

**ADVISORY OPINION AO-1990-008
RECONSTITUTED AS ETHICS INTERPRETATION EI-1990-008
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:

Can a classified employee serve on a re-election campaign steering committee for a partisan political candidate without violating Title 74 O.S. Supp. 1990, § 4242?

Title 74 O.S. Supp. 1990, § 4242 reads, in pertinent part:

A. No classified employee shall:

* * *

5. Directly or indirectly solicit contributions or other funds for a partisan political candidate or party;

6. Directly or indirectly solicit, receive, collect, handle, disburse or account for assessments, contributions or other funds for a partisan political purpose; or

7. Organize, sell tickets to promote or **actively participate in a fundraising activity** of a candidate in a partisan election or of a political party.

C. A classified employee shall retain the right to:

* * *

6. Attend a political convention, rally, fundraising function or other political gathering;

* * *

8. Make a voluntary financial contribution to a candidate, political party or organization;

Petitioner states that the classified employee will attend fundraising functions as part of the employee's roll as a steering committee member.

In reviewing the paragraphs of § 4242, paragraph A, it appears that the intent is for a classified employee not to be involved in any way in fundraising; however, a classified employee may attend a fundraising function and contribute to it. The distinction would then seem to be that a classified employee is prohibited from "actively participating in a fundraising activity".

In order to determine whether serving on a steering committee would constitute a violation of this prohibition, it would be necessary to look at the individual facts of each case; however, it is obvious that a member of a steering committee attending a

fundraising function certainly has the appearance of "actively participating in a fundraising activity".

Section 4201, Subsection 8, recites the intent of the Legislature that the Act reflect:

That all public officials and public employees are agents of the people and hold their position for the benefit of the people...Such officers and employees must observe, in their official acts, high standards of ethics regardless of personal consideration recognizing that promoting the public interest and maintaining the respect for their government must be a foremost concern.

A public employee in the classified service should also be interested in avoiding any appearance of impropriety in their private acts involving partisan activities.

It is, therefore, the advisory opinion of the Council, as voted on at its regular meeting on October 10, 1990, that a classified employee serving on a steering committee who attends a fundraising function in the employee's roll as a steering committee member has the appearance of violating Title 74 O.S. Supp. 1990, § 4242; however, a definite determination could not be made without all facts in evidence.