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Significant Changes to Oklahoma's Campaign Finance, Lobbying and Gift Laws

Significant changes to Oklahoma's campaign finance, lobbying and gift laws and rules recently went into effect. Below, please find a summary of these changes.

Campaign Finance

Under the new campaign finance law and rules, federal PACs making contributions to state candidates, political committees or parties are no longer required to register and report in the state as long as the federal PAC files reports with the Federal Election Commission. Federal PACs are permitted to contribute \$5,000 to a state or local candidate (including judicial candidates) per election, \$10,000 to a state or local political party committee per calendar year and \$5,000 to a state or local PAC per calendar year.

Individuals may now contribute \$2,600 to a state or local candidate (including judicial) per election, \$5,000 to a state or local PAC per calendar year and \$10,000 to a state or local political party committee per calendar year.

For purposes of the political party committee contribution limits above, contributions to the state and local political party committees of a single political party are aggregated.

Corporate contributions are still prohibited in the state.

Lobbying

The revised lobbying law and rules maintain the same concept of lobbying communications that existed under the old law and rules, but expand the group of officials with whom communications may be considered lobbying. Lobbying communications continue to mean those communications designed to influence legislation, rules, regulations, executive orders, or any other program, policy or position of the state government. However, prior to the amendments, these communications were only considered to be lobbying if they were with the Governor, a member of the state legislature, a member of the Corporation Commission, a member of the judiciary or an employee of the foregoing. Under the new lobbying rules, these same communications with such individuals are defined as "legislative lobbying," and a new category of "executive lobbying" is created. "Executive lobbying" is defined to include the same type of lobbying communications when directed at officers or employees of state agencies. With these changes, Oklahoma has effectively broadened what is considered lobbying activity.

The registration threshold under the lobbying law has not changed. A person must register as either a legislative or executive lobbyist if he or she is employed or retained for compensation to perform services that include legislative or executive lobbying, respectively. However, a person is not required to register if his or her lobbying activities are only incidental to, and not a significant part of, the services provided.

Previously, the law also contained a reporting requirement that certain persons giving anything exceeding \$50 in value to a state official or employee during any semi-annual period file a lobbyist disclosure report. The new law and rules eliminate this requirement.

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Gifts

Under the revised gift restrictions, legislative lobbyists and legislative lobbyist principals are prohibited from giving any gifts to the Governor, a legislator or any employee of the Governor or legislature. Executive lobbyists and executive lobbyist principals are prohibited from giving any gifts to a state officer or employee of an agency that is the subject of the individual lobbyist's lobbying activities. There are numerous exemptions to these restrictions including exemptions for certain modest items of food and refreshments when offered other than as part of a meal, meals provided by an individual lobbyist that cost no more than \$500 in the aggregate per calendar year to any single donee, and any single item valued at no more than \$10 provided once per year per official or employee.

The new rules also prohibit gifts to state officers or employees engaged in purchasing decisions from vendors, prospective vendors or a vendor's agent that is selling or attempting to sell goods or services. Further, gifts to state officers or employees from a vendor, prospective vendor, or vendor's agent that is doing business with the state officer or employee's agency are prohibited. There are a number of exemptions to these restrictions including exemptions for meals valued at \$20 or less per occasion and not exceeding \$50 in the aggregate per calendar year, and certain modest items of food and refreshments when offered other than as part of a meal.

Gifts to a state officer or employee from any person, entity or its agent that is regulated or licensed by the state officer or employee's agency are also prohibited. Among the exemptions to this restriction is an exemption for certain modest items of food and refreshments when offered other than as part of a meal.