

Ordinance No. 3423

An Ordinance amending Chapter 7.7 Campaign Financing, Sec. 7.7-1 Short Title; Sec. 7.7-2 Intent; Sec. 7.7-3 Administration; Sec. 7.7-4 Definitions; Sec. 7.7-5 Duties of municipal clerk; Sec. 7.7-6 Filing contribution and expenditure reports by candidates for the city council; Sec. 7.7-7 Appeal; Sec. 7.7-8 Hearing; findings; assessment; Sec. 7.7-9 Contributions and expenditures by candidates or committees; Sec. 7.7-10 Statement of registration for committees; Repealing Sec. 7.7-11 Procedural requirements for committees and officers of committees; Repealing Sec. 7.7-12 Campaign contributions and expenditures reports; forms; certification; statements of inactivity; interest earned; dissolution procedures; filing of report forms; Repealing Sec. 7.7-13 Time for filing reports of contributions and expenditures or statements of inactivity; Repealing Sec. 7.7-15, Requirement to file reports and penalties for violation; Repealing Sec. 7.7-16, Suspected violation, Repealing Sec. 7.7-17, Disclosure of affidavit; Repealing Sec. 7.7-18, Withdrawal of affidavit; Repealing Sec. 7.7-19 Abstention for conflict of interest; and Repealing Sec. 7.7-20, Individual or family contributions; Repealing Sec. 7.7-21 Corporate contribution; of the Broken Arrow Code; specifically including language to comply with the Municipal Campaign Finance and Financial Disclosure Act; repealing all ordinances to the contrary and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:

SECTION I. Chapter 7.7, Campaign Financing, Section 7.7-1, Short title, is hereby amended to read as follows:

Sec. 7.7-1. - Short title.

This act [chapter] shall be known and may be cited as the "Municipal Campaign Finance and Financial Disclosure Act."

SECTION II. Chapter 7.7, Campaign Financing, Section 7.7-2, Intent, is hereby amended to read as follows:

Sec. 7.7-2. - Intent.

It is the intent of the city council that the law reflects the following policies:

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 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.

SECTION III. Chapter 7.7, Campaign Financing, Section 7.7-3, Administration, is hereby amended to read as follows:

Sec. 7.7-3. - 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.

SECTION IV. Chapter 7.7, Campaign Financing, Section 7.7-4, Definitions, is hereby amended to read as follows:

Sec. 7.7-4. - 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.

SECTION V. Chapter 7.7, Campaign Financing, Section 7.7-5, Duties of municipal clerk, is hereby amended to read as follows:

Sec. 7.7-5. - 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.

SECTION VI. Chapter 7.7, Campaign Financing, Section 7.7-6, Filing contribution and expenditure reports by candidates for the city council, is hereby amended to read as follows:

Sec. 7.7-6. - Duty to File 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.

SECTION VII. Chapter 7.7, Campaign Financing, Section 7.7-7, Appeal, is hereby amended to read as follows:

Sec. 7.7-7. - Filings That Are Public Records – Internet Availability

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.

SECTION VIII. Chapter 7.7, Campaign Financing, Section 7.7-8, Hearings; findings; assessment is hereby amended to read as follows:

Sec. 7.7-8. - 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.

SECTION IX. Chapter 7.7, Campaign Financing, Section 7.7-9, Contributions and expenditures by candidates or committees, is hereby amended to read as follows:

Sec. 7.7-9. - Statement 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.

SECTION X. Chapter 7.7, Campaign Financing, Section 7.7-10, Statement of registration for committees, is hereby amended to read as follows:

Sec. 7.7-10. - 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.

SECTION XI. Chapter 7.7, Campaign Financing, Section 7.7-11, Procedural requirements for committees and officers of committees, is hereby repealed:

Sec. 7.7-11. RESERVED

SECTION XII. Chapter 7.7, Campaign Financing, Section 7.7-12, Campaign contributions and expenditures report; forms; certification; statements of inactivity; interest earned; dissolution procedures; filing of report forms, is hereby repealed:

Sec. 7.7-12. - RESERVED

SECTION XIII. Chapter 7.7, Campaign Financing, Section 7.7-13, Time for filing reports of contributions and expenditures or statements of inactivity, is hereby repealed:

Sec. 7.7-13. - RESERVED

SECTION XIV. Chapter 7.7, Campaign Financing, Section 7.7-15, Requirement to file reports and penalties for violation, is hereby repealed:

Sec. 7.7-15. - RESERVED

SECTION XV. Chapter 7.7, Campaign Financing, Section 7.7-16, Suspected violation, is hereby repealed:

Sec. 7.7-16. - RESERVED

SECTION XVI. Chapter 7.7, Campaign Financing, Section 7.7-17, Disclosure of affidavit, is hereby repealed:

Sec. 7.7-17. - RESERVED

SECTION XVII. Chapter 7.7, Campaign Financing, Section 7.7-18, Withdrawal of affidavit, is hereby repealed:

Sec. 7.7-18. - RESERVED

SECTION XVIII. Chapter 7.7, Campaign Financing, Section 7.7-19, Abstention for conflict of interest, is hereby repealed:

Sec. 7.7-19. - RESERVED

SECTION XIX. Chapter 7.7, Campaign Financing, Section 7.7-20, Individual of family contributions, is hereby repealed:

Sec. 7.7-20. - RESERVED

SECTION XX. Chapter 7.7, Campaign Financing, Section 7.7-21, Corporate contributions, is hereby repealed:

Sec. 7.7-21. - RESERVED

SECTION XXI. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION XXII. An emergency exists for the preservation of the public health; peace and safety and therefore this ordinance shall become effective from time of its passage and approval.

PASSED AND APPROVED and this 3rd day of May, 2016.

MAYOR

ATTEST:

(seal) CITY CLERK

APPROVED:

DEPUTY CITY ATTORNEY