

**ADVISORY OPINION AO-1990-007
RECONSTITUTED AS ETHICS INTERPRETATION EI-1990-007
ISSUED OCTOBER 10, 1990**

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

Are persons who make contributions to an advisory trust -- which is formed for the purpose of accepting donations and issuing checks, which require the co-signature of the donor/member, to support candidates for political office -- [the "Advisory Trust"] and who co-sign contributions to candidates from an account held in the name of the Advisory Trust subject to any criminal or civil penalties imposed by the Oklahoma Campaign Compliance and Ethical Standards Act?

Advisory Opinion AO-90-004, which has been published by the Petitioner and is, therefore, open record, is attached hereto and incorporated herein as a part of this opinion. Also attached hereto and incorporated herein are news articles concerning the Advisory Trust discussed in AO-90-004.

Title 74 O.S. Supp. 1990, § 4216, reads in pertinent part:

No person or family may contribute more than Five Thousand Dollars (\$5,000.00) to a political party or *organization* in any calendar year. No *person* or family may contribute more than Five Thousand Dollars (\$5,000.00) to a candidate for state office or to a candidate for municipal office in a municipality with a population of over two hundred fifty thousand (250,000) persons, according to the most recent federal decennial census, or to an organization authorized by such a candidate to receive contributions or make expenditures on his behalf *for a campaign*.

[emphasis added]

Therefore, any person who contributes in excess of \$5,000 in any calendar year to the Advisory Trust violates this section. In Advisory Opinion AO-90-004, contributions to candidates from the Advisory Trust would be considered contributions from an organization.

Title 74 O.S. Supp. 1990, § 4221 (A) reads, in pertinent part:

A. Every person who knowingly and willfully violates any of the provisions of Sections 4211 through 4220 of this title shall, upon conviction, be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by confinement in the county jail for not more than six (6) months, or by both such fine and imprisonment.

It is, therefore, the advisory opinion of the Council, as voted on at its regular meeting on October 10, 1990, that persons who knowingly and willfully contribute in excess of \$5,000 in any calendar year to the Advisory Trust violate Section 4216 of the Act and, upon conviction, are subject to the penalties prescribed in Section 4221 of the

Act. As in AO-90-004, the Advisory Trust is a "organization" subject to the same contribution limits as a person; therefore, a person who is a member of the Advisory Trust and who knowingly and willfully signs a check drawn on the trust account to a candidate in an amount which, when added to other trust donations, exceeds \$5,000 also violates Section 4216 of the Act and, upon conviction, is subject to the penalties prescribed in Section 4221 of the Act.