

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).

Secs. 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.

~~—(a) Campaign statement shall mean an itemized report made according to the form prescribed and supplied by the City Clerk which, when completed and filed, provides the information required in section 7.5-23.~~

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

~~(c) Committee shall mean any person or combination of two (2) or more persons acting in aid of or opposition to the nomination or election of one (1) or more candidates.~~

~~(d) Contribution shall mean a gift, subscription, loan, advance deposit, credit given on account, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one (1) or more candidates. Contribution, without excluding other matters covered by the first sentence of this subsection, includes purchasing tickets for dinners, luncheons, rallies, and other fund-raising events; granting discounts or rebates, to a candidate or to a committee, on terms which are not available to the general public; and payment for the services of any person rendered to a candidate or to a committee out of funds not otherwise reported or reportable under the requirements of this article. Contribution does not extend to voluntary personal services rendered, without compensation, to a candidate or to a committee.~~

~~(c)(e)~~ *Election* shall mean any ~~primary, general~~ 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.

~~—(g) *Expenditure* shall mean a payment, pledge, or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of the nomination or election of one (1) or more candidates. It includes any transfer of anything of value made by one (1) committee to another for purposes enumerated above.~~

~~—(h) *Person* shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.~~

Sec. 7.5-22. Campaign statements filing.

~~—Each candidate for nomination or election to the Office of Council Member or Mayor and any committee acting on behalf of or in opposition to a candidate shall file a campaign statement ten (10) days prior to each Municipal or Municipal runoff election in which he or she is a candidate, a supplemental campaign statement no later than 12:00 noon on the Friday preceding each election in which he or she is a candidate, and a final campaign statement within forty (40) days subsequent to the final election. Committees in support or opposition to a candidate are not required to submit campaign statements if less than \$500.00 was collected or spent prior to either filing deadline. The supplemental campaign statement shall not be required to be filed by any candidate who has no campaign contributions or expenditures to report since the filing of the initial campaign statement. Any such statements shall be filed in the office of the City Clerk during regular business hours. If the time for filing expires on a Sunday or on a holiday, the statement may be filed on the next regular business day. Every candidate or candidate committee or every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures on or before the days specified herein shall be assessed a late filing fee of up to ten dollars (\$10.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed one hundred dollars (\$100.00). The agent, except for agents for candidates or candidate committees, may be liable for the late fee. Failure to file a report shall be deemed to be a separate offense for each day that the report remains unfiled after it becomes due.~~

Sec. 7.5-23. Campaign statement contents and preservation of records.

~~—(a) Each campaign statement filed pursuant to section 7.5 22 shall contain the following information:~~

~~(1) The cumulative total amount of all contributions received and expenditures made or contracted for by the candidate or any committee or individual on behalf of the candidate during the campaign period preceding each election in which he or she is a candidate; contribution received and expenditure made in aid of the candidate during the period beginning with the date of the earliest contribution received or expenditure made, whichever is earlier; and in the final statement any contributions received and expenditures made which have not previously been declared, including contributions received and expenditures made, if any, subsequent to the general election. It is the intent of this section that statements filed on Friday preceding each election shall be as nearly as possible a total accounting of all money expended in the candidate's campaign; and the candidate shall make every diligent effort to include in each campaign statement any bills outstanding, costs of merchandise or services ordered but not yet paid for, and all expenses of any kind incurred or to be incurred on behalf of the candidate in that election.~~

~~(2) The full name, complete mailing address and occupation, if any, of any person from whom a contribution or contributions in excess of fifty dollars (\$50.00) was received and the amount received from that contributor. Any contribution in excess of fifty dollars (\$50.00) made by one person, which is a collection of contributions from several persons, shall be reported as a contribution from that person. The report shall also contain the names, complete mailing addresses and occupations, and the amounts, of the contributions of those persons who made a contribution as part of the collection regardless of the amount of their individual contribution.~~

~~(3) The full name and complete mailing address of each person to whom an expenditure or expenditures have been made or contracted for, together with the total amount contracted for or paid to such person and a brief description of the goods, services or facilities provided.~~

~~(b) Where goods, materials, services, facilities or anything of value other than money is contributed or expended, the monetary value thereof shall be the fair market value and such fair market value shall be included in the candidate's list of contributions and expenditures.~~

~~(c) Loans of money, property, or other things made to a candidate or committee during the period covered by the campaign statement shall be reported separately in the statement.~~

~~(d) No person may contribute more than five hundred dollars (\$500.00) per candidate in City Council races. Limitations in the Mayor's race will remain unchanged and be governed by state rules.~~

~~(e) Candidates shall be required to preserve all records, accounts, bills, receipts, books, papers, and other documents necessary regardless of physical form or characteristic, to substantiate the reports required to be filed by a candidate or committee as set forth herein related to campaign contributions and expenditures for a period of one (1) year from the date of election in which they are a candidate.~~

