

**ADVISORY OPINION AO-1990-010
RECONSTITUTED AS ETHICS INTERPRETATION EI-1990-010
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 candidate committee use campaign funds for the purpose of buying a computer to be used for the purpose of keeping voters informed of legislative issues without violating Title 74 O.S. Supp. 1990, § 4217 (A)?

Title 74 O.S. Supp. 1990, § 4217 reads, in pertinent part:

A. Contributions accepted 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.

[emphasis added]

The stated purpose for purchasing a computer with unused contributions is to "keep voters informed of legislative issues". If the request is from a person who intends to run as a candidate for state office in 1992, and this is the only purpose for which the computer will be used, unused contributions from the 1990 campaign could be transferred to an account for the 1992 campaign and used for this legitimate "campaign expenditure".

It must be made clear, however, that the computer belongs to the campaign. Unused contributions may also be donated to political parties, so use of the computer by a political party would be reported as an in-kind expenditure by the campaign and an in-kind contribution by the political party.

Inherent in the statute is the idea that contributions may not be converted to personal use since the uses are specifically limited. Therefore, if the computer is also used for personal uses, the candidate would be required to repay the campaign for such use.

At the end of the campaign, or whenever the person does not seek re-election to the same office or election to another state or local office, the computer will still be a capital asset of the campaign. It then must be sold for fair market value and the proceeds used in accordance with § 4217.

It is, therefore, the advisory opinion of the Council, as voted on at a special meeting on January 29, 1991, that a candidate committee may transfer unused contributions to a future election campaign and use such funds to purchase a computer for keeping voters informed of legislative issues without violating Title 74 O.S. Supp. 1990, § 4217 A; however, the computer is an asset of the campaign and must be used in

accordance with § 4217 A. Use of the computer [or information or lists generated by the computer] by another candidate, committee, or political party would constitute an in-kind contribution to that campaign or committee.