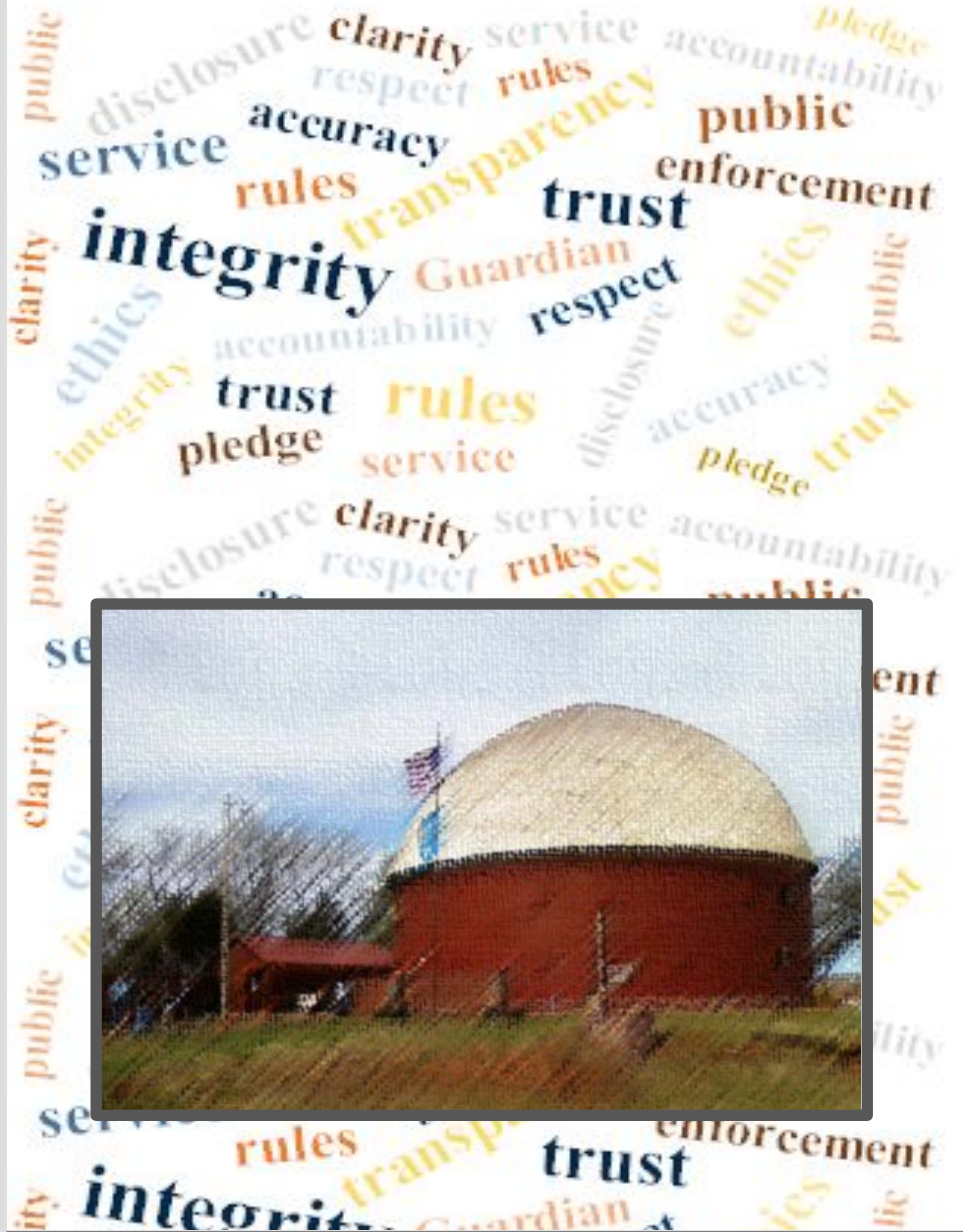




County Candidate Guide



2019 - 2020

Oklahoma Ethics Commission
FAIR RULES. FIRM ENFORCEMENT.

"This publication is issued by the Oklahoma Ethics Commission as authorized by the Executive Director, Ashley Kemp, pursuant to Ethics [Rule 1.8](#), and is located at the following website: <http://www.ethics.ok.gov>. This publication has been submitted in compliance with [Section 3-114 of Title 65 of the Oklahoma Statutes](#)." Guides are updated annually as needed. This guide was updated **April 22, 2020**.