~~Sec. 7.5-24. Verification of campaign statement.~~

~~Each campaign statement filed by a candidate shall be verified or affirmed before an Oklahoma Notary Public or other Oklahoma official authorized to administer oaths or affirmations and shall include, in addition to other requirements set by this article, an assertion that the candidate has read the campaign statement and that it is true and complete to the best of the candidate's knowledge.~~

Sec. 7.5-~~2225~~. 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 ~~campaign statements~~ required by state law ~~this article~~ to all candidates, campaign committees, and municipal political committees ~~and committees and other persons~~ required to file such ~~campaign statements~~ and reports;
- (2) Furnish written instructions explaining the duties of candidates, campaign committees, and municipal political committees ~~and committees~~ under state law ~~the provisions of this article~~, including required closing and filing dates ~~for all campaign statements~~;
- (3) Examine all statements of organization, reports of contributions and expenditures, and statements of financial interest ~~campaign statements~~ filed in the City Clerk's office pursuant to state law ~~this article~~ and check for irregularities that do not meet the requirements of state law ~~this article~~. (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 ~~subsequent action~~;
- (6) Cooperate with the Norman Election Commission;
- (7) Maintain a current list of all ~~campaign statements~~ and reports on file in the City Clerk's office;

- (8) Preserve each ~~campaign~~ 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 ~~campaign~~ statements and reports (~~contributions and expenditures~~) 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 ~~campaign statements.~~

Sec. 7.5-~~2326~~. 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) — Enforce the provisions of this article;~~
- ~~(2) — Cooperate with the City Clerk in preparing the design and content of appropriate forms for campaign statements required by this article;~~
- ~~(1)(3) Cooperate with the City Clerk in the preparation and publication of written instructions explaining the duties of candidates, campaign committees, and municipal political committees person and committees under state law; this article;~~
- ~~(4) Determine whether the statements required to be filed under this article and also the statements required to be filed by State Statute in the Office of the City Clerk have been properly filed;~~
- ~~(2)(5) 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, including forms required to be filed under this article and also State forms required to be filed in the Office of the City Clerk by the applicable State Statutes;~~
- ~~(3)(6) Investigate Identify any substantial discrepancy, including, but not limited to, total contributions and expenditures listed in reports of contributions and expenditures campaign statements filed before the election and contributions and expenditures listed in such reports statements filed after the election;~~
- ~~(4)(7) Make a public 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; ~~violations of this article and violations of the election laws of the State of Oklahoma;~~

~~(5)~~(8) Recommend or advise the City Council on possible changes as needed to this article;

~~(6)~~(9) 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~~27. Norman Election Commission procedure.

~~—(a) Any person who believes that a violation of any portion of this article has occurred may, within fourteen (14) days after the date in which the final report is filed, file a complaint, verified before an Oklahoma Notary Public or other Oklahoma official authorized to administer oaths or affirmations, with the Office of the City Clerk. For the purpose of this subsection, the fourteen-day filing period shall begin to run following the day on which a candidate files his final report. If the Norman Election Commission determines that there is reason to believe that a violation of this article has occurred, it shall make an investigation.~~

~~—(b) Whenever the Norman Election Commission has reason to believe a willful violation of this article has occurred, it will send its documentation to the City Attorney with a recommendation for the appropriate legal action.~~

~~(a)~~(e) Whenever the Norman Election Commission has reason to believe a willful violation of the State Election Laws has occurred, it ~~shall send its documentation to the District Attorney of Cleveland County with a recommendation for appropriate legal action~~ 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)~~(d) The Norman Election Commission shall cause notice of its meetings to be mailed to each candidate required to file statements or reports with the ~~Commission~~ 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.

~~—(c) The Norman Election Commission may at any time demand and shall be furnished records of campaign contributions and expenses of a candidate or committee. The Norman Election Commission shall also call a candidate or candidates before the Commission for the purpose of discussing any irregularities or inconsistencies in the candidate's filings.~~

Sec. 7.5-28. Penalties.

~~(a) Any person who knowingly or willfully violates any section of this article is guilty of a misdemeanor. In addition to other penalties provided by law, any knowing or willful failure to report contributors, contributions and/or expenditures done with intent to mislead or deceive, and any falsification of an invoice, bill or statement of account done with intent to mislead, or deceive, shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), and/or sixty (60) days in jail.~~

~~(b) If, after the election of a candidate to a City office, the candidate is convicted of a violation of any provision of this article, such office shall become vacant immediately thereupon or vacant on the date upon which the candidate, if not an incumbent, would otherwise take office. In such event, the vacancy shall be filled in accordance with the applicable procedures. If a candidate is convicted of a violation of this article at any time prior to election, the candidacy shall be terminated immediately, and the individual shall be no longer eligible for that election.~~

§ 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 _____ day
of _____, 2014.

NOT ADOPTED this _____ day
of _____, 2014.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk