepted or spent \$1,000 (candidates and elected officials only)
- Contributions & Expenditures Report – quarterly, pre-election reports & continuing reports
- If changes are made, amended form(s) should be filed within ten (10) days of the change.

WHO TO DESIGNATE

- The treasurer is responsible for timely and accurate filing of all Reports of Contributions and Expenditures

Candidate/Candidate Committee Requirements

- A **Campaign Committee** includes committees for all elective municipal offices for which Declarations of Candidacy are filed with the County Election Board.
- Every **candidate** is required to have a **Campaign Committee**. It is the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate's campaign.
- A Campaign Committee must have a **Chair** and a **Treasurer** – the same person may serve as both and the candidate may serve as either or both. The appointment of a Deputy Treasurer is optional.

Municipal Political Committees

- **Municipal Political Committee** means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for municipal office but which is not required to register with the Ethics Commission or Federal Election Commission.
- Each committee shall file a statement of organization no later than 10 days after the committee receives contributions or makes expenditures exceeding \$1,000
- A **Municipal Political Committee** must have a Chair and a Treasurer – the same person may serve as both and the candidate may serve as either or both. The appointment of a Deputy Treasurer is optional.

Duties of Treasurer

- Legally responsible for keeping the Campaign Committee's/Municipal Political Action Committee's financial records and accounts including:
 - all contributions accepted;
 - all deposit slips or other evidence of acceptance of contributions
 - all expenditures made;
 - all receipts, canceled checks or other evidence of payment of expenditures; and
 - all other documents necessary to file Reports of Contributions and Expenditures.
- Timely and accurate filing of all Reports of Contributions and Expenditures
- Maintain records for a period of four years and be made available to the Ethics Commission at their request.

Campaign Depositories

- Campaign Committee must establish at least one campaign depository in a financial institution that ordinarily conducts business with the State of Oklahoma
- All contributions to the Campaign Committee must be deposited in the account within 10 days of receipt
- All expenditures made by the Campaign Committee must be made by check or debit card signed by the Treasurer

Required Reports

- Campaign Committees must file a **Statement of Organization** with the City Clerk within 10 days after a candidate has accepted or spent more than \$1,000 for his or her campaign.
- All candidates are required to file a **Financial Disclosure Statement** with the City Clerk at the same time he or she files a Statement of Organization for a Campaign Committee.
- Current elected municipal officers are required to file a Financial Disclosure Statement no later than May 15 of each year as long as they remain candidates.

Financial Disclosure Statement

- Name, mailing address and category of business, profession or industry of the filer's private employer; or, if self-employed, name, mailing address and category of business, profession or industry of self-employment.
- A list, by category of business, profession or industry, or any other entity providing income of any kind which the filer or the filer's spouse or dependents received in the amount of \$5,000 during the preceding calendar year.
- A list, by category of business, profession or industry, of entities including mutual funds or similar securities, in which the filer held securities valued at \$5,000 or more at any time during the preceding calendar year.
- Any business or professional relationships with registered lobbyists that resulted in income in any amount to the filer or the filer's spouse or dependents during the preceding calendar year, stating specifically the nature of the relationship.
- (Detailed requirements included in manual)

Report Due Dates - 2015 Candidates

Filing Dates	Period Covered	Type of Report
Jan. 31, 2015	Date of Organization thru Jan. 30, 2015	C-1R - Contributions and Expenditure Report
March 24-30, 2015	Jan. 31 to date of filing <i>Pre-Election Report</i>	C-1R - Contributions and Expenditure Report
Mar 31 – Apr 5, 2015 w/in 24 hrs of receiving \$1,000 in aggregate	Date of last report - Apr 3, 2015 - <i>Continuing Report</i>	C-1R - Contributions and Expenditure Report
Apr 28 – May 4, 2015	Date of last report to date of filing <i>Pre-Run-Off Election Rpt</i>	C-1R - Contributions and Expenditure Report
May 5 – May 10, 2015 w/in 24 hrs of receiving \$1,000 in aggregate	Date of last report – May 8, 2015 - <i>Continuing Report</i>	C-1R - Contributions and Expenditure Report
July 1 – July 31, 2015	Date of last report thru June 30, 2015	C-1R - Contributions and Expenditure Report
Oct 1 – Oct 31, 2015	July 1 thru Sept 30, 2015	C-1R - Contributions and Expenditure Report or C-3R – Report of Inactivity

Report Due Dates

Current Elected Officials

Filing Dates	Period Covered	Type of Report
Jan 1 - Jan 31, 2015	All activity since last report	C-1R/Contributions and Expenditure Report or C-3R/Statement of Inactivity
Apr 1 - Apr 30, 2015	Jan 1 thru Mar 31, 2015	C-1R/Contributions and Expenditure Report or C-3R/Statement of Inactivity
May 15, 2015	Jan. 1 – Dec. 31, 2014	Financial Disclosure Statement
July 1 - July 31, 2015	Apr 1 thru June 30, 2015	C-1R/Contributions and Expenditure Report or C-3R/Statement of Inactivity
Oct 1 - Oct 31, 2015	July 1 thru Sept 30, 2015	C-1R/Contributions and Expenditure Report or C-3R/Statement of Inactivity
Jan 1 - Jan 31, 2016	Oct 1 thru Dec 31, 2015	C-1R/Contributions and Expenditure Report or C-3R/Statement of Inactivity

Contributions

- A contribution is anything of value, monetary or in-kind, given to a campaign committee.
- Contributions includes independent expenditures of a PAC, if done so with the candidate's knowledge. They are shown as in-kind contributions to the candidate.
- Corporate and labor union contributions are prohibited.
- Limited liability companies and partnerships may contribute as long as none of its members is a corporation.

Contribution Limits

- Maximum amount of a **cash** contribution is \$50
- Maximum amount of **anonymous** contribution is \$50
- The maximum contribution from an individual is \$2,600 for each election in which the candidate's name appears on the ballot
- Maximum contribution from an individual to a candidate who is unopposed is \$2,600
- Limited Committees and Municipal PACs may make contributions of \$5,000 unless the committee was formed within the past year with fewer than 25 members, then the contribution limit is \$2,500

Contributions

- Contributions are deemed to have been accepted by a candidate committee if not returned within 10 business days.
- A contribution that has not been deposited within 10 business days must be returned to the contributor and reported as having been received and refunded.
- An individual who hosts a fund-raising event for a candidate and uses personal funds may spend up to \$1,000 before the expenditure is considered an in-kind contribution to the candidate's campaign – any amount over \$1,000 should be shown as an in-kind contribution.

Loans

- Loans from financial institutions that normally engages in the business of making loans is not considered a contribution if the loan is made in the regular course of business and on the same terms ordinarily available to the public.
- Candidate may make unlimited loans to his or her own committee from his or her personal funds or from joint funds of the candidate and the candidate's spouse. Such funds should be transferred to the candidate's campaign account. Such funds can be repaid by the candidate's campaign committee if the terms of the loan are documented in writing and signed and dated by all parties contemporaneously with the transfer.

Details of Reports of Contributions and Expenditures

- Name, address, occupation and employer of any person other than a PAC making a contribution or contributions in excess of \$50 in the aggregate, date and amount of contribution whether monetary or in-kind.
- Name, date, and amount of contribution whether monetary or in-kind.
- Information on loans made to the committee or repaid to the committee.
- Name and address of any person or entity to whom an expenditure of more than \$200 in the aggregate.
- Expenditures made by political consultants or other third parties on behalf of the candidate must be reported as if the expenditures had been made directly by the campaign committee.

Disclosure Requirements

- Whenever a candidate committee makes an expenditure for the purposes of a communication through any internet advertising, or video, radio, television, cable or satellite broadcast, the communication shall state, either orally or in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: “Authorized and paid for by NAME OF COMMITTEE”
- Whenever a candidate committee makes an expenditure for the purposes of a communication through internet advertising, or direct mail, magazine advertisement, newspaper advertisement or any other printed medium, the communication shall state in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: “Authorized and paid for by NAME OF COMMITTEE”

Disclosure Requirements

- Whenever an independent expenditure or electioneering communication is made for the purpose of a communication through any internet advertising, or video, radio, television, cable or satellite broadcast, the communication shall state, either orally or in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: “Not authorized by any candidate or candidate committee. Authorized and paid for by” to be followed by the name of the person who paid for the communication, the person’s permanent street address and telephone number.
- Whenever an independent expenditure or electioneering communication is made the purpose of a communication through internet advertising, direct mail, magazine advertisement, newspaper advertisement or any other printed medium, the communication shall state in writing of sufficient size and contrast to be clearly readable by the recipient of the communication: “Not authorized by any candidate or candidate committee. Authorized and paid for by” to be followed by the name of the person who paid for the communication, the person’s permanent street address and telephone number.

Dissolving the Campaign Committee

- A campaign committee can dissolve any time prior to the mandatory dissolution dates by filing a Final Report that shows no funds remaining in the committee.
- Must dissolve no later than 2 years after the general election for a Councilmember term or 3 years after the general election for a Mayoral term.
- Surplus funds may be retained for use in a future campaign; donated to a 501(c)(3) charitable organization; returned to any contributor as long as it does not exceed the contributor's aggregate contributions; or contributed to a political party committee not-to-exceed \$25,000.
- Surplus funds remaining in the committee's possession after the expiration date must be deposited in the general revenue fund of the State of Oklahoma within 90 days of expiration.

