

**INFORMAL OPINION IO-1994-013
ISSUED SEPTEMBER 22, 1994**

This is in response to your letter of May 10, 1994, wherein you posed the following questions:

May the candidate committee of candidate for federal office [i.e. Candidate for Congress Committee] contribute to the candidate committee of a candidate for the Oklahoma Legislature, and, if so, how much?

The 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.] speak to the issue of transfers between state candidate committees. They provide as follows:

Contributions

* * *

(e) **Prohibition on Transfer of Funds Between Committees.**

(1) A candidate committee shall not make a contribution to another candidate or make an independent expenditure on behalf of another candidate.

(2) This subsection shall not prohibit a candidate from making a contribution from the candidate's personal funds to his or her own candidate committee or on behalf of his or her own candidacy or to the committee of another candidate for a different office.

(3) This subsection shall not prohibit a candidate committee from providing its surplus funds or material assets to the state or local central committee of a political party in accordance with the procedures for dissolution of a candidate committee under Sections 19 and 20 of this chapter.

* * *

257:10-1-2(e)

The rules' definition of candidate committee is affected by the definition of candidate. Those definitions are as follows:

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The term "candidate" shall include a person whose candidacy is unopposed, but shall not include any person who has withdrawn such declaration of candidacy.

"Candidate committee" means the committee, consisting of one or more persons who may be the candidate only, designated by a candidate to promote the candidate's candidacy and serve as the recipient of all contributions and the disbursing officer of all expenditures for the candidate.

* * *

257:1-1-2

[emphasis added]

It is clear that the prohibition on transfers applies to candidate committees of candidates for **state** office only and **not to candidates for federal office**. Nor is there a corresponding prohibition on receiving a transfer from other candidate committees. All state candidate committees, however, are subject to the maximum contribution limit of \$5,000 for the entire campaign [257:10-1-2(a)(2)].

Moreover, any attempt to limit transfers by a federal candidate committee would be beyond the jurisdiction of the Ethics Commission and would be nullified by federal law, which reads:

The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election for Federal office.

2 U.S.C. § 453

CONCLUSION

In conclusion, there is no prohibition in the Constitutional Ethics Rules [supra] against a candidate committee of a candidate for the Oklahoma Legislature receiving a transfer [contribution] from a candidate committee of candidate for federal office [e.g. Candidate for Congress Committee]. The candidate committee of a candidate for the Oklahoma Legislature would, however, be limited to receiving a maximum of \$5,000 during the entire campaign of the candidate for that office.

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.