

**INFORMAL OPINION IO-1994-004
ISSUED JULY 26, 1994**

This letter is in response to your question of whether, under the Constitutional Ethics Rules [Section 1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 1994, Ch. 62, App.] the treasurer for a political action committee ["PAC"] must obtain contributor statements from contributors to a PAC. The applicable rule reads as follows:

(b) **Contributor statement.** Persons accepting contributions must obtain from each contributor a statement which shall include:

- (1) the date the contribution was given;
- (2) the name and address, occupation and employer, or principal business activity of the contributor;
- (3) the amount and whether the contribution was by cash or written instrument; if in-kind, a description of the contribution and a good faith estimate of its fair market value;
- (4) a declaration that the contribution is freely and voluntarily given from the contributor's personal property;
- (5) a declaration that the contributor has not been directly or indirectly compensated or reimbursed for the contribution; and
- (6) the signature of the contributor, or in the case of a committee, the treasurer of the committee.

Persons accepting contributions from contributors who contribute by payroll deduction, dues check-off, or similar process shall be required to obtain only one contributor statement annually or at such other times as a change is made in the deduction, check-off, or similar process.

Constitutional Ethics Rules 257:10-1-2(b)

A person is defined in the rules as follows:

"Person" means an individual, corporation, association, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business trust, estate, trust, company, organization, committee, or club, or a group of persons who are voluntarily acting in concert.

257:1-1-2

A committee is defined as:

"Committee" means a candidate committee, political action committee, or party committee.

257:1-1-2

A PAC is a committee within the definition of "person". Therefore, when a PAC accepts a contribution, it must obtain from the contributor a contributor statement. Statements must be maintained by the treasurer of the committee for a period of three years.

(2) The treasurer shall maintain and preserve all receipts bills and accounts required by this chapter for at least three years.

257:10-1-9(d)(2)

There is no "de minimis" exception to the requirement for a contributor statement at this time.¹

We suggest that contributor statements be issued to all attendees at fundraisers where there is more than one fundraising activity taking place. Contributors should be instructed to keep a record of all their purchases on the back so it can be filled out for the full amount at the end of the function.

In addition to obtaining contributor statements for its contributions, recipients of transfers from a PAC [contributions to candidate committees] must obtain a contributor statement from the PAC. Including the statement with the tendered transfer [contribution] will save time and effort for both the PAC and recipient.

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.

NOTE: This rule was amended effective July 1, 1995, to exempt from the contributor statement requirement a contribution of \$50 or less.

¹An amendment to the Constitutional Ethics Rules in 1995 created a de minimus exception of \$50 or less to the requirement for a contributor statement.