CITY COUNCIL CANDIDATE MANUAL



2015

COMMISSION

MEMBER

LIST

NORMAN ELECTION COMMISSION
MEMBERSHIP
2015

Ty Hardiman, Chairman

Dr. Richard Hilbert, Vice Chair

Robin Allen

Elizabeth Pierce

Elizabeth Windes

REPORT

DUE

DATES

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May 15, 2015	Jan. 1 – Dec. 31, 2014	Financial Disclosure Statement
July 1 - July 31, 2015	Apr 1 thru June 30, 2015	C-1R/Contributions and Expenditure Report or C-3R/Statement of Inactivity
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Jan 1 - Jan 31, 2016	Oct 1 thru Dec 31, 2015	C-1R/Contributions and Expenditure Report or C-3R/Statement of Inactivity

MUNICIPAL CAMPAIGN
FINANCE AND
FINANCIAL DISCLOSURE ACT



Municipal Campaign Finance and Financial Disclosure Act

Compiled by the Oklahoma Ethics Commission
December 31, 2014

Version 2015.1

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TITLE 74, Chapter 62. – Ethics Commission Act
Miscellaneous Provisions

§ 4258.1 Creation of Political Subdivisions Enforcement Fund

There is hereby created in the State Treasury a revolving fund for the Ethics Commission to be designated the "Political Subdivisions Enforcement Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds appropriated by the Legislature to the fund and all late filing fees, fines from settlement agreements and fines assessed by the District Court for violations of the County Campaign Finance and Financial Disclosure Act, the Municipal Campaign Finance and Financial Disclosure Act, and the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for any expenses incurred by the Political Subdivisions Enforcement Division. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. No later than January 31, 2016, and every year thereafter, the State Treasurer shall transfer to the General Revenue Fund of the state any monies in the fund in excess of One Hundred Fifty Thousand Dollars (\$150,000.00). If at any time the amount of money in the fund is less than One Hundred Thousand Dollars (\$100,000.00), the Executive Director of the Commission may order that there be no further enforcement by the Political Subdivisions Enforcement Division until the amount of money in the fund is more than One Hundred Thousand Dollars (\$100,000.00).

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 4261. Design and Internet Placement of Compliance Forms

The Ethics Commission shall design all forms required for compliance with the County Campaign Finance and Financial Disclosure Act, the Municipal Campaign Finance and Financial Disclosure Act and the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act. Such forms shall be made available in electronic form on the Commission's Internet website.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 4262. Establishment of Political Subdivisions Enforcement Division

For purposes of enforcing the County Campaign Finance and Financial Disclosure Act, the Municipal Campaign Finance and Financial Disclosure Act, and the Technology Center District and Independent School District Campaign Finance and Financial Disclosure Act, the Ethics Commission shall establish a special division to be known as the "Political Subdivisions Enforcement Division". The Executive Director of the Ethics Commission may employ staff for the Political Subdivisions Enforcement Division, or may contract for services to be performed by the Division, or both.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

Local Government Campaign Finance and Financial Disclosure Act

Section 1, SB 1745 (2014)[not codified]

- A. This act shall be known as the "Local Government Campaign Finance and Financial Disclosure Act". The Local Government Campaign Finance and Financial Disclosure Act shall be codified in those titles of the Oklahoma Statutes relating to the various levels of local government to which the act applies.
- B. The Legislature hereby finds that:
 - 1. The Oklahoma Constitution requires that all elections shall be free and equal and prohibits local and special laws for the conduct of elections;
 - 2. The conduct of campaigns for county, municipal, technology center district and independent school district elections is inextricably intertwined with the elections themselves and that the conduct of such campaigns is a matter of statewide concern;
 - 3. For the citizens of this state to be adequately informed regarding possible conflicts of interest, financial disclosure by candidates, elected officials and other officials of certain county and municipal governments is necessary;
 - 4. Information regarding campaigns for county, municipal, technology center district and independent school district elections and financial disclosure documents should be made available locally to be more accessible to the electorate; and
 - 5. Enforcement of laws governing campaigns for elective office for counties, municipalities, technology center districts should be uniform and statewide.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

Municipal Campaign Finance and Financial Disclosure Act

§ 56-101. Provisions – Title

Sections 11 through 20 of this act shall be the provisions of the Local Government Campaign Finance and Financial Disclosure Act applicable to municipalities and shall be known as the "Municipal Campaign Finance and Financial Disclosure Act".

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 56-102. Definitions

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

1. **"Campaign committee"** means a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to municipal office, whose name as it will appear on the ballot shall appear in the name of the committee;
2. **"Municipal office"** means any elective municipal office for which Declarations of Candidacy are filed with the secretary of the county election board as required by Sections 16-109 and 16-110 of Title 11 of the Oklahoma Statutes; and
3. **"Municipal political committee"** means any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for municipal office but which is not required to register with the Ethics Commission or the Federal Election Commission.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 56-103. Limitations

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

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 56-104. Duty of Campaign Committee to File a Statement of Organization

Each campaign committee shall file a statement of organization with the municipal clerk subject to the same requirements as set forth for candidate committees for state office required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 56-105. Duty of Municipal Political Committee to File a Statement of Organization

Every municipal political committee shall file a statement of organization with the municipal clerk subject to the same requirements as set forth for political committees required to file statements of organization with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 56-106. Duty of Campaign Committee and Municipal Political Committee to File a Report of Contributions and Expenditures

Every campaign committee and every municipal political committee shall file a report of contributions and expenditures with the municipal clerk subject to the same requirements as set

forth for candidate committees and political action committees, respectively, required to file reports of contributions and expenditures with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 56-107. Statements of Organization and Reports of Contributions and Expenditures - Public Records - Internet Copies

Statements of organization and reports of contributions and expenditures required to be filed with the municipal clerk under the Municipal Campaign Finance and Financial Disclosure Act shall be public records. The municipal clerk shall maintain statements of organization and reports of contributions and expenditures for four (4) years after the date on which they are filed, if not posted on the municipality's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the municipal clerk. If the municipality in which the statements of organization and reports of contributions and expenditures are filed maintains an Internet website, the municipal clerk may post on the website copies of statements of organization and reports of contributions and expenditures.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§56-108. Duty of Candidates and Elected Officers to File a Statement of Financial Interests

All candidates for municipal office and all elected municipal officers shall be required to file a statement of financial interests with the municipal clerk subject to the same requirements as set forth for candidates for state office required to file statements of financial interests with the Ethics Commission under Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution, including but not limited to time for filing and contents.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 56-109. Statements of Financial Interests - Public Records - Internet Copies

Statements of financial interests required to be filed with the municipal clerk under the Municipal Campaign Finance and Financial Disclosure Act shall be public records. The municipal clerk shall maintain statements of financial interests for four (4) years after the date on which they are filed, if not posted on the municipality's website as provided herein, at which time the documents may be destroyed or retained subject to the discretion of the municipal clerk. If the municipality in which the statements of financial interests are filed maintains an Internet website, the municipal clerk may post on the website copies of statements of financial interests.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

§ 56-110. Enforcement of Act by Ethics Commission - Complaints - Investigations – Penalties

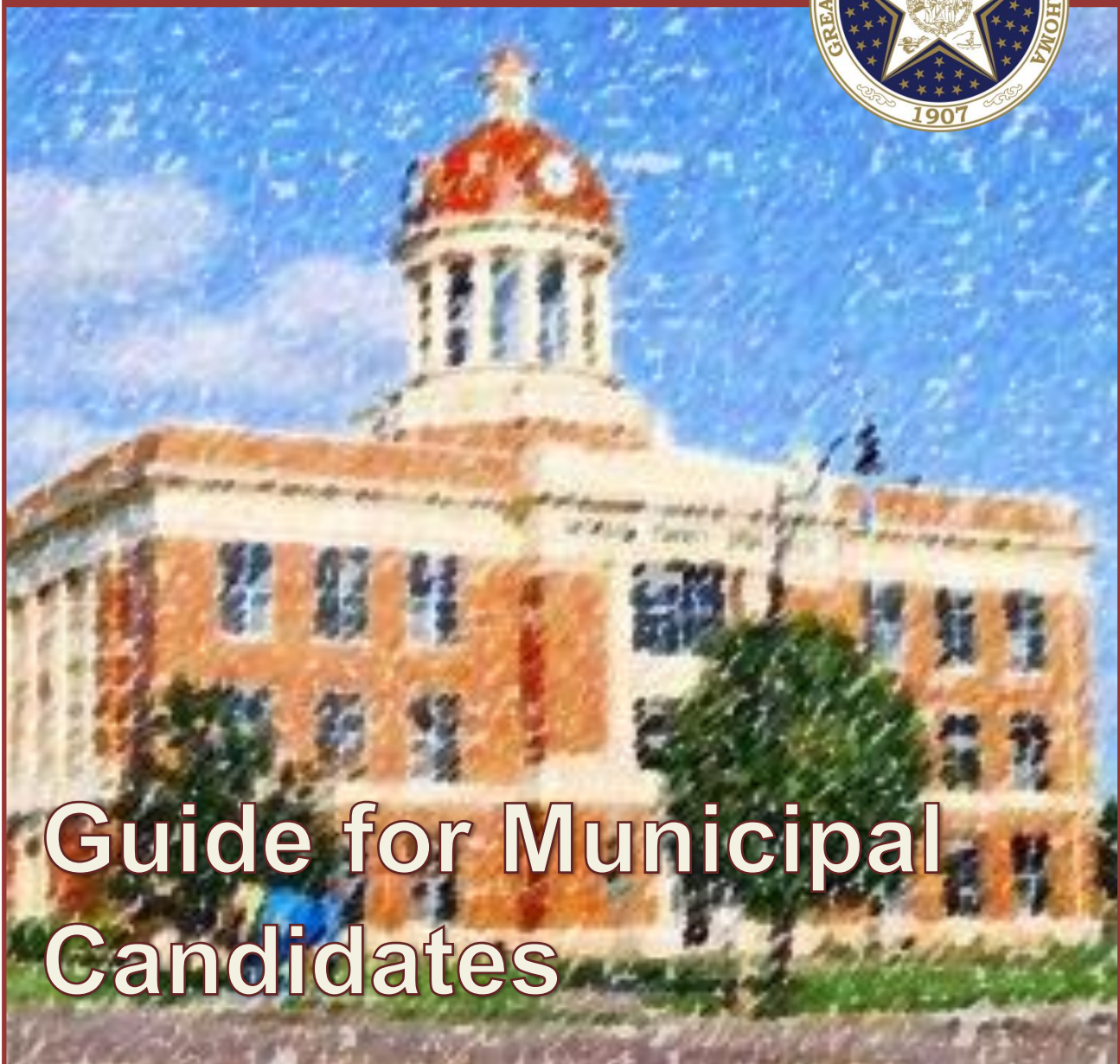
The Municipal Campaign Finance and Financial Disclosure Act shall be enforced by the Ethics Commission in the same manner as Rules of the Ethics Commission promulgated pursuant to Section 3 of Article XXIX of the Oklahoma Constitution are enforced, including but not limited to acceptance of complaints, civil prosecutions, settlement agreements and any other

compliance practices or requirements. Complaints may be received by the Ethics Commission alleging filing of statements or reports required to be filed under the Municipal Campaign Finance and Financial Disclosure Act later than the prescribed time for filing. Such complaints shall be in the same form as other complaints. Upon receipt of such complaints of late filing, the Ethics Commission shall investigate whether the allegation or allegations are true and, if so, shall assess a late filing penalty of One Hundred Dollars (\$100.00) per day, not to exceed a maximum of One Thousand Dollars (\$1,000.00) for the filing of any statement or report. If the Ethics Commission determines the allegation or allegations are not true, it shall take no further action. Persons assessed a late filing fee may protest the assessment subject to provisions of the Administrative Procedures Act.