TABLE OF CONTENTS

What's New in This Guide?	1
I. Introduction	1
What Is the Oklahoma Ethics Commission?.....	1
The Application of the Ethics Rules to County Candidates	2
How to Use This Guide.....	2
Limited Scope	2
This Guide Is Limited to Oklahoma Campaigns for County Offices	2
Advisory Opinions	2
Commission Website	2
Contacting the Commission	3
II. Ethics Commission Resources	3
Ethics Rules and Guides	3
County Candidate Checklists	3
Printable Ethics Forms	3
Ethics Commission Staff.....	3
III. Before Raising Campaign Funds, Open a Campaign Bank Account	3
Campaign Depository (i.e., Campaign Bank Account).....	3
a. Campaign Depository (i.e., Campaign Bank Account) Requirements	4
b. Best Practice: Indicate Campaign Committee Name on Checks	4
c. Campaign Depository for Committees Transitioning from One Campaign Committee to Another Campaign Committee for a Future Election.....	5
d. The Depository May Earn Interest	5
All Records Must be Maintained for 4 Years.....	5
Section Summary	5
IV. Understanding “Candidates” and Campaign Committees	6
Individuals Who Are Considered Candidates Under the Ethics Rules.....	6
Campaign Committee Formation	6
Campaign Committee Structure	6
a. Transitioning from a Previous Campaign to a New Campaign	6
Section Summary	7
V. Committee Officers and Other Committee Personnel	7
Required Officers: Chair and Treasurer	7
a. Optional Officer: Deputy Treasurer	7
b. Other Officers	8
Duties of the Committee Officers	8

- a. Vacancies in Campaign Committee Offices..... 8
- Candidate May Not Serve as an Officer of Another Committee 8
- Section Summary 9
- VI. Ethics Commission Registration: The Statement of Organization..... 9**
 - When to Register with the Ethics Commission by Filing a Statement of Organization 9
 - Where a Statement of Organization Must Be Filed for a County Campaign 9
 - a. Public Records 10
 - Contents of the Statement of Organization 10
 - a. Officer Information Must Be Specific to Each Officer 11
 - Amending the Statement of Organization 11
 - a. Vacancies in Campaign Committee Offices..... 11
 - Records Should be Kept for 4 Years..... 11
 - Section Summary 11
- VII. Understanding Contributions 12**
 - What is a Contribution? 12
 - a. All Contributions Are Aggregated 12
 - b. Contributions Must Be Voluntary 12
 - c. Contributions Cannot Be Reported in the Name of Another..... 12
 - d. Earmarked Contributions Are Contributions to Candidates 13
 - e. When an Expenditure Is a Contribution 13
 - f. Volunteer Services by Individuals Are Not Contributions 13
 - g. Discounts Provided Only to the Campaign Committee or Candidate for Goods or Services Are Considered
In-kind Contributions 14
 - Accepting and Depositing Contributions within 10 Days 14
 - Section Summary 14
- VIII. Permissible Contributions & Contribution Limits..... 15**
 - Who May Make Contributions to a Campaign Committee? 15
 - See Appendix I to view the full contribution limit chart..... 15
 - Candidates Prohibited from Receiving Excessive Contributions 15
 - A Candidate to His or Her Own Campaign Committee—Unlimited Contributions 15
 - Special Limit on Nontaxable Gifts 16
 - Cash Contributions—Limited to \$50 in the Aggregate per Contributor 16
 - Anonymous Contributions—Limited to \$50 in the Aggregate per Contributor 16
 - Contributions from an Individual—Per Election Limits apply to each Election That the Candidate’s Name
Appears on the Ballot 17
 - a. Individuals Defined 17
 - b. Required Individual Contributor Information 17

