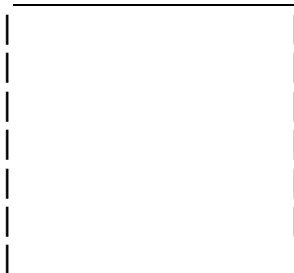


**ADVISORY OPINION AO-1990-005
RECONSTITUTED AS ETHICS INTERPRETATION EI-1990-005
ISSUED AUGUST 13, 1990**

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

Can an employee of the XYZ Corporation, a non-profit corporation engaged in lobbying activities, distribute the following literature door-to-door as a summary of one of its major issues and victories for Oklahoma during the last session without violating Title 74 O.S. Supp. 1990, §4219?



XYZ CORPORATION
ACTION CAMPAIGN AND
City'S OWN
JOHN DOE
WORKING TOGETHER TO

John Doe
received the 199__
Legislator of the
Year Award from the
XYZ Corporation

_____ Leadership

The 199__ Legislature implemented several new laws that are designed to _____. Two of the bills, SB ____ and HB _____, both authored by John Doe are major steps, forward in _____.

The _____ bill, SB _____, will _____. It also imposes severe penalties for those who violate the law and it further provides _____.

The other legislation, HB _____, _____ Both bills provide _____.

The XYZ Corporation was pleased to play a major leadership role in the two-year battle to implement these laws. They are the first major steps,

with other improvements and refinements yet to come that will make Oklahoma _____.

Section 4219 (A) reads, in pertinent part:

No corporation chartered under the laws of this state, or foreign corporation admitted to do business in this state, shall contribute to any campaign fund of any political party of this state or to any other person for the benefit of such party or its candidates, nor shall they, through any agent, officer, representative, employee, attorney, or any other person or persons so contribute. Nor shall any such corporations directly or through such other person, make any loan of money or anything of value, or give or furnish any privilege, favor or other thing of value to any political party, or to any representative of a political party, or to any other person for it, or to any candidate upon the ticket of any political party. The provisions of this section shall apply to candidates and organizations as well as political parties.

The foregoing literature contains the name and picture of a current Legislator who is also a candidate for a legislative district. The fact that it does not mention the candidate's political party, that he is a candidate, or that he is running for the legislative seat is persuasive that it is not political literature. However, the timing of the literature [during an election] is persuasive that it is political literature.

Section 4202 (6) reads in pertinent part:

The term "contribution" shall not include:

* * *

b. voluntary services performed by the person donating such services,

At a time other than during an election, such literature could be distributed without questioning the political content. During an election, distribution of such literature as a volunteer service by the person donating the service would not be a contribution. It would, however, be a contribution for a corporate employee to be paid to distribute the literature.

It is, therefore, the advisory opinion of the Council, as voted on at its regular meeting on August 13, 1990, that during an election, an employee of the XYZ corporation, a non-profit corporation engaged in lobbying activities, may not distribute the foregoing literature door-to-door, which contains a picture of a current legislator/candidate who authored legislation for the corporation during the last session, even though it does not refer to his political party or candidacy, as a summary of one of its major issues and victories for Oklahoma during the last legislative session without violating Title 74 O.S. Supp. 1990, §4219.

WITHDRAWN. Ethics Interpretation EI-1990-005 was withdrawn July 19, 2011. It prohibited a corporation's employee distributing a letter with a picture of a legislator – also a candidate – extolling new laws offered by the legislator-candidate which were lobbied for by the corporation. Independent expenditures are now allowed by corporations pursuant to *Citizens United v. FEC*.