

**INFORMAL OPINION IO-1994-016
ISSUED SEPTEMBER 27, 1994**

This is in response to your letter of May 2, 1994, wherein you posed the following question:

When is a contribution accepted for reporting purposes?

The Ethics Commission Act [74 O.S. 1991, § 4200 et seq.]¹ does not address the question; however the Constitutional Ethics Rules [257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp, 1994, Ch. 62, App.] defines "accept" as follows:

"**Accept**", with reference to a contribution, means failure by a candidate, treasurer or agent of a committee to expressly and unconditionally reject and return a tendered contribution to the contributor within six (6) business days from receipt of the tender.

257:1-1-2

In formulating this provision, the Commission intended to allow time for a recipient to decide whether a contribution should be rejected. The rule allows a campaign to hold a check six (6) business days before it is deemed to have accepted it. Be aware, however, that depositing a check earlier than the sixth business day, or taking any other action evidencing an intent not to reject a tendered contribution, will constitute acceptance.

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 or matters arising from the Ethics Commission Act. These are known as Ethics Interpretations. They are official and bind the future action of the Commission.

A corresponding rule provides for when a contribution must be deposited. It reads as follows:

Campaign depositories and campaign accounts

* * *

(d) All contributions, other than in-kind contributions, *accepted* by the committee, directly or indirectly, shall be deposited in a campaign account within ten (10) days after acceptance. All contributions received by any person, including the candidate, on behalf of a committee shall be provided to the treasurer not later than five (5) days after receipt.

257:10-1-10(d)

[emphasis added]

¹Repealed 1995.

As you can see, this rule ties back to the definition of acceptance. Thus, the ten (10) day deposit requirement begins upon any act of acceptance.

Likewise, the requirement to report late contributions hinges upon when a tendered contribution was accepted. That provision reads as follows:

Report of last minute contributions/receipts

A contribution of five hundred dollars (\$500) or more in the aggregate *accepted* from one (1) source or loan proceeds received in the amount of five hundred dollars (\$500) or more after the closing date for the pre-election reporting period, but before the election, shall be reported by the name and address of the contributor, the date accepted and the amount of the contribution or the name and address of the lender and the date of the loan, promissory note, or security agreement resulting in the loan proceeds. Reports shall be made by United States mail, hand delivery, facsimile transmission, telegram, or express delivery service to the Commission on the appropriate form within twenty-four (24) hours of receipt. With respect to a candidate committee, the report shall be signed by the candidate or treasurer, and with respect to a committee other than a candidate committee, by the chair or the treasurer of said committee. This contribution shall also be included on the next report filed by the committee.

257:10-1-15

[emphasis added]

CONCLUSION

In conclusion, a campaign has six (6) business days within which to accept a contribution. Acceptance occurs upon any action evidencing an intent not to affirmatively reject and return a contribution. Upon acceptance, a campaign has ten (10) days within which to deposit the contribution.

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