Enacted in 2014 by Senate Bill 1745 (effective January 1, 2015).

GUIDE FOR
MUNICIPAL
CANDIDATES

Oklahoma Ethics Commission
FAIR RULES. FIRM ENFORCEMENT.



Guide for Municipal Candidates

JANUARY 2015

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Introduction

How to Use This Guide

This Guide summarizes Rules of the Oklahoma Ethics Commission as applied to candidates for municipal office effective January 1, 2015. It is written by the Commission staff to assist in compliance with the Rules, as authorized by [Rule 1.8](#). The Guide is not a substitute for the law. If there is a conflict between this Guide and the Constitution, statutes or Rules, then the Constitution, statutes or Rules prevail.

Limited Scope

This Guide is not intended to provide comprehensive information about all Ethics Rules and other relevant law concerning campaigns for municipal office. Individuals considering becoming candidates for municipal office should become familiar with the relevant Constitutional and statutory provisions as well as with the Ethics Rules. The Municipal Campaign Finance and Financial Disclosure Act is found at Sections 56-101 through 56-110 of Title 11 of the Oklahoma Statutes.

This Guide Is Limited to Campaigns for Municipal Offices

This Guide addresses only Oklahoma law, especially Rules of the Oklahoma Ethics Commission, and is limited to campaigns for municipal offices. It does not address campaigns for federal, state, county or school district office.

Advisory Opinions

[Rule 1.7](#) authorizes the Commission to issue official advisory opinions interpreting its Rules. Such advisory opinions are binding on the Commission. Ordinarily, the Commission will consider an advisory opinion only as it applies to the person requesting the opinion, rather than third parties. Requests for advisory opinions may be addressed to the

Oklahoma Ethics Commission
Room B-5 State Capitol
Oklahoma City, OK 73105

Commission Website

Additional information on compliance with the Rules may be found on the Commission's Internet website at www.ok.gov/ethics.

Contacting the Commission

The Commission offices are located in Room B-5 of the State Capitol. The Commission's hours are 8 a.m. to 5 p.m. The Commission telephone number is (405) 521-3451. Electronic mail addresses for the Commission and its staff may be found on the Commission's Internet website at www.ok.gov/ethics.

Commissioners

Karen Long – Chair, re-appointed by Speaker of the House Jeff Hickman, term expires July 2019
Jo Pettigrew – Vice-Chair, re-appointed by Governor Fallin, term expires July 2017
John Hawkins – appointed by Senate President Pro Tempore Brian Bingman, term expires July 2019
Cathy Stocker – appointed by Attorney General Scott Pruitt, term expires July 2017
Tom Walker – appointed by Chief Justice Steven Taylor, term expires July 2016

Application of the Law

This Guide applies only to candidates for municipal offices in municipalities with a population of more than 10,000, according to the most recent Federal Decennial Census, and a general fund expenditure budget in excess of \$10,000,000.00 in the fiscal year in which the municipal elections are held. Both requirements must be satisfied before the Guide applies.

Understanding “Candidates” and Campaign Committees

Individuals Who Are Considered Candidates

A candidate is an individual who has filed or should have filed a Statement of Organization for a campaign committee with the municipal clerk. A campaign committee includes committees for all elective municipal offices for which Declarations of Candidacy are filed with the County Election Board. A candidate may or may not have filed a Declaration of Candidacy with the County Election Board to have his or her name placed on the ballot. An individual who has filed a Declaration of Candidacy with the County Election Board may or may not be considered a “candidate” under the Ethics Rules, depending upon other factors discussed hereafter.

Campaign Committees

Every candidate is required to have a campaign committee. It is the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate’s campaign. Rules [2.2\(3\)](#) and [2.68](#).

One Campaign Committee at Any Time

A candidate may have no more than one campaign committee for any municipal office at any time. [Rule 2.69](#).

Formation of Committee for New Campaign

A candidate who dissolves one campaign committee may contemporaneously file a Statement of Organization for a different campaign committee. Funds or debt, or both, may be transferred from the first committee to the second committee. [Rule 2.69](#).

When a Statement of Organization Must Be Filed

A Statement of Organization for a campaign committee may be filed with the municipal clerk at any time. However, a Statement of Organization must be filed within 10 days after a candidate has accepted or spent more than \$1,000 for his or her campaign. If an individual who is seeking municipal office never accepts or spends more than \$1,000.00, then there is no requirement to file a Statement of Organization. [Rule 2.70](#).

Blank Copies of the Statement of Organization

Blank copies of the Statement of Organization may be downloaded from the Commission’s website at www.ok.gov/ethics. [Rule 2.121](#). Statements of Organization are considered timely filed if filed by 4:30 p.m. on the day specified. [Rule 1.4](#).

Contents of the Statement of Organization

The Statement of Organization for a campaign committee includes the following information:

- (1) the name of the candidate as it will appear on the ballot;
- (2) the name of the Chair and Treasurer of the committee and, if a Deputy Treasurer is appointed, the name of the Deputy Treasurer;
- (3) the name of the committee, which must include the year of the general election or special election at which the office will be filled and the name of the candidate as it will appear on the ballot;
- (4) the official and complete name of the municipal elective office to which the candidate seeks election;
- (5) the candidate's party affiliation, if required;
- (6) the mailing address and, if applicable, the residence address, electronic mailing address, telephone numbers and Internet website, if applicable, of the campaign committee itself, the candidate, the Chair, Treasurer and Deputy Treasurer; and
- (7) the full name and address of each depository in which the committee will maintain an account.

[Rule 2.75.](#)

Amending the Statement of Organization

The candidate is responsible for notifying the municipal clerk of any change in information provided in the Statement of Organization by filing an Amended Statement of Organization within 10 days of a change being made. [Rule 2.75.](#)

Committee Officers

A campaign committee must have both a Chair and a Treasurer. However, the same person may serve as both, and the candidate may serve as either the Chair or Treasurer, or both. The designation of a Deputy Treasurer, who may perform the duties of the Treasurer in the Treasurer's absence, is optional. The Treasurer and Deputy Treasurer must be residents of Oklahoma. The candidate may choose to name other officers for his or her committee, but these officers will not be shown on the Statement of Organization. All officers serve at the pleasure of the candidate, who may dismiss any of them at any time for any reason or no reason. [Rule 2.71.](#)

Vacancies in Campaign Committee Offices

Any vacancy in the office of Chair, Treasurer or Deputy Treasurer must be filled within 30 days, and an amended Statement of Organization must be filed with the municipal clerk within five days after the vacancy is filled. [Rule 2.74.](#)

Candidate May Not Serve as Officer of Another Committee

A candidate may not serve as the officer of any other committee, including a political action committee. [Rule 2.71.](#)

Duties of the Officers

The Treasurer is responsible legally for keeping the campaign committee's financial records and accounts, including all contributions accepted, all deposit slips or other evidence of acceptance of contributions, all expenditures made, all receipts, canceled checks or other evidence of payment of expenditures and all other documents necessary to file Reports of Contributions and Expenditures. The Treasurer also is responsible for timely and accurate filing of all Reports of Contributions and Expenditures. [Rule 2.73](#). When acting in place of the Treasurer, the Deputy Treasurer performs similar duties. The duties of any other officers may be determined by the candidate. However, these determinations cannot relieve the Treasurer or Deputy Treasurer of their legal obligations and responsibilities. Nor do the duties of the Treasurer or Deputy Treasurer relieve the candidate of his or her obligation to ensure compliance with the Ethics Rules.

How Long Records Should Be Kept

All records and documents required to be kept by the Treasurer must be maintained for a period of four years. These records must be made available to the Ethics Commission upon request. [Rule 2.73](#).

When the Campaign Committee Cannot Accept or Expend Funds

A campaign committee may not accept or expend funds when there is a vacancy in the offices of both the Treasurer and Deputy Treasurer. [Rule 2.72](#).

Campaign Depositories

The campaign committee must establish at least one campaign depository, e.g., a bank checking account, in a financial institution that ordinarily conducts business within the State of Oklahoma. The account must be maintained in the name of the campaign committee as it is registered with the municipal clerk. All contributions to the campaign committee, except in-kind contributions, must be deposited in the account. All expenditures made by the campaign committee must be made by check or debit card signed by the Treasurer or Deputy Treasurer of the campaign committee. The account may earn interest paid by the financial institution, but the funds cannot be otherwise invested. [Rules 2.94](#) and [2.95](#).

Exploratory Activities

Under limited circumstances, an individual may conduct exploratory activities, such as polling or other techniques designed exclusively to assist the individual in making a decision as to whether to seek any municipal office or offices. During this exploratory phase, an individual may accept contributions, subject to the limits of a campaign committee, and make expenditures limited to exploratory activities without designating a campaign committee. When engaged in such activities, the individual must maintain all the records that are required of a campaign committee.

There are limits on the amounts of funds that can be accepted or expended in exploratory activities. For all municipal offices, the limit is \$10,000.00.

If that limit is exceeded, the individual must either (1) file a Statement of Organization for a campaign committee with the municipal clerk or (2) cease all exploratory activities.

If the individual becomes a candidate and forms a campaign committee, then all contributions received and expenditures made for exploratory activities are subject to the maximum contribution limits and are included in the first Report of Contributions and Expenditures filed by the campaign committee.

