

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3996

 By: Wright

7 AS INTRODUCED

8 An Act relating to state government; amending Rules
9 2.16, 2.33 and 6.3 of the Rules of the Ethics
10 Commission (74 O.S. Supp. 2019, App. 1), which relate
11 to campaign finance; modifying use of social media
 account by state officers; modifying contributions to
 and by limited committees; modifying filing of
 complaints; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY Rule 2.16 of the Rules of the
16 Ethics Commission (74 O.S. Supp. 2019, Chapter 62, App. I), is
17 amended to read as follows:

18 Rule 2.16 No Internet social-media account maintained using
19 state resources in the name of a state officer as a state officer or
20 state agency may be (1) used to solicit, receive or accept funds for
21 a political party, a political action committee, a candidate or a
22 state question campaign; (2) used to advocate the election or defeat
23 of a clearly identified candidate for any elective office or a vote
24 for or against a state question or any other question to be voted

1 upon at an election or (3) converted to use by a political party, a
2 political action committee, a candidate or a state question
3 campaign.

4 SECTION 2. AMENDATORY Rule 2.33 of the Rules of the
5 Ethics Commission (74 O.S. Supp. 2019, Chapter 62, App. 1), is
6 amended to read as follows:

7 Rule 2.33 (A) No person shall make, and no limited committee
8 shall accept, a contribution to any limited committee in excess of
9 Five Thousand Dollars (\$5,000.00) in any calendar year, except as
10 otherwise permitted by law or these Rules. A contribution to a
11 limited committee that is designated directly or indirectly to be
12 used for the benefit of a particular candidate or candidates shall
13 be considered a contribution by the contributor to the candidate or
14 candidates.

15 (B) No limited committee shall make, and no political party
16 committee shall accept, a contribution to the political party
17 committee in excess of Ten Thousand Dollars (\$10,000.00) in any
18 calendar year.

19 (C) No limited committee shall make, and no other limited
20 committee shall accept, a contribution to another limited committee
21 in excess of Five Thousand Dollars (\$5,000.00) in any calendar year.
22 Contributions may be made between any limited committees and shall
23 not be restricted by the purpose of the committee stated on the
24 committee's statement of organization.

1 (D) No limited committee shall make, and no candidate committee
2 shall accept, a contribution to any candidate committee in excess of
3 Five Thousand Dollars (\$5,000.00) prior to a primary election.

4 (E) No limited committee shall make, and no candidate committee
5 shall accept, a contribution to any candidate committee of a
6 candidate whose name will appear on the ballot for a runoff primary
7 election in excess of Five Thousand Dollars (\$5,000.00) prior to a
8 runoff primary election. Provided, however, after the primary
9 election a limited committee that has made a contribution of Five
10 Thousand Dollars (\$5,000.00) or less to the candidate committee
11 prior to the primary election may make an additional contribution of
12 no more than Five Thousand Dollars (\$5,000.00) to the candidate
13 committee prior to the runoff primary election.

14 (F) No limited committee shall make, and no candidate committee
15 shall accept, a contribution to any candidate committee prior to a
16 general election in excess of Five Thousand Dollars (\$5,000.00).
17 Provided, however, after the primary election or runoff primary
18 election, whichever is the last for determining a political party's
19 nominee, a limited committee that has made a contribution of Five
20 Thousand Dollars (\$5,000.00) or less to the candidate committee
21 prior to the primary election or runoff primary election, or both,
22 may make an additional contribution of no more than Five Thousand
23 Dollars (\$5,000.00) to the candidate committee prior to the general
24 election.

1 (G) After the general election, a limited committee that has
2 made no contribution to a candidate or a contribution of less than
3 Five Thousand Dollars (\$5,000.00) in the aggregate under the
4 provisions of subsections (D), (E) or (F) may make an additional
5 contribution or contributions in an amount or amounts that,
6 aggregated with any prior contributions, do not exceed Five Thousand
7 Dollars (\$5,000.00) to that candidate committee.

8 (H) No limited committee shall make a total contribution to a
9 candidate in excess of the aggregate contribution limits of
10 subsections (D), (E) and (F) or in excess of Five Thousand Dollars
11 (\$5,000.00) to the candidate committee of a candidate who is
12 unopposed for election.

13 (I) For purposes of this section, "contribution" shall include
14 multiple contributions, the amounts of which shall be aggregated.

15 (J) A limited committee may make contributions to candidates
16 for county, municipal or school district office as permitted by law.

17 (K) A limited committee may make contributions to unlimited
18 committees in unlimited amounts.

19 SECTION 3. AMENDATORY Rule 6.3 of the Rules of the
20 Ethics Commission (74 O.S. Supp. 2019, Chapter 62, App. 1), is
21 amended to read as follows:

22 Rule 6.3 A. A member of the Commission or an employee of the
23 Commission may accept a complaint from any source; provided,
24 however, no complaint shall be accepted from an anonymous source.

1 B. Any person ~~other than~~ including a member or an employee of
2 the Commission who files a written complaint alleging a violation of
3 any Rule shall (1) cite the Rule or Rules alleged to have been
4 violated, (2) describe in detail the facts alleged to have caused a
5 violation of a Rule to occur and the name of any individual involved
6 in the alleged violation, (3) certify that he or she has personal
7 knowledge of the facts alleged. It shall be a violation of these
8 Rules for any person to willfully, knowingly and without probable
9 cause make a false complaint alleging a violation of these Rules. A
10 frivolous complaint shall be deemed to be a violation of these Rules
11 by the person making the complaint. A frivolous complaint means the
12 complaint was knowingly asserted in bad faith, was unsupported by
13 any credible evidence, was not grounded in fact, or was unwarranted
14 by existing law. Any person who files a written complaint shall, by
15 doing so, submit to the jurisdiction of the Commission for purposes
16 of this paragraph. It shall be a violation of these Rules for any
17 state officer or employee to take action against any subordinate
18 state officer or employee because the subordinate state officer or
19 employee filed a complaint other than a false complaint or a
20 frivolous complaint.

21 SECTION 4. This act shall become effective November 1, 2020.

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23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/18/2020 - DO PASS.

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