

**INFORMAL OPINION IO-1994-002
ISSUED JULY 5, 1994**

This letter will answer questions about reporting obligations of judges and judicial candidates under both the statutes and Constitutional Ethics Rules [Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 1994, Ch. 62, App.].

Like the statutes, the constitutional rules are restricted to candidates who file with the State Election Board. This is made clear by the following definitions:

"Candidate" means a person who seeks nomination or election to state office. An individual is a candidate when the individual:

(1) has filed a declaration of candidacy for any state office with the Secretary of the State Election Board;

(2) is nominated as a "substitute candidate" pursuant to Section 1-105 of Title 26 of the Oklahoma Statutes; or

(3) solicits or accepts contributions, makes expenditures or gives consent to an individual, organization, party committee, or other committee to solicit or accept contributions or make expenditures to secure election to any state office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(A) solicitation is made;

(B) contribution is accepted; or

(C) expenditure is made.

The term "candidate" shall include a person whose candidacy is unopposed, but shall not include any person who has withdrawn such declaration of candidacy.¹

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"Elective officer" means an individual elected to a state office or an individual who is appointed to fill a vacancy in a state office.

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"State office" means all elective offices for which declarations of candidacy are filed with the Secretary of the State Election Board.

257:1-1-2

The definition of candidate refers to those persons filing their candidacies with the State Election Board or those soliciting or for whom funds are solicited or expended

¹Amended 1995 to include candidates who file declarations with the Secretary of State and draw active opposition.

for the purpose of seeking state office. State office is limited to those elective offices for which declarations of candidacy are filed with the State Election Board.

Judges filing a notice of their intent to stand for retention with the Secretary of State then have no reporting obligations under Chapter 10 of the Constitutional Ethics Rules [257:10-1-1 et seq.].

With respect to financial disclosure, judges are required to file statutory forms between the 30th and 40th day following the General Election, per the following:

C. Any person retained in an office for which a declaration of candidacy is required to be filed with the Secretary of State as provided in Section 11-101 of Title 26 or Section 30.16 of Title 20 of the Oklahoma Statutes shall file a Financial Disclosure Statement with the Commission on or before the fortieth day after the General Election.

[74:4223(C)]²

Accordingly, our office will be mailing each judge of the Court of Appeals a reminder notice and statutory financial disclosure form. These will be sent toward the end of November to be filed by December 19, 1994.

In addition to the statutory requirement, the financial disclosure provisions of the constitutional ethics rules, which are scheduled to take effect January 1, 1995, require each state officer to file a Statement of Financial Interests between January 1 and April 30 of each year of service [257:15-1-3(a)(1)]. That term is defined in the rules as follows:

"State officer" means an elective, appointed or employed officer, including a public member, in the executive, judicial or legislative branch of the State of Oklahoma.

257:1-1-2

The Statement Of Financial Interests form will be due between January 1, 1995 and April 30, 1995.

Please be aware that informal opinions are not official pronouncements of the Commission. Hence, this letter carries no greater weight than the views of any other citizen. The Commission is available to issue interpretations on matters arising from the Ethics Commission Act and the Constitutional Ethics Rules. These are known as Ethics Interpretations. They are official and bind the future action of the Commission.

²Repealed 1995. See 74:Ch.62:App:257:15-1-3(a)