If all exploratory activities cease and the individual decides not to seek municipal office, it is not necessary to file a Statement of Organization. However, no individual may conduct exploratory activities for a municipal office or offices more than one time between general elections.

Financial Disclosure Statements

When Statements Are Filed by Candidates

A candidate is required to file a Financial Disclosure Statement at the same time he or she files a Statement of Organization for a campaign committee with the municipal clerk.

Elected municipal officers who already have filed a Financial Disclosure Statement during the calendar year for which they are filing a Statement of Organization are not required to file an additional Financial Disclosure Statement.

[Rule 3.6.](#)

Continuing Requirement for Candidates

Candidates are required to file Financial Disclosure Statements each year as long as they remain candidates. [Rule 3.6.](#)

Financial Disclosure Statements ordinarily are filed no later than May 15 of each calendar year for the preceding calendar year. [Rule 3.5.](#)

An extension of no more than 30 days will be granted upon an application in writing filed with the municipal clerk within 10 days prior to the last day for filing the Financial Disclosure Statement. [Rule 3.5.](#)

Blank Copies of Financial Disclosure Statements

Blank copies of Financial Disclosure Statements may be downloaded from the Ethics Commission's Internet website at www.ok.gov/ethics.

Information Required on Financial Disclosure Statements

Not all the information included on the Financial Disclosure Statements will apply to all candidates who file. For example, candidates will not have an "appointing authority."

Information that is required, if applicable, is as follows:

Name, mailing address, work place telephone number and electronic mail address of the filer.

Name of office held or sought by the filer, or name of the agency and position held by the filer.

Expiration of term of office.

Appointing authority.

Name, mailing address and category of business, profession or industry of the filer's private employer; or, if the filer is self-employed, the name, mailing address and category of business, profession or industry of the filer's self-employment; or, if the filer is retired, the name, mailing address and category of the filer's last employment, including self-employment.

The name of any state agency providing a salary or similar compensation amounting to \$5,000 or more during the preceding calendar year received by the filer or the filer's spouse or dependents.

A list, by category, of business, profession or industry or any other entity providing income of any kind which the filer or the filer's spouse or dependents received in the amount of \$5,000 during the preceding calendar year.

A list, by category of business, profession or industry, of entities including mutual funds or similar securities, in which the filer held securities valued at \$5,000 or more at any time during the preceding calendar year.

Any business or professional relationships with registered lobbyists that resulted in income in any amount to the filer or the filer's spouse or dependents during the preceding calendar year, stating with specificity the nature of the relationship.

Every office, directorship, trusteeship or similar position held by the filer in an entity doing business with any state agency during the preceding calendar year and the agency with which the entity was doing business.

Professional or occupational permits or licenses held by the filer.

Contracts (other than a contract of employment) between a state agency and the filer or the filer's spouse or dependents or any entity in which the filer or the filer's spouse or dependents has a material financial interest.

Whether the filer, the filer's spouse or dependents or an entity in which the filer or the filer's spouse or dependents has a material financial interest is regulated or licensed by the agency with which the filer is associated.

Whether the employer of the filer or the filer's spouse or dependents is regulated or licensed by the agency and, if so, the name and mailing address of the individual or entity so regulated or licensed.

If no information has changed since the filer last filed a Financial Disclosure Statement, there is an opportunity to indicate that fact rather than filling out the entire form again.

[Rule 3.11.](#)

Material Financial Interest

The term “material financial interest” is defined in the Rules to include:

- (a) an interest that could result in directly or indirectly receiving a substantial pecuniary gain or sustaining a substantial pecuniary loss as a result of a filer’s ownership or interest in a business entity, or as a result of a filer’s salary, gratuity or other compensation or remuneration; or
- (b) an ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the filer or the filer’s spouse or dependents is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the filer or the filer’s spouse or dependent owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Five Thousand Dollars (\$5,000.00) or more at any point during the preceding calendar year; or
- (c) an ownership interest of five percent (5%) or more in a publicly held corporation by a filer or the filer’s spouse; or
- (d) an ownership interest in a publicly held corporation from which dividends of Fifty Thousand Dollars (\$50,000.00) or more were derived during the preceding calendar year by the filer or the filer’s spouse or dependents; or
- (e) an ownership interest in a Subchapter S corporation or partnership from which income of Fifty Thousand Dollars (\$50,000.00) or more was derived; or
- (f) an interest that arises as a result of the filer’s or the filer’s spouse or dependents’ service as a director, officer, representative, agent or employee of a publicly held corporation during the preceding calendar year.

“Material financial interest” does not mean (1) an interest in a mutual fund or other community investment vehicle in which the filer or the filer’s spouse or dependents exercises no control over the acquisition or sale of particular holdings, or (2) an interest in a pension plan, 401k, individual retirement account or other retirement investment vehicle that makes diversified investments over which the filer or the filer’s spouse or dependents exercises no control over the acquisition or sale of particular holdings.

[Rule 3.2\(6\)](#).

Amending a Statement

A filer may amend his or her Financial Disclosure Statement by filing an Amended Financial Disclosure Statement at any time. The amendment must be for the purpose of correcting a bona fide oversight or error on the Statement previously filed. The filer must certify that the filing of an Amended Financial Disclosure Statement is not made for the purpose of reporting information that was intentionally omitted or misstated. If the certification is true, the filer will not be deemed to have violated the Ethics Rules by having made an erroneous prior filing. [Rule 3.7](#).

Understanding Contributions

What a Contribution Is

A contribution generally is anything of value given to a campaign committee. Contributions may be either monetary or “in-kind.” Monetary contributions are made in cash or through “written instruments”---such as a personal check or a credit card authorization. “In kind” contributions are goods or services rather than monetary instruments. [Rule 2.2\(6\)](#).

When an Expenditure Is a Contribution

Contributions include expenditures made on behalf of a campaign committee, except independent expenditures. For example, if a political action committee (PAC) purchased a newspaper advertisement urging the election of a particular candidate and did so with the candidate’s knowledge, the expenditure would be considered an in-kind contribution by the PAC to the candidate. [Rule 2.2\(6\)](#).

Volunteer Services

The value of volunteer services is not considered a contribution by an individual who volunteers those services. However, no individual or entity may “volunteer” the services of another individual. An employer, for example, cannot “volunteer” the services of an employee. [Rule 2.2\(6\)](#).

When an individual volunteers the use of a personal telephone, electronic mail, Internet social media or similar electronic devices or services for campaign communications, such use is not considered a contribution but is considered as a volunteer service. [Rule 2.110](#). Use by a commercial entity of telephone, electronic mail, Internet social media or similar devices or services is considered as an in-kind contribution unless the campaign committee pays for the use. [Rule 2.111](#).

Communications by a Corporation or Labor Union

Communications by a corporation intended to be received only by its stockholders, directors, officers or employees and their spouses, and communications by a labor union intended to be received only by its members and their spouses are not considered contributions. For example, a corporation or labor union may wish to make known to its employees or members, respectively, an endorsement of a particular candidate. In such a case, the endorsement would not be considered a contribution to the candidate’s campaign. [Rule 2.29](#).

Who May Make Contributions

Generally, any individual or other person except corporations and labor unions may make contributions to a campaign committee. Other “person” could be a partnership or a limited liability company, for example. A child under the age of 18 may make a contribution only if the contribution is attributed to his or her parent (or equally between two parents) or guardian. [Rule 2.17](#). Federal law prohibits contributions by a foreign national.

Corporate and Labor Union Contributions Prohibited

Corporations and labor unions may not contribute to campaign committees, and campaign committees may not accept contributions from corporations or labor unions. This prohibition includes all types of corporations, such as for profit corporations, nonprofit corporations and

professional corporations. If the entity is incorporated, the prohibition applies. Okla. Const. art. IX, § 40; 21 O.S. § 187.2; [Rule 2.23](#).

Limited Liability Company Contributions

A limited liability company may make contributions to a campaign committee, provided none of its owners is incorporated. The owners of a limited liability company are called “members.” A limited liability company may not make a contribution to a campaign committee if one or more members of the limited liability company is a corporation. Rule 2.24. Contributions by a limited liability company are reported as contributions from each member of the limited liability company in proportion to the member’s ownership interest. For example, if a limited liability company owned by two members equally made a contribution to a campaign committee, the campaign committee could accept a check from the limited liability company but would report a contribution for half the amount of the check from each of the two members as individuals. [Rule 2.106](#).

Partnership Contributions

A partnership may make contributions to a campaign committee, provided none of the partners is a corporation. A partnership may not make a contribution to a campaign committee if one or more partners is a corporation. Rule 2.25. Contributions by a partnership are reported as contributions from each partner in proportion to the partner’s partnership interest. For example, if a partnership with two partners owning equal shares of the partnership made a contribution to a campaign committee, the campaign committee could accept a check from the partnership but would report a contribution for half the amount of the check from each of the two partners as individuals. [Rule 2.106](#).

Contributions Cannot Be Reported in the Name of Another Person

A contribution must be reported in the name of the person who made the contribution. To report a contribution in the name of someone other than the person who made the contribution is called “money laundering” and is prohibited. [Rule 2.18](#).

Cash Contributions and Anonymous Contributions

The maximum amount of a cash contribution is \$50. This is an aggregate amount, i.e., all cash contributions from a single contributor added together may not exceed \$50.

The maximum amount of an anonymous contribution is \$50. If an anonymous contribution in excess of \$50 is received, the amount of the contribution in excess of \$50 must be deposited with the State Treasurer to the general revenue fund of the state. [Rules 2.19](#) and [2.20](#).

Accepting and Depositing Contributions

A contribution is deemed to have been accepted by a campaign committee if it is not returned within 10 business days after it has been received. [Rule 2.21](#). A “business day” generally excludes Saturdays, Sundays and official state holidays. A contribution must be deposited during that same period---10 business days---unless it is returned. A contribution that is not deposited within 10 business days after it has been received by the campaign committee must be returned to the contributor and reported as having been accepted and refunded. [Rule 2.22](#).

Earmarked Contributions Are Contributions to Candidates

A contribution to a political party committee or a limited political action committee that is designated, either directly or indirectly, for the benefit of a particular candidate or candidates is considered as a contribution by the contributor to the candidate or candidates. [Rules 2.31](#) and [2.33\(A\)](#).

