

CONFLICT OF INTEREST

Support for strong, enforceable conflict of interest legislation and financial disclosure

The League of Women Voters of Oklahoma (LWVOK) believes Oklahoma needs stronger, more inclusive, enforceable conflict of interest legislation. We believe this can best be accomplished through an amendment to the State Constitution.

A uniform conflict of interest law should extend to all elected officials, candidates for office, some appointed officials, and department heads responsible for policy decisions and expenditures.

The LWVOK believes financial disclosure is a critical element in any conflict of interest legislation. Disclosure must provide enough information to identify any conflict of interest. The source of income and percentage of assets and liabilities held are more important in financial disclosure than reporting net worth. This information should be required of all office holders, some appointed officials and candidates, as well as their immediate family members. Financial disclosure information should be easily accessible to the public for inspection.

Consensus approved 1983

BACKGROUND

Delegates to the 1981 LWVOK Convention were presented with a request from Common Cause and other organizations asking that the LWVOK join in the Oklahoma coalition For Government Ethics (FORGE) and take part in circulating an initiative petition to put a conflict of interest amendment on the ballot. In order to determine whether or not the LWVOK could take this action, the convention voted to undertake a study of the need for conflict of interest and financial disclosure legislation at all levels of government.

Because of the deadline for presenting the petition, a summer study was undertaken by all Leagues in the state with consensus being reached in September 1983.

It was determined by the LWVOK Board of Directors that the study had not been thorough enough to launch an all-out petition drive. However, it was decided to support the intent of the petition and to encourage local Leagues to work on the petition circulation if they desired to do so. The petition failed to receive the needed number of signatures.

In 1986, legislation creating an Ethics Commission was passed. Many observers felt that Oklahoma now had a strong ethics law. However, initial funding for the new Commission amounted to only \$100,000 for the first year of operation, signaling a lack

of real commitment on the part of the Legislature for a strong conflict of interest and financial disclosure law.

The first year of implementation brought problems and court challenges to the new ethics law. During the 1987 legislative session, changes were made that were not completely beneficial. Funding did not increase for the Commission's operation.

Although the 1988 legislature doubled funding, it also passed legislation further weakening the already crippled Ethics Commission. The Commission was renamed "Oklahoma Council on Campaign Compliance and Ethical Standards."

In 1989 the Constitutional Revision Study Commission appointed by Governor Henry Bellmon proposed adding a new section to the state constitution creating a five-member Ethics Commission. The LWVOK helped gather signatures for the initiative petition to bring the proposed amendment to a vote of the people. The amendment was approved September 18, 1990 and the new constitutionally-mandated Ethics Commission officially came into existence on July 1, 1991.

The citizens of the state were soon to discover that the debate over ethics was just beginning. As required by the new amendment to the Oklahoma Constitution, the new Ethics Commission wrote a set of rules that had to be submitted to the Legislature by January 1992. The Legislature disapproved all the Commission's proposed rules and, in HR 1077, substituted its own statutory set of rules. The Ethics Commission filed suit against the Legislature asking the Supreme Court to accept original jurisdiction. The LWVOK joined Common Cause and Consumer Watch in filing an *amici curae* brief in support of the Commission.

The Supreme Court accepted original jurisdiction and, after hearing arguments from both sides, handed down a decision on March 30, 1993. The court ruled that the section of HJR 1077 disapproving all of the rules submitted by the Ethics Commission was constitutional. All parties had accepted that fact. However, the Court ruled that the Legislature did not have the constitutional right to substitute its own set of rules.

The Ethics Commission resumed their work in the summer and fall of 1993, writing a new set of ethics rules to submit to the Legislature. The new set of rules was submitted to the Legislature in February 1994.

In May 1994, the Attorney General issued an opinion that said the Legislature was authorized to disapprove of an individual Ethics Commission rule without having to disapprove the entire package. The Attorney General's opinion further stated that the Legislature might not disapprove of just a portion of an individual rule without disapproving the entire rule. Nothing has been found in the LWVOK archives to indicate what subsequent actions were taken regarding the Ethics Commission.

Funding for the Ethics Commission and their ability to operate independently of legislative strictures remain issues. The Oklahoma Legislature has repeatedly curtailed the funding of the Ethics Commission and has reversed its rulings. In 2008 a

representative found language in an earlier Commission measure that would undermine its oversight ability. The Commission continues to ask for additional staff and funding. In 2014 it failed to collect over \$200,000 in fines owed because there were not enough staff to pursue those who owed money. In 2018, the Ethics Commission sued the legislature and the governor over lack of proper funding, but the Oklahoma Supreme Court ruled in favor of the legislature.

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