

**ADVISORY OPINION AO-1989-008  
RECONSTITUTED AS ETHICS INTERPRETATION EI-1989-008  
ISSUED JANUARY 10, 1990**

The Oklahoma Council on Campaign Compliance and Ethical Standards ["the Council"] has received your request for an advisory opinion asking, in effect:

*Does Title 74 O.S. Supp. 1989, § 4200 et seq. allow a candidate's congressional campaign committee, upon termination of the congressional campaign, to transfer its funds to the candidate's state campaign committee?*

Title 74 O.S. Supp. 1989, § 4217 reads:

A. Contributions received by any candidate shall be used to defray any campaign expenditures or any ordinary and necessary expenses incurred by the person in connection with his duties as a holder of the public office including, but not limited to, expenses for use in a future election campaign, for political activity, for community activity or for nonreimbursed public office related expenses. Said contributions shall not be used for any other purposes. Contributions and any interest income earned on said contributions which are not used in this manner within forty-eight (48) months of the date specified for filing the final report of campaign contributions and expenditures pursuant to the provisions of paragraph 4 of subsection A of Section 4215 of this title shall be disposed of as follows:

1. Returned to the contributors pursuant to any formula approved by the candidate; provided, any amount returned to a contributor shall not exceed the amount of the original contribution;
2. Donated to the campaign of any other political candidate or to any political party officially recognized by the State Election Board;
3. Donated to a charitable organization qualified for a tax exemption pursuant to the provisions of the Internal Revenue Code; or
4. Retained by the candidate for use in a future election.

A state candidate can, therefore, retain contributions from a previous campaign for future campaigns and transfer the funds into the new campaign. The Act does not address transfers from congressional campaign committees; therefore, it cannot be assumed that such transfers are prohibited.

**It is, therefore, the advisory opinion of the Council, as voted on at its regular meeting on January 10, 1990, that a candidate's congressional campaign committee can transfer its surplus contributions to the same candidate's state campaign committee upon termination of the campaign for Federal office if allowed by Federal law which is not addressed in this opinion.**

**WITHDRAWN.** Ethics Interpretation EI-1989-008 was withdrawn June 28, 2011, because it was superseded by Ethics Interpretation EI-2001-004 and Section 257:10-1-2(e)(1)(A) of the Rules of the Ethics Commission, 74 O.S. 2011, Ch. 62, App., which prohibits federal candidates from giving contributions from federal candidate committees to state candidate committees and state candidate committees from receiving contributions from federal candidate committees.