Contributions to Municipal Candidates by Federal Committees

A campaign committee may accept a contribution from a political action committee registered with the Federal Election Commission (FEC), subject to limits of the Ethics Rules. However, a campaign committee may not accept a contribution from the authorized committee of a candidate for federal office. [Rules 2.30](#) and [2.98](#).

Modest Items May Be Given in Recognition of Contributions

A campaign committee may provide coffee mugs, t-shirts, caps and similar items free of charge to volunteers or contributors to the campaign committee. Expenditures for such items are considered as campaign expenditures by the campaign committee. If a campaign committee sells goods or services, such activities are subject to applicable licenses and taxes provided by law. [Rule 2.64](#). Such goods or services must be sold for campaign purposes.

Prohibited Practices

Prohibitions Involving State and Other Public Facilities

Several Rules prohibit certain campaign activities in state or other public facilities.

No person may solicit a contribution for a campaign committee in any building or other property owned, leased or occupied by the State of Oklahoma. [Rule 2.6](#).

Public meeting rooms, auditoriums and similar spaces may be used for political purposes other than fund-raising provided that certain conditions are met. If a fee is customarily charged with use of the facility, that fee must be charged for use of the facility for political activities. If the facility is made available to one candidate, it must be made available to all candidates for the same state office in the order in which requests are received. These requirements do not mandate that any public facility be used for political purposes, nor do these requirements limit the use of traditional public forums for political purposes. [Rule 2.8](#).

Voter registration activities may be conducted in public facilities, provided those activities are not used in any way to encourage registration in a particular political party or support of or opposition to a candidate or candidates. [Rule 2.10](#).

Special Fund-Raising Events

Joint Candidate Fund-Raising Events

Two or more candidates for municipal office may participate in a joint fund-raising event. Each participating candidate must be given approximately equal status in any formal solicitation of contributions, and each participating candidate must pay an equal share of the costs.

Contributions to campaign committees may not be commingled. Each contribution must be made to an individual campaign committee. [Rule 2.59.](#)

Residence Used for Fund-Raiser

An individual who hosts a fund-raising event for a candidate in his or her residence and uses personal funds in doing so may spend up to \$1,000 before the expenditure is considered an in-kind contribution to the candidate's campaign. In other words, an individual could host such a fund-raising event in his or her home and spend \$1,000 on refreshments without making a contribution to the candidate. Any personal funds expended above the \$1,000 limit are considered in-kind contributions subject to regular limits and reporting requirements. For example, an individual who hosted such a fund-raising event in his or her residence and spent \$1,500 on refreshments would be making an in-kind contribution of \$500. This \$1,000 exclusion may be used only one time by an individual for a candidate's campaign, although more than one individual may use the exclusion for the same candidate. [Rule 2.60.](#)

Non-Residence Used for Fund-Raiser

An individual who hosts a fund-raising event for a candidate in an office or other nonresidential building and uses personal funds in doing so may spend up to \$1,000 before the expenditure is considered an in-kind contribution. The exclusion may be used one time for a candidate's campaign and may not exceed \$1,000. Any personal funds expended above the \$1,000 limit are considered in-kind contributions subject to regular limits or reporting requirements. To qualify for the exclusion, the office or other building must be owned by or exclusively leased or rented by the individual who is receiving the exclusion. Otherwise, use of the space is considered an in-kind contribution by the owner. This provision does not permit a corporation or labor union to make an in-kind contribution that is otherwise prohibited. [Rule 2.61.](#)

Golfing Fund-Raising Events

A campaign committee may use golfing events for fund-raising purposes. Any goods or services donated to a golfing fund-raising event are considered as contributions based on the fair market value of the goods or services. Any fee paid to participate in the event is a contribution. No goods or services may be donated, nor a fee paid, by a corporation or labor union. [Rule 2.62.](#)

Fund-Raising Auctions and Sales

A candidate may use auctions or other sales for fund-raising purposes. Any goods or services donated to such an event are contributions to the campaign committee based on their fair market value. Any money paid for goods or services at such an event are contributions. No goods or services may be donated nor purchased by a corporation or labor union. [Rule 2.63.](#)

Loans

Loans by Commercial Financial Institutions

A loan to a campaign committee by a commercial financial institution that normally engages in the business of making loans is not considered a contribution if the loan is made in the regular course of business and on the same terms ordinarily available to the public. [Rule 2.65.](#)

Loans by Non-Financial Institutions Are Contributions

A loan by a person other than a commercial financial institution to a campaign committee is a contribution from the lender, guarantor or endorser in the amount of the balance of the loan that has not been repaid. [Rule 2.67](#).

PACs May Not Make Loan to or Receive Loan from Campaign Committees

A PAC may not make a loan to or receive a loan from a campaign committee. [Rule 2.66](#).

Campaign Committee May Not Make Loans to Other Campaign Committees

A campaign committee may not make a loan to another campaign committee. [Rule 2.66](#).

Candidates May Make Unlimited Loans to Their Own Campaign Committees

A candidate may make a loan to his or her campaign committee from his or her personal funds or from joint funds of the candidate and the candidate's spouse. There is no limit on the amount of personal funds that can be loaned to the campaign committee.

If a candidate makes a loan to his or her committee, the terms of the loan must be in writing in a document executed contemporaneously with the transfer of funds into the campaign committee's account. The document must be signed and dated by all parties involved.

Such a loan may be repaid from contributions received by the campaign committee, but the campaign committee shall not be permitted to pay any interest on the loan.

If the candidate transfers his or her personal funds or joint funds of the candidate and the candidate's spouse to the campaign committee without a contemporaneously-executed written loan document, the campaign committee cannot repay the candidate for the transfer.

A candidate who makes expenditures from personal funds or joint funds of the candidate and the candidate's spouse that are not first transferred to the campaign committee's joint account shall not have made a loan to the committee and thus cannot be repaid from contributions received. Such expenditures are reported as contributions to the campaign committee by the candidate and also are shown as expenditures by the campaign committee.

Receiving Contributions**Corporations and Labor Unions Prohibited from Contributing to Candidates**

Corporations and labor unions may not make a contribution to a campaign committee, and a campaign committee may not accept a contribution from a corporation or labor union. This prohibition includes all types of corporations, such as for profit corporations, nonprofit corporations and professional corporations. If the entity is incorporated, the prohibition applies. Okla. Const. art IX, § 40; 21 O.S. § 187.2; [Rule 2.23](#).

Limited and Unlimited Committees

A "limited committee" is a political action committee organized to make contributions to candidates for state offices that is registered with the Ethics Commission. These limited committees also may make contributions to candidates for municipal office. In addition, a "municipal political committee" is a committee composed of one or more persons whose

purpose includes the election or defeat of one or more candidates for municipal office but which is not required to register with the Ethics Commission or the Federal Election Commission. Both a “limited committee” and a “municipal political committee” are “political action committees,” or “PACs.” An “unlimited committee” is a political action committee organized for the purpose of making independent expenditures or electioneering communications. Rule [2.2\(13\)](#) and [\(19\)](#).

Unlimited Committees Prohibited from Contributing to Candidates

An unlimited committee may not make a contribution in any amount to a campaign committee. [Rule 2.2\(19\)](#).

Foreign Nationals Prohibited from Contributing to Candidates

Federal law prohibits foreign nationals from making contributions to candidates.

Individual Contributions to Candidates

Some municipalities have a primary election and a general election. Others have only one election. Contribution limits are “per person per election.”

An individual may make a contribution of up to \$2,600 to a campaign committee prior to a primary election.

An individual may contribute an additional \$2,600 to a campaign committee prior to the general election if the candidate receives a party nomination in a contested primary election, regardless of whether the individual has made a prior contribution, but only if the candidate’s name appears on the ballot at the general election.

If an individual has made no prior contributions to a campaign committee, the individual may contribute up to \$2,600 after the general election.

These limits are individual limits, so the individual’s spouse also could contribute up to \$2,600 to a campaign committee at the same time as the individual did. Stated differently, a married couple could contribute up to \$5,200 at each permitted interval in the election process.

In other words, an individual may make a maximum contribution of \$2,600 at each election a candidate’s name appears on the ballot, or a total of \$2,600 for a candidate who is unopposed.

The maximum contribution from an individual to a campaign committee is

\$2,600 if the candidate’s name appears only on the primary or general election ballot;

\$5,200 if the candidate’s name appears on both the primary election and general election ballots;

\$2,600 if the candidate is unopposed; and

\$2,600 after the general election if no previous contributions have been made.

The maximum contribution limits are specific to each election. For example, if an individual had given a contribution to a candidate of \$1,000 prior to the primary election, and the candidate’s

name appeared on the ballot at the general election, the individual could make an additional contribution of \$2,600---or a total of \$3,600 in the aggregate for both elections---prior to the general election. However, in identical circumstances, an individual who had given a contribution of \$2,600 to the candidate prior to the primary election could give an additional contribution of \$2,600---or a total of \$5,200---after the primary election but before the general election. Assuming the same candidate's name did not appear on the general election ballot, the individual could give no more contributions after the primary election.

[Rule 2.37.](#)

Maximum Individual Contributions Indexed to Inflation

Before July 1 of every odd-numbered year, the Ethics Commission adjusts the maximum individual contribution limit upward, rounded to the nearest \$100 increment, based on the increase in the Consumer Price Index during the preceding calendar year. [Rule 2.37.](#)

Candidate May Make Unlimited Contributions to His or Her Own Committee

A candidate may contribute an unlimited amount to his or her campaign committee from his or her personal funds or from joint funds of the candidate and the candidate's spouse. [Rule 2.38.](#)

Special Limit on Nontaxable Gifts

A gift or gifts to a candidate or a candidate's spouse that are nontaxable under the United States Internal Revenue Code are considered contributions to the candidate's campaign committee to the extent that the gift or gifts exceed gifts from the same donor in three of the preceding five calendar years, assuming the candidate makes a similar contribution to his or her campaign. [Rule 2.38.](#)

Limited Liability Company Contributions

A limited liability company may make contributions to a campaign committee, provided none of its owners is incorporated. The owners of a limited liability company are called "members." A limited liability company may not make a contribution to a campaign committee if one or more members of the limited liability company is a corporation. [Rule 2.24.](#) Contributions by a limited liability company are reported as contributions from each member of the limited liability company in proportion to the member's ownership interest. For example, if a limited liability company owned by two members equally made a contribution to a campaign committee, the campaign committee could accept a check from the limited liability company but would report a contribution for half the amount of the check from each of the two members as individuals. These contributions are subject to the limits for individual contributions. [Rule 2.106.](#)

Partnership Contributions

A partnership may make contributions to a campaign committee, provided none of the partners is a corporation. A partnership may not make a contribution to a campaign committee if one or more partners is a corporation. [Rule 2.25.](#) Contributions by a partnership are reported as contributions from each partner in proportion to the partner's partnership interest. For example, if a partnership with two partners owning equal shares of the partnership made a contribution to a campaign committee, the campaign committee could accept a check from the partnership but would report a contribution for half the amount of the check from each of the two partners as individuals. These contributions are subject to the limits for individual contributions. [Rule 2.106.](#)

Contributions from Political Parties

A campaign committee may receive contributions from political party committees.

