

**INFORMAL OPINION IO-2000-002
ISSUED AUGUST 3, 2000**

You have requested an informal staff opinion on the following:

Do the Constitutional Ethics Rules, Section 257:1-1-1 et seq. of the Rules of the Ethics Commission, 74 O.S. Supp. 2000, Ch. 62, App. ["the Rules"], prohibit a candidate for state elective office from using a photograph in his or her campaign literature depicting the candidate's spouse, when that spouse is a sitting member of the state judiciary?

FACTS

You have advised that you will be a candidate for state elective office in the year 2000 elections. Your spouse is a sitting justice or judge. You would like to incorporate a family photograph in your campaign literature. Your spouse will be included, but no mention made of either his first name or occupation. You have also advised that you will seek a similar opinion from the Administrator of the Courts.

ANALYSIS

The Rules provide very little guidance on the nature of campaign advertising. None of it is applicable to these facts. Staff therefore finds nothing which would prohibit the use of a family photograph in your literature. We commend your decision to put this question to the Court Administrator, as well, since members of the judiciary are subject to regulation over and above the Commission's rules.

CONCLUSION

It is therefore the informal opinion of the Ethics Commission staff that the Rules do not prohibit a candidate for state elective office from using a photograph in his or her campaign literature depicting the candidate's spouse, even when that spouse is a sitting member of the state judiciary.

Like ethics interpretations, informal staff opinions are fact specific. They answer only the question or questions put forth in the request according to information described in the "Facts" section [*supra*]. While they may shed light on other situations, this opinion does not necessarily control them.

The Rules permit the Commission staff to issue informal opinions, upon the approval of the Chair or Vice Chair, provided the matter is reasonably susceptible to a single analysis and is not the subject of litigation, investigation or legislation. We hope these informal letters shed light on the issues and provide guidance. They are not, however, official pronouncements.

This opinion letter has been approved by the Commission Chairman. According to policy, this opinion will be submitted to the members, any of whom can request that

the matter be converted to an ethics interpretation and considered by the full Commission.

Informal opinions are published with sufficient deletions to prevent identification of the persons or entities involved. The name of the requestor is considered confidential. This letter has been labeled accordingly.