- c. Maximum Individual Contribution Limits Indexed to Inflation 17
- d. Individual Contributions from Couples or a Joint Checking Account 19
- e. Limited Liability Company (LLC) or Partnership Contributions—Each Member or Partner is Limited to \$2,800 per Election That the Candidate’s Name Appears on the Ballot..... 19
- f. Indian Tribes—Each Non-Incorporated Indian Tribe Follow the Contribution Limits that Apply to Contributions by Individuals..... 20
- g. Contributions from Another County Candidate Committee—Contribution Limit Is Based on Both the Receiving and Giving Candidate Committee (The Lesser Contribution Limit of the Two Applies..... 20
- h. Contributions from Limited Committees or County Political Committees to Candidates—Limited to \$5,000 per Election That the Candidate’s Name Appears on the Ballot 20
- 1/25 Limited Committees..... 22
- Contributions from Out-of-State Political Action Committees..... 23
- Contributions from Federal Political Action Committee 23
- Contributions from Political Parties to Candidates—Limited to \$10,000..... 24
- IX. Prohibited Contributions & Contributors 24**
 - Corporate and Labor Union Contributions Prohibited 24
 - a. Communications by a Corporation or Labor Union Not Considered Contributions 25
 - Contributions from Foreign Nationals Are Prohibited 25
 - Unlimited Committees Prohibited from Contributing to Candidates 25
 - Federal, State, Municipal or School Board Campaign Committee Contributions Prohibited 25
 - Section Summary 25
- X. Special Fund-Raising Events 26**
 - Joint Candidate Fund-Raising Events 26
 - Residence Used for Fund-Raiser 26
 - a. Rule Application to Spouses 26
 - Non-Residential Buildings Used for Fund-Raiser 27
 - Golf Fund-Raising Events 27
 - Fund-Raising Auctions & Sales 28
 - Section Summary 29
- XI. Loans 29**
 - Permissible Loans 29
 - a. Loans by Commercial Financial Institutions 29
 - b. Loans by Non-Commercial Financial Institutions Are Considered Contributions..... 30
 - c. Candidates May Make Unlimited Loans to Their Own Campaign Committee..... 30
 - Prohibited Loans..... 31
 - Section Summary 31
- XII. Understanding Expenditures..... 32**

What is an Expenditure.....32

Personal Use of Campaign Funds Prohibited32

General Rules for Making Expenditures32

 a. Ordinary and Necessary Campaign Expenses (Expenditures Due to the Campaign).....32

 b. Expenditures Made to Family Members as Staff Members of Campaign33

 c. Contributions to Another County Campaign Committee33

 d. Modest Items Related to the Campaign May Be Given in Recognition of Contributions and Volunteers.....34

 e. Contributions May Be Used to Pay Certain Officeholder Expenses (Expenditures Once Elected)34

 f. Reimbursements34

 g. Funds Transferred to New Committee and Officeholder Expenses.....34

Section Summary35

XIII. Disclosure Requirements for Campaign Advertising35

 Electronic Communications Disclosure Requirements35

 Printed Communications Disclosure Requirements.....35

 Disclosure Not Required for Certain Items.....35

XIV. Reimbursements36

 Reimbursements to Individuals Other than the Candidate and Consultant on Behalf of the Committee36