The maximum amount that a political party committee may contribute is \$10,000 to a candidate for any municipal office.

The contribution may be made prior to any general election for the office.

The maximum amount includes the aggregate of all contributions made to the candidate by a political party committee, including the state committee, Congressional District committees, municipal committees and precinct committees, or any other committee or entity officially recognized in the party's bylaws or similar governing document.

Contributions by Limited Committee or Municipal Political Committees to Candidates

A limited committee or municipal political committee may contribute no more than \$5,000 to a campaign committee prior to a primary election, or, if there is no primary election, prior to the general election.

A limited committee or a municipal political committee may contribute an additional \$5,000 to a campaign committee after a primary election and prior to the general election, but only if the candidate's name appears on the ballot at the general election.

If the PAC has made no prior contributions to a campaign committee, it may contribute no more than \$5,000 after the general election.

Rule [2.33\(D\), \(E\), \(F\) and \(G\)](#).

In other words, a limited committee or a municipal political committee may make a maximum contribution of \$5,000 for each election a candidate's name appears on the ballot, or a total of \$5,000 for a candidate who is unopposed.

The maximum contribution by a limited committee or a municipal political committee to a campaign committee is

\$5,000 if the candidate's name appears only on the primary or general election ballot;

\$10,000 if the candidate's name appears only on both the primary election and general election ballots;

\$5,000 if the candidate is unopposed; and

\$5,000 after the general election if no previous contributions have been made.

The maximum levels are specific to the next election. For example, if a limited committee or a municipal political committee had given a contribution of \$1,000 to a candidate prior to the primary election, and the candidate's name appeared on the ballot at the general election, the limited committee or municipal political committee could make an additional contribution of \$5,000---or a total of \$6,000 in the aggregate for both elections---prior to the general election. However, in the identical circumstances, a limited committee or municipal political committee that had given a contribution of \$5,000 to the candidate prior to the primary election could give an additional contribution of \$5,000---or a total of \$10,000---after the primary election but before

the general election. Assuming the same candidate's name did not appear on the general election ballot, the limited committee or municipal political committee could give no more contributions after the primary election.

Limited Committees Registered Less Than a Year or With Fewer Than 25 Contributors

A limited committee that has been registered with the Ethics Commission less than a year prior to a primary election or that has fewer than 25 contributors is subject to contribution limits lower than limited committees with a longer existence and more contributors. Such limited committees may make contributions to campaign committees subject to maximum limits exactly half the amount of maximum contributions by other limited committees, i.e., \$2,500 rather than \$5,000. [Rule 2.34\(D\)\(E\)\(F\) and \(G\)](#).

Thus, the maximum contribution by such a limited committee to a campaign committee is

\$2,500 if the candidate's name appears only on the primary or general election ballot;

\$5,000 if the candidate's name appears only on both the primary election and general election ballots;

\$2,500 if the candidate is unopposed; and

\$2,500 after the general election if no previous contributions have been made.

Contributions by Federal Committees

A campaign committee may accept a contribution from a political action committee registered with the Federal Election Commission (FEC), subject to limits of the Ethics Rules. However, a campaign committee may not accept a contribution from the authorized committee of a candidate for federal office. [Rules 2.30](#) and [2.98](#).

Contributions from Out-of-State Political Action Committees

A campaign committee may accept a contribution from a political action committee registered in another state, provided the political action committee would be eligible to make contributions to the candidate if it was registered in Oklahoma. [Rule 2.99](#).

Candidates Prohibited From Receiving Excessive Contributions

No candidate or campaign committee may receive contributions from a political party, political action committee or other person in excess of the limits. In other words, it is a violation of the Rules by both the contributor and the recipient if the maximum limits are exceeded. [Rule 2.38](#).

Making Expenditures

General Rules for Making Expenditures

Contributions to a campaign committee may be used to make expenditures for ordinary and necessary campaign expenses, for contributions to another campaign committee, for operating expenses of the committee or for other purposes not otherwise prohibited by law or the Ethics Rules.

Ordinary and Necessary Campaign Expenses

“Ordinary and necessary campaign expenses” are expenses that would not exist but for the candidate’s campaign. Examples include, but are not limited to, staff salaries, campaign consulting fees, rent (other than for the candidate’s residence or part of a residence), travel, advertising, telephones, office supplies and equipment, fundraising, individual memberships in political organizations, individual memberships in civic or charitable organizations, legal fees for the campaign, payment for campaign accounting or bookkeeping services or campaign finance reporting services and repayment of the principal and interest on a loan as permitted under the Ethics Rules. The examples are intended to be illustrative, not exhaustive. [Rule 2.43](#).

Expenditures Made to Family Members

Expenditures made by a campaign committee to a family member for services provided to the campaign may be no more than customary compensation for such services. [Rule 2.43](#).

Personal Use of Campaign Funds Prohibited

Contributions accepted by a campaign committee may not be converted by any person to personal use. “Personal use” includes any use of funds to fulfill a commitment, obligation or expense of any person that would exist irrespective of a candidate’s campaign or responsibilities as a holder of a municipal elective office. “Personal use” by a candidate includes, but is not limited to, food purchased for daily consumption in the candidate’s home or supplies needed to maintain the household; clothing (excluding campaign clothing of low monetary value such as T-shirts or caps); mortgage, rent or utility payments for the candidate’s personal residence, even if part of the residence is being used for the campaign; use of a motor vehicle for non-campaign purposes or non-officeholder expenses; interest on a loan made by the candidate or the candidate’s spouse to the campaign; costs of a vacation or other trip not related to the campaign or officeholder expenses; admission to athletic events, concerts, theater or other forms of entertainment (except for events that are part of the campaign); dues in country clubs, health clubs, recreational facilities or other nonpolitical organizations and earnings from investments of contributions other than as permitted by the Ethics Rules. These examples are intended to be illustrative, not exhaustive. [Rule 2.39](#).

Contributions to Another Candidate’s Campaign Committee

A campaign committee may make a contribution to another candidate’s campaign committee. The maximum amount of such a contribution is \$2,600 in the aggregate for both elections or if a candidate is unopposed. In other words, a campaign committee can make a contribution of no more than \$2,600 altogether to another candidate’s campaign committee, regardless of the number of elections at which the recipient candidate’s name appears on the ballot. [Rule 2.37\(F\)](#).

Contributions May Be Used to Pay Certain Officeholder Expenses

Contributions to a campaign committee of a candidate who is elected to office for which the contributions were accepted may be used to make expenditures for officeholder expenses.

Such expenses may be paid until expiration of the term, resignation or other vacation of the office. Contributions received for a campaign for one office cannot be used to pay officeholder expenses for a different office.

When an officeholder dissolves one campaign committee and contemporaneously files a Statement of Organization for a different campaign committee prior to the expiration of the term to which he or she was elected and transfers funds from the first committee to the second committee, the officeholder may pay officeholder expenses until the expiration of the term in an amount not to exceed the amount transferred.

Officeholder expenses are ordinary and necessary expenses incurred in connection with a candidate's duties as the holder of a municipal 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 municipal elective office.

[Rules 2.44](#) and [2.2\(14\)](#).

Calculating Expenses for Motor Vehicle Travel

Calculating travel expenses for use of a motor vehicle is determined by the factual circumstances in which the motor vehicle is used.

All expenses associated with the purchase or lease and operation of a motor vehicle may be paid with contributions to a campaign committee only if the motor vehicle is used exclusively for campaign purposes or for ordinary and necessary expenses incurred in connection with the candidate's duties as the holder of an elective municipal office. This provision is not effective if the motor vehicle is used for any other purpose, including but not limited to personal use.

If a motor vehicle is used for both campaign and officeholder expenses, as described in the preceding paragraph, and for any other purpose---including personal use---the campaign committee may make expenditures only for mileage reimbursement at the rate authorized for the use of privately owned motor vehicles under the State Travel Reimbursement Act, or less.

Expenditures for the rental of a motor vehicle or for fares of taxicabs, buses or similar modes of transportation may be made at the actual cost of the rental or fare, provided the rental or fare is at the rate normally charged for others.

If campaign contributions are used for the purchase or lease of a motor vehicle, the motor vehicle must be purchased or leased from a dealer licensed by the Oklahoma Motor Vehicle Commission or the Oklahoma Used Motor Vehicle and Parts Commission on commercially reasonable terms and cannot be purchased from the committee by the candidate or a family member of the candidate.

[Rule 2.45](#).

Disclosure Requirements for Campaign Advertising

Electronic Communications Disclosure Requirements

Whenever a campaign committee makes an expenditure for the purpose of communicating through any Internet advertising or video, radio, television, cable or satellite broadcast, the communication shall state, either orally or in writing, "Authorized and paid for by NAME OF COMMITTEE." If the disclosure is in writing, it must be of sufficient size and contrast to be clearly readable by the recipient of the communication. [Rule 2.55](#).

Printed Communications Disclosure Requirements

Whenever a campaign committee makes an expenditure for the purpose of communicating through any Internet advertising, or direct mail, magazine advertisement, newspaper advertisement or other printed materials, the communication shall state, "Authorized and paid for by NAME OF COMMITTEE." The disclosure must be of sufficient size and contrast to be clearly readable by the recipient of the communication. [Rule 2.56](#).

