

Senate Interim Study FARA

September 29, 2025

25-038 – Senate Study

Establish an appropriate Foreign Agent Registration Act in Oklahoma State Statute: To provide Oklahomans public transparency around political and propaganda activities conducted by agents of foreign countries of concern.

Requestor: Senator Guthrie

Committee: Judiciary



OKLAHOMA
Ethics Commission

Rules submitted for Promulgation in 2026

At January 16 OEC meeting –

Representative Collin Duel advocated for registration and disclosure by an individual lobbying on behalf of an adversarial nation or a country of concern as defined by the State Department, or an entity that is owned partially or wholly by the adversarial nation or a country of concern, to register and disclose that information. Rep Duel stated he does not want a prohibition, but requests registration and disclosure.

Chair Meek authorized staff to begin rulemaking request.

Ethics Commission Rulemaking (§ 3)

Ethics Commission
(Drafts Rules)

Legislature
(Review / Disapprove)

Governor
(Veto Authority)

Effective Rules
(Published in Statutes)

➤ **Commission adopts rules after public hearing**

- Covers campaigns, initiatives/referenda, and state officers/employees
- Rules may include civil penalties

➤ **Approval Process:**

- Submitted to Legislature & Governor
- Effective unless disapproved (subject to veto)
- Published in statutes once effective

➤ **Amendment/Repeal:**

- Commission may repeal/modify (same process)
- Legislature may also repeal/modify by majority vote



Foreign Agents Registration Act (FARA)

*Enacted in 1938 to regulate advocacy for foreign entities



➤ Who's who:

Foreign Agent = person or corporation acting on behalf of a foreign entity

Foreign Principal = the foreign country, organization, or individual represented

➤ Activities requiring registration:

Lobbying

Campaign Contributions

Other Political Activities

➤ Disclosure requirements:

Income & Expenditures

Issues & Activities Advocated

➤ Key distinction: Disclosures must detail the specific relationship between the foreign agent and the foreign principal



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States with FARA provisions

Louisiana
Nebraska
Texas
Utah

Foreign Political
Activity Disclosure

- FARA has led at least four states—Louisiana, Nebraska, Texas and Utah—to enact their own registration and disclosure requirements that they maintain and enforce.
- **Except for Utah, all these laws were enacted in 2025.** Other states may have one-off provisions regulating foreign agents in some way through lobbying registration requirements—these four states simply have the most focused sections on the subject.
- Louisiana, Texas and Utah limit it to lobbying and do not cover other political activity outside of what may be required for registration as lobbyists generally. Nebraska covers all activities included in FARA.

Foreign Lobbying Registration by State

State	Statutes	Who Registers	Exemptions	Disclosures
Louisiana	La. Rev. Stat. §§ 24:51-53.2	Lobbying for foreign adversary	Divestiture entities; SAM.gov registrants	Registrant + foreign adversary identity, corp. details
Nebraska	NE LB 644 (2025)	Agents of foreign principals (adversary nation or FTO)	Diplomats, officials, attorneys, immigration, media orgs	Extensive registrant + foreign principal info, contributions, payments
Texas	Tex. Govt. Code §§ 305.003-305.030; HB 119 (2025)	Lobbying for foreign adversary, client, or political party	None beyond standard lobbying rules	Standard TX disclosure + FARA statement
Utah	Utah Code §§ 36-11-102, 103.5	Lobbying as foreign agent under contract with foreign gov't	Accredited diplomats/consuls	Lobbyist identity, issues, foreign gov'ts represented



Key Takeaways



Four states have a version of FARA in their statutes.



Most states limit registration to foreign agents acting on behalf of a foreign adversary rather than all foreign entities like in FARA.



States tend to only require those engaging in lobbying to register and not those engaged in other political activity.



State FARAs usually require less disclosure than FARA.



Prior to 2025 Rules modifications, Ethics Rules relied upon federal law prohibitions regarding contributions by foreign nationals.

Rule 2.2 Definitions:

Section 10. **“Foreign National”** is an individual who is: (1) not a citizen of the United States and (2) not lawfully admitted for permanent residence (as defined in 8 U.S.C. § 1101(a)(20); or a foreign principle, as defined in 22 U.S.C. § 611(b), meaning a foreign government or political party; or a partnership, association, corporation, organization, or other combination of persons organized under the laws of a foreign country or whose principal place of business is in a foreign country.

Rule 2.17. General Rule for Contributions.

- (A) Unless otherwise prohibited or limited by law or these Rules, a contribution to a political party, a political action committee or a candidate committee may be made by any individual or other person or entity. A child under the age of eighteen (18) may make a contribution only if the contribution is attributed to his or her parent (or equally between two parents) or guardian.
- (B)...
- (C) Contributions as described in (A) are prohibited by or from foreign nationals in connection with any state or local campaign. This prohibition includes advances of personal funds, contributions or donations made to political party committees and organizations, state or local party committees for the purchase or construction of an office building fund under 11 CFE 300.35, and contributions or disbursements to make electioneering communications.



Rule 2.95. Campaign Depository Account Requirements.

Every candidate committee, political action committee and political party committee shall maintain a campaign account in each campaign depository in the name of the committee as it is registered with the Commission. All contributions to a committee except in-kind contributions, including contributions by a candidate to his or her candidate committee, shall be deposited in a campaign account. All expenditures made by a committee shall be made on a check or by debit card, signed by the candidate, Treasurer or Deputy Treasurer of a candidate committee and by the Treasurer or Deputy Treasurer of a political action committee. Provided, however, a candidate may authorize other individuals to sign checks or debit cards for the candidate's committee; however, the candidate, the Treasurer and Deputy Treasurer shall remain responsible for the lawful expenditure of committee funds. Further, Treasurers and/or Deputy Treasurers, as applicable, shall personally certify that no campaign funds came from foreign nationals or principals, or shall be subject to civil penalties under the provisions established by the Ethics Rules.





Enforcement

Section 6 of Article 29 of the Oklahoma Constitution, added by State Question No. 627 in 1990, does not prohibit enactment of laws prohibiting certain conduct with the provision of **criminal penalties** for such conduct.

Ex: HB 2164: An Act relating to public corruption; amending 21 O.S. 2021, Section 344, which relates to crimes against state revenue; modifying elements of certain offense; modifying punishment for certain offense; providing for removal; establishing elements of certain offense; creating felony offense; establishing penalties; prohibiting certain acts upon conviction of certain offense; providing for removal or termination upon certain circumstances; defining term; amending 22 O.S. 2021, Sections 1181, 1181.1, and 1181.2, which relate to removal; defining terms;

Rule 6.13. **Civil Penalties** for Violation of Ethics Rules.

Monetary penalties that may be assessed by the District Court for violation of these Rules include the following: (1) Not less than Five Thousand Dollars (\$5,000.00) nor more than Twenty-five Thousand Dollars (\$25,000.00) for a single violation; (2) Not less than Ten Thousand Dollars (\$10,000.00) nor more than Fifty Thousand Dollars (\$50,000.00) for multiple violations in one lawsuit; and (3) Not less than Twenty-five Thousand Dollars (\$25,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00) for a subsequent violation of any Rule after having been determined by a Court or a settlement agreement to have previously violated any Rule.



Questions



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