

**ADVISORY OPINION AO-1990-009  
RECONSTITUTED AS ETHICS INTERPRETATION EI-1990-009  
ISSUED JANUARY 29, 1991**

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

Can a corporation permit candidates to address or meet employees of the corporation on corporate premises without violating Title 74 O.S. Supp. 1990, § 4219?

Title 74 O.S. Supp. 1990, § 4219 reads, in pertinent part:

A. 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.

No interpretations, case law, or attorney general opinions are available to answer questions concerning this section.

Only one exception exists to the prohibition against corporate contributions. The definition of "contribution" in the Act, Title 74 O.S. Supp. 1990, § 4202 (6) (d), reads in pertinent part:

6. "Contribution" means and includes any money, property, or in-kind services, including but not limited to, printing or engraving, radio or television time, billboards, advertising, subscription, forgiveness of indebtedness, personal or professional services or any other thing of value whatsoever which is given or loaned to be used in a campaign. The term "contribution" shall not include:

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d. Any payment or obligation incurred by a corporation, labor organization, membership organization, cooperative or corporation without capital stock for the establishment, administration, and solicitation of contributions to a separate segregated fund or political action committee to be utilized for political purposes;

This section is similar to an exclusion under Federal law, 2 U.S.C. § 441b (b) (2) (C). Another exclusion under Federal law, 2 U.S.C. § 441b (b) (2) (A) excludes from the terms "contribution or expenditure":

(A) Communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject;

The Federal Election Commission has adopted rules interpreting this section under 11 CFR 114.4 (a) (2) (i) through (v) as follows:

(2) **Nonpartisan candidate and party appearances on corporate premises or at a meeting, convention or other function.** Corporations may permit candidates, candidates' representatives or representatives of political parties on corporate premises or at a meeting, convention, or other function of the corporation to address or meet stockholders, executive or administrative personnel, and other employees of the corporation, and their families, under the conditions set forth in 11 CFR 114.1 (a) (2) (i) through (5).

(i) If a candidate for the House or Senate or a candidate's representative is permitted to address or meet employees, all candidates for that seat who request to appear must be given the same opportunity to appear;

(ii) If a Presidential or Vice Presidential candidate or candidate's representative is permitted to address or meet employees, all candidates for that office who are seeking the nomination of a major party or who are on the general election ballot in enough States to win a majority of the electoral votes and who request to appear must be given the same opportunity to appear;

(iii) If representatives of a political party are permitted to address or meet employees, representatives of all political parties which had a candidate or candidates on the ballot in the last general election or which are actively engaged in placing or will have a candidate or candidates on the ballot in the next general election and who request to appear must be given the same opportunity to appear;

(iv) A corporation, its stockholders, executive or administrative personnel, or other employees of the corporation or its separate segregated fund shall make no effort, either oral or written, to solicit or direct or control contributions by members of the audience to any candidate or party in conjunction with any appearance by any candidate or party representative under this section; and

(v) A corporation, its stockholders, executive or administrative personnel or other employees of the corporation or its separate segregated fund shall not, in conjunction with any candidate or party representative appearance under this section, endorse, support or oppose any candidate, group of candidates or political party.

The question under Oklahoma law is whether permitting candidates to address your employees would constitute a contribution. While we are not obligated to follow the Federal law and rules, they are useful as guidelines to interpret our own law. A corporation would not be held to have contributed to a candidate's campaign under Federal law, then, unless the corporation failed to allow all candidates for that office who requested the corporation's permission the same opportunity to address corporate employees.

Since communications to employees by corporations are not specifically exempted by Oklahoma law, as in Federal law, it is imperative that there not be even an appearance of giving something of value to a candidate which might be construed to be a contribution; therefore, an additional obligation to notify candidates for the same office of the opportunity to address corporate employees should be assumed.

**It is, therefore, the advisory opinion of the Council, as voted on at its regular meeting on January 29, 1991, that a corporation may permit candidates to address or meet employees of the corporation on corporate premises without making a contribution to the candidate's campaign and, thus, without violating Title 74 O.S. Supp. 1990, § 4219 if, and only if, notification of and an equal opportunity is given to all other candidates for the same office to address and meet with the corporation's employees on corporate premises.**