Disclosure Not Required for Certain Items

No disclosure is required for items such as bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements where inclusion of a disclaimer would be impractical. [Rule 2.56](#).

Making Reports of Contributions and Expenditures**Obligation to Make Reports**

Once a campaign committee has filed a Statement of Organization with the municipal clerk, the committee is required to make periodic Reports of Contributions and Expenditures until the committee is dissolved and a Final Report of Contributions and Expenditures is made.

Blank copies of Reports of Contributions and Expenditures

Blank copies of Reports of Contributions and Expenditures may be downloaded from the Ethics Commission's website at www.ok.gov/ethics.

Filing Reports

All Reports of Contributions and Expenditures must be filed with the municipal clerk. Reports are considered timely filed if filed by 4:30 p.m. on the day specified. [Rule 1.4](#).

Quarterly Reports Required in Non-Election Years

In non-election years, Reports of Contributions and Expenditures by campaign committees are made on a quarterly basis. The reporting dates and time periods covered are:

January 1-31 for the period beginning at the end of the pre-general election reporting period from the preceding year and ending December 31 of the preceding calendar year;

April 1-30 for the period beginning January 1 and ending March 31 of the same year;

July 1-31 for the period beginning April 1 and ending June 30 of the same year and

October 1-31 for the period beginning July 1 and ending September 30 of the same year.

Quarterly reports due in January, April, July or October cannot be filed early, unless the campaign committee is dissolving and filing a Final Report of Contributions and Expenditures. [Rule 2.100](#).

Quarterly and Pre-Election Reports Required in Election Years

In election years, Reports of Contributions and Expenditures by campaign committees are made either quarterly or prior to elections. Although these reporting requirements will vary, depending on the election calendar of the municipality, a typical election year reporting cycle would include the following:

January 1-31 for the period beginning October 1 of the preceding year and ending December 31 of the preceding year;

No earlier than 14 days nor later than eight days before the primary election for the period beginning December 31 of the preceding year and ending 15 days before the primary election;

No earlier than 14 days nor later than eight days before the general election for the period beginning 15 days before the primary election and ending 15 days before the general election.

Quarterly thereafter, as in non-election years.

These pre-election Reports are required only if there is an election. For nonpartisan municipalities, for example, there are no primary elections, so there would be no pre-primary election report deadline.

All Candidates Must File Pre-Election Reports

All candidates must file pre-election Reports, regardless of whether their names appear on the ballot at a particular election, if pre-election Reports are required.

[Rule 2.101](#).

Special Election Reporting Dates

For a special election to fill a vacancy, each campaign committee must file pre-election Reports of Contributions and Expenditures on the same dates and for the same periods with respect to the special primary election and general election.

Candidates in special elections must continue to file reports after the general election until the campaign committee is dissolved and a Final Report of Contributions and Expenditures is filed.

[Rule 2.101](#).

Reports Due Between Pre-Election Time Period and Election Day

A campaign committee is required to file a Continuing Report of Contributions for certain contributions received after the close of the pre-election reporting period until the last two days before the election.

Contributions that must be reported are those that exceed \$1,000 in the aggregate.

These Reports are due within 24 hours after the contribution is accepted. In this case, “accepted” means that the contribution has been placed in a campaign depository or that an in-kind contribution has been used in the campaign.

The Reports must identify the name, address and occupation and employer of any person other than a PAC making a contribution, the amount of the contribution and the date it was made and the name and number, if any, of a PAC making a contribution, the amount of the contribution and the date it was made.

If a candidate's name does not appear on the ballot at the next following election, that candidate's committee is not required to file a Continuing Report of Contributions.

[Rule 2.102.](#)

Filing the First Report

The first Report of Contributions and Expenditures by a campaign committee shall be filed at the same time as required for the quarterly or pre-election Report of Contributions and Expenditures following the filing of a Statement of Organization. The Report covers the period beginning on the date of the first contribution or expenditure and ending on the same ending date for the quarterly or pre-election period. [Rule 2.103.](#)

Contents of Reports of Contributions and Expenditures

Reports of Contributions and Expenditures include information on all receipts, including monetary contributions, in-kind contributions, refunds or returns and other receipts and information on all expenditures, including refunds made. [Rule 2.106.](#)

Details in Reports of Contributions and Expenditures

Reports of Contributions and Expenditures require significant detail. For example, Reports of Contributions and Expenditures include

The name, address, occupation and employer of any person other than a PAC making a contribution or contributions in excess of \$50 in the aggregate, the date and amount of any monetary or in-kind contributions made during the time period covered by the Report and the aggregate total of all contributions accepted from one person.

The total of all contributions made during the time period covered by the Report and the aggregate total of all contributions of no more than \$50.

The name of a PAC or campaign committee making a contribution or contributions, the date and amount of any monetary or in-kind contributions made during the time period covered by the report and the aggregate total of all contributions accepted from the PAC or campaign committee.

Information on all loans made to the committee or repaid by the committee.

The name and address of any person or entity to whom an expenditure of more than \$200 in the aggregate was made during the time period covered by the Report, a description of the goods or services purchased with the expenditure and the aggregate total of all expenditures made to the person or entity.

It is imperative that the Treasurer keep detailed and accurate records of all campaign committee transactions to ensure that the Treasurer has the information necessary to correctly account for all the receipts and expenditures of the committee.

Sometimes this responsibility goes beyond merely recording gross expenditures. For example, expenditures made by political consultants or other third parties on behalf of the candidate must be reported as if the expenditures had been made directly by the campaign committee. That makes it necessary to identify all of the expenditures made by such persons on behalf of the candidate so that expenditures of more than \$200 can be properly reported. The same is true for expenditures made by using a credit card for payment. Expenditures made by using a credit card that are more than \$200 are reported individually, not as a single credit card payment. Another example of necessary detail that goes beyond the surface is the reporting of contributions from eligible limited liability companies and partnerships. Although the candidate may receive a contribution from a limited liability company or a partnership, the contributions must be reported as if the contributions were made by the members or partners, respectively. To accurately report the committee's activities, the Treasurer often will have to elicit details not apparent on the face of a contribution or expenditure and keep careful records in order to make the Report of Contributions and Expenditures.

[Rule 2.106.](#)

Help in Completing Reports of Contributions and Expenditures

Detailed information on completing Reports of Contributions and Expenditures may be found on the Ethics Commission's website, www.ok.gov/ethics.

Understanding Independent Expenditures

What an Independent Expenditure Is

An independent expenditure is an expenditure made by a person that expressly advocates the election or defeat of a clearly identified candidate. An independent expenditure cannot be made in coordination with, cooperation with, consultation with, or concert with, or at their request or suggestion of, a candidate, a campaign committee or their agents or a political party committee or its agents. [Rule 2.2\(10\)](#).

What an Independent Expenditure Is Not

An independent expenditure is not a contribution to a candidate or a campaign committee.

An independent expenditure does not include the display of a noncommercial yard sign, lapel pin, button, bumper sticker or similar displays of support or opposition to a political party or a candidate. [Rule 2.2\(6\)](#) and [\(10\)](#).

Who May Make Independent Expenditures

Any limited committee, municipal political committee or unlimited committee may make independent expenditures consistent with the purposes of the committee. Independent expenditures also may be made by other persons, such as individuals, partnerships, limited liability companies and corporations. [Rule 2.50](#). A candidate, of course, cannot make an independent expenditure for his or her own campaign and is prohibited from making an independent expenditure for the campaign of another candidate. [Rule 2.49](#).

No Limits on Independent Expenditures

There are no limits to the amount of funds that may be spent on independent expenditures. [Rule 2.50](#).

What Constitutes Coordination, Cooperation, Consultation or “Acting In Concert”

Coordination, cooperation, consultation and “acting in concert” are not defined in the Ethics Rules. Common definitions of “coordination,” “cooperation,” “consultation” and “concert” offer these descriptions, among many others: “to associate with others for mutual benefit,” “to act together,” “to confer,” “formed by mutual communication of opinion and views.” Whether or not there is coordination, cooperation or consultation in any given situation depends upon the facts.

Consequences of Coordination

If an alleged “independent expenditure” is in fact made in coordination with, cooperation with, consultation with, or concert with, or at their request or suggestion of, a candidate, a campaign committee or their agents or a political party committee or its agents, then the “expenditure” becomes a contribution to the campaign committee. [Rule 2.2\(6\)](#). If the amount of the expenditure exceeds the limits for contributions, then it is a violation of the Ethics Rules by both the contributor and the recipient.

How Independent Expenditures Are Reported

If an independent expenditure of \$5,000 or more is made by a PAC or any other person at least 15 days prior to any primary or general election, that expenditure must be reported by the PAC at the same time that candidates file pre-election reports. The \$5,000 trigger is an aggregate number of all independent expenditures made by the PAC. [Rule 2.107\(A\)](#).

If an independent expenditure of \$5,000 or more is made by a PAC or any other person no more than 14 days prior to a primary or general election, but no later than the day of the election, that expenditure must be reported no later than the business day following the day the expenditure is made. [Rule 2.107\(B\)](#).

Dissolving the Campaign Committee**Campaign Committee May Dissolve at Any Time**

A campaign committee may dissolve at any time prior to mandatory dissolution dates by filing a Final Report of Contributions and Expenditures that shows no funds remaining in the committee. [Rule 2.115](#).

Required Dissolution of Campaign Committee

A campaign committee must dissolve no later than two years after the general election for an office with a two-year term and no later than four years after the general election for an office with a four-year term. [Rule 2.115](#).

Surplus Funds

Surplus funds of a campaign committee may be designated only following the election at which the office for which the campaign committee has been determined. The candidate, at his or her discretion, may determine that such funds are not required for campaign expenses or officeholder expenses.

Uses of Surplus Funds

Surplus funds may be

Retained in any amount for use in a future campaign for the next succeeding term of the same office;

Retained for a future campaign for a different municipal elective office;

Donated to a charitable organization as described in Section 501(c)(3) of Title 26 of the United States Code;

Returned to any contributor, as long as the amount returned does not exceed the contributor's aggregate contribution during the immediately preceding primary election, runoff primary election and general election, or

Contributed to a political party committee in any amount not to exceed \$25,000 in the aggregate.