 Reimbursements to the Candidate (90 Day Reimbursement Rule).....36

 a. Candidate Reimbursements Must be Made Within 90 Days36

 b. Travel Reimbursement.....37

 Reporting Reimbursements37

 Calculation of Travel Expense.....37

 a. Calculating Expenses for Motor Vehicle Travel.....37

 b. Use of Personal Vehicle for Campaign Purposes38

 c. Rental of Motor Vehicle for Campaign Purposes.....38

 d. Purchase or Lease of a Motor Vehicle for Campaign Purposes38

 e. Calculating Expenses for Air Travel39

Section Summary39

XV. Reports of Contributions and Expenditures.....39

 Obligation to File Reports of Contributions & Expenditures.....39

 a. Special Requirements for Judicial Candidates.....39

 Contents of Reports of Contributions and Expenditures40

 a. Maintain Records for Four Years.....40

 Where to File Reports: County Election Board41

 When Reports are Due41

 a. Filing Schedule Information on Ethics Website.....41

- b. Periods Covered and Filing Periods.....41
- c. Filing the First Report41
- Regularly Scheduled Elections—Quarterly Reports Required in Non-Election Years (Does Not Include Special Elections).....41
- Election Year Reporting:—Quarterly and Pre-Election Reports Required42
- d. All Candidates Must File Pre-Election Reports.....44
- All candidates must file pre-election reports, regardless of whether their name appears on the ballot at a particular election. Rule 2.101. Reports Due During the Two Weeks Before an Election: Continuing Report of Contributions44
- Special Election Reporting Dates.....44
- XVI. Enforcement, Late Reports and Compliance Orders45**
- XVII. Personal Financial Disclosure Statement (PFD).....45**
- a. Public Records46
- XVIII. Dissolving the Campaign Committee46**
- Campaign Committees May Dissolve at Any Time Prior to the Mandatory Dissolution Dates46
- Mandatory Dissolution of Campaign Committee46
- a. Mandatory Dissolution Dates for Candidates Elected to Office46
- b. Mandatory Dissolution Dates for Candidates Who Are Not Elected to Office46
- c. Mandatory Dissolution Dates Found on Reporting Calendars46
- Maintain Records for a Period of Four Years46
- How to Dissolve a Committee47
- a. Disposition of Assets47
- b. Resolution of Debt.....47
- c. Surplus Funds.....48
- d. Uses of Surplus Funds48
- e. Final Report of Contributions and Expenditures.....49
- f. Send Bank Statements to Ethics Commission Upon Request.....49
- Section Summary49
- APPENDIX I: CONTRIBUTION LIMIT CHART50**
- APPENDIX II: Public Funds, Property and Time.....51**
- General Prohibitions of Public Funds, Property and Time51
- a. Use of Public Property for Political Purposes51
- b. Use of Public Facilities for Voter Registration Activities51

The Commissioners

Five Commissioners serve on the Commission for the Oklahoma Ethics Commission, with a term of five years and no more than two terms. The Commissioners serve on a volunteer basis and are appointed on a staggered basis by the (1) Governor, (2) Chief Justice of the Oklahoma Supreme Court, (3) Attorney General, (4) President Pro Tempore of the Senate, and (5) Speaker of the House of Representatives.

- **Holly Johnson** – appointed by Chief Justice John Reif of the Oklahoma Supreme Court, term expires July 2021
- **Cathy Stocker** – re-appointed by Attorney General Mike Hunter, term expires July 2022
- **Charles Laster** – appointed by Governor Mary Fallin, term expires July 2022
- **Jarred Brejcha** – appointed by Speaker of the House Charles McCall, term expires July 2024
- **Gregg Engle** – appointed by Senate President Pro Tempore Greg Treat, term expires July 2024

What's New in This Guide?

- Two new Commissioners were appointed in July of 2019.
- The Commission adjusted the contribution limit that individuals can give to 2020 campaign committees and that county campaign committees may give to other county campaign committees. This contribution limit has increased from \$2,700 to \$2,800. However, campaign committees created for elections prior to 2020 keep the same individual contribution limit and campaign committee to campaign committee contribution limit of \$2,700. See the contribution chart in [Appendix I](#) and the section on contributions for more information.
- This guide also contains modifications to some examples and clerical errors.

I. Introduction

What Is the Oklahoma Ethics Commission?

The Oklahoma Ethics Commission (“Commission”) is a state Commission created by a vote of the people of Oklahoma in 1990 by adding Article 29 to the Oklahoma Constitution. The Constitution requires the Commission to promulgate Rules of ethical conduct for campaigns for state office, campaigns for initiative and referenda, and state officers and employees. The Commission has limited statutory jurisdiction for campaigns at the local levels, such as counties, independent school and technology center districts, and certain municipalities with both a population over 10,000 according to the most recent Federal Decennial Census and a general revenue fund expenditure budget in excess of Ten Million Dollars.

The Application of the Ethics Rules to County Candidates

The Ethics Rules apply to county candidates and county political committees via the [County Campaign Finance and Financial Disclosure Act](#). County candidates fill out forms created by the Ethics Commission, which are found on the Ethics Commission website at www.ethics.ok.gov under the “Campaigns” tab using the “Local Campaigns” option. These forms are turned in to the **County Election Board**, not the Ethics Commission. The Ethics Commission enforces the Ethics Rules, not the County Election Board. The County Election Board is only responsible for accepting Ethics reports, maintaining Ethics reports for a period of four years after the date filed, and providing filed Ethics reports to the public upon request. [74 O.S. §§ 4258.1-4262](#) and [19 O.S. §§ 138.11-138.19](#)

How to Use This Guide

This guide summarizes the Rules of the Oklahoma Ethics Commission and the other civil campaign finance law, as applied to candidates for county office, effective as of the date of publication of this guide. It is written by the Commission staff to assist with compliance of with the Ethics Rules, as authorized by [Rule 1.8](#). This guide is not a substitute for the law. If there is a conflict between this guide and the Constitution, statutes or