Surplus funds may not be used for any other purpose.

[Rule 2.48.](#)

Disposition of Surplus Funds

Surplus funds remaining in the campaign committee's possession within 90 days after the expiration of the term to which the candidate was elected or, for candidates who were not elected, within 90 days after the second year following the general election, shall be deposited in the general revenue fund of the State of Oklahoma. [Rule 2.48.](#)

Disposition of Assets

The campaign committee must dispose of assets acquired by the campaign committee through purchase or in-kind contributions, including but not limited to furniture, computer equipment and similar items. If the candidate retains those assets, that would amount to converting contributions to personal use in violation of the Ethics Rules. A candidate may purchase such assets from the campaign committee but only if the candidate pays fair market value for such purchases.

Resolution of Debt

If a campaign committee has debt at the time of its dissolution, that debt must be resolved in a commercially reasonable manner before the campaign committee may dissolve. Debt may not be resolved for the purpose of evading prohibitions or limitations of the Rules. If a debt is not resolved in a commercially reasonable manner, the amount of the debt that is forgiven shall be considered a contribution to the candidate. [Rule 2.116.](#)

Final Report of Contributions and Expenditures

A Final Report of Contributions and Expenditures is identical to other Reports of Contributions and Expenditures except that it requires information about the resolution of debt, if any. A Final Report may be filed at any time. It covers a period beginning after the last day of the immediately preceding reporting period and ending on the day before the Final Report is filed. [Rule 2.117.](#)

CHAPTER 7.5

ORDINANCE

REGULATING COUNCIL ELECTIONS

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING SECTION 7.5-21 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN BY DELETING CERTAIN DEFINITIONS ADDRESSED BY STATE LAW; ADDING DEFINITIONS OF A CAMPAIGN COMMITTEE, MUNICIPAL OFFICE, AND MUNICIPAL POLITICAL COMMITTEE TO CONFORM TO STATE LAW; AND RENUMBERING REMAINING DEFINITIONS; DELETING SECTIONS 7.5-22, 7.5-23, AND 7.5-24 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN REMOVING CAMPAIGN STATEMENT FILING REQUIREMENTS NOW GOVERNED BY STATE LAW; AMENDING SECTION 7.5-25 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO MODIFY THE DUTIES OF THE CITY CLERK TO BE CONSISTENT WITH APPLICABLE PROVISIONS OF STATE LAW; AMENDING SECTION 7.5-26 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO MODIFY AND RENUMBER THE DUTIES OF THE NORMAN ELECTION COMMISSION TO BE CONSISTENT WITH STATE LAW; AMENDING SECTION 7.5-27 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN TO PROVIDE A CITY OF NORMAN ELECTION COMMISSION COMPLAINT REFERRAL PROCEDURE THAT IS CONSISTENT WITH STATE LAW; DELETING SECTION 7.5-28 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN REGARDING PENALTIES TO BE CONSISTENT WITH STATE LAW; RENUMBERING SECTIONS NOT DELETED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Chapter 7.5 of the Code of Ordinances of the City of Norman shall be amended to read as follows:

* * * * *

Sec. 7.5-1. Filing fee or nomination by petition required.

(a) A filing fee, in the form provided by state law, is hereby established for candidates for seats to the Norman City Council which fees shall be as follows:

Candidates for City Council\$50.00
 Candidates for Office of Mayor\$75.00

(b) In the event a candidate receives at least fifteen (15) percent of the votes cast or is elected unopposed, the filing fee will be refunded to that candidate. If a candidate does not receive fifteen (15) percent of the votes cast, the filing fee will be forfeited to the City.

(c) In lieu of paying a filing fee as set forth above, the name of a candidate may be placed upon the ballot at the primary election by the filing of a petition for that purpose in the manner set forth in the Norman City Charter, Article II, Section 10(b).

Sees. 7.5-2—7.5-20. Reserved.

Sec. 7.5-21. Definitions.

(a) *Campaign committee* shall mean a committee which may be composed of one or more persons the purpose of which is to support the election of a specific candidate to municipal office, whose name as it will appear on the ballot shall appear in the name of the committee.

(b) *Candidate* shall mean any person who publicly seeks nomination or election to any elective municipal office in the City government.

(c) *Election* shall mean any municipal election, municipal runoff election, or special election held in the City at which candidates for public office are voted upon.

(d) *Municipal office* shall mean any elective municipal office for which Declarations of Candidacy are filed with the secretary of the county election board as required by Sections 16-109 and 16-110 of Title 11 of the Oklahoma Statutes.

(e) *Municipal political committee* shall mean any committee composed of one or more persons whose purpose includes the election or defeat of one or more candidates for municipal office but which is not required to register with the Ethics Commission or the Federal Election Commission.

(f) *Norman Election Commission* shall mean a five-member committee, appointed by the Mayor and approved by a majority of the City Council to serve three-year staggered terms. The terms of initial appointments shall be adjusted so as to provide that no more than two (2) terms shall expire in any one (1) year; subsequent appointments shall be for three-year terms.

Sec. 7.5-22. Duties of the City Clerk.

The City Clerk shall:

- (1) Supply appropriate forms for statements of organization, reports of contributions and expenditures, and statements of financial interest required by state law to all candidates, campaign committees, and municipal political committees required to file such statements and reports;
- (2) Furnish written instructions explaining the duties of candidates, campaign committees, and municipal political committees under state law including required closing and filing dates;
- (3) Examine all statements of organization, reports of contributions and expenditures, and statements of financial interest filed in the City Clerk's office pursuant to state law and check for irregularities that do not meet the requirements of state law (Acceptance of the statements and reports by the City Clerk shall not constitute approval of said statements and reports);
- (4) Notify promptly all persons known to have failed to file a statement or report in the form or at the time required;
- (5) Refer all apparent irregularities or failures to file required statements or reports to the Norman Election Commission for review;
- (6) Cooperate with the Norman Election Commission;
- (7) Maintain a current list of all statements and reports on file in the City Clerk's office;
- (8) Preserve each statement and report for at least four (4) years from the date upon which it was required to be filed;
- (9) Make statements and reports available for public inspection as soon as practicable during regular business hours;
- (10) Provide copies of filed statements and reports or parts of statements and reports at a normal charge;
- (11) Distribute without fees or charge to each candidate or campaign committee one (1) copy of the election code of the State, including, but not limited to, any relevant state Ethics rules, and one (1) copy of all city ordinances relating to election campaign matters and all blank forms required for statements of organization, reports of contributions and expenditures, and statements of financial interest.

Sec. 7.5-23. Duties of the Norman Election Commission.

In addition to any other duties designated by the terms of this article, the Norman Election Commission shall:

- (1) Cooperate with the City Clerk in the preparation and publication of written instructions explaining the duties of candidates, campaign committees, and municipal political committees under state law;
- (2) To review, compare and examine for inconsistencies or other deficiencies, including but not limited to, timeliness, all statements and reports filed in the Office of the City Clerk;
- (3) Identify any substantial discrepancy, including, but not limited to, total contributions and expenditures listed in reports of contributions and expenditures filed before the election and contributions and expenditures listed in such reports filed after the election;
- (4) To report to the City Council within forty (40) days after the Municipal Election and ninety (90) days after the final election, information including, but not limited to, ongoing investigations regarding or determinations of substantial discrepancies in reports required to be filed by the election laws of the State of Oklahoma;
- (5) Recommend or advise the City Council on possible changes as needed to this article;
- (6) Make an effort to inform the public about the importance of reporting all contributions and expenditures by candidates for local offices as well as the political action committees (PACs) involved in a given campaign.

Sec. 7.5-24. Norman Election Commission procedure.

(a) Whenever the Norman Election Commission has reason to believe a willful violation of the State Election Laws has occurred, it may make a referral to, or file a formal complaint with, the state Ethics Commission in accordance with the procedures outlined in state law.

(b) The Norman Election Commission shall cause notice of its meetings to be mailed to each candidate required to file statements or reports with the City Clerk for the current municipal election. This notice shall be accomplished by mailing to the candidate, at the address of the candidate on file in the Office of the City Clerk, a copy of the agenda setting forth the date, time and place of the meeting of the Commission and the matters to be covered at the meeting.

§ 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this 25th day
of NOVEMBER, 2014.

Cindy Rosenthal
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day
of _____, 2014.

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall
Brenda Hall, City Clerk



POLITICAL

SIGN

REGULATIONS

POLITICAL SIGNS

This is an overview of the basic State and City regulations.

Political signs are intended to allow individuals and groups to exercise their free speech rights without interfering with the rights of others. The City of Norman regulates political signs as follows:

- No signs can ever be placed within the sight triangle. No signs shall be placed within any public right-of-way [except as provided for single-family homes] that has been dedicated to the City by plat, easement, or statute, nor any median, boulevard, street, road, or parkway, nor any public or private park.
- Signs should only be placed on privately owned property & you should obtain permission of the property owner prior to placing the sign.
- No signs may be placed within 300 feet of any polling site.
- Signs can not cause a sight obstruction or traffic hazard at any time.
- In regard to single-family dwellings only, political signs may be placed within the right-of-way (the area between the property line and the curb or edge of the public street) in front of or along the side of any such dwelling, provided that the permission of the property owner has been obtained and such signs are no wider than thirty (30) inches or taller than twenty (20) inches in height. Political signs may not be placed in the right-of-way abutting the rear or side yard of the dwelling when that portion of the lot abuts a Section Line Road or an arterial roadway. If the dwelling has a fence or wall along the rear or side of the lot which separates the dwelling from the arterial or Section Line road, no sign may be placed outside of that fence adjacent to the roadway.
- On major thoroughfares, the area between the street and fence lines is public right-of-way and no signs may be placed in that area. If there is no fence line, the right-of-way generally extends 26 feet from the street edge. On State highways the area is usually much larger.
- Political signs must be removed within ten (10) days after the election to which they pertain.
- Any illegally placed signs may be removed and disposed of without notice.
- If you have any questions, please call Code Compliance at 366-5332.

CANDIDATE CAMPAIGN REPORT FORMS

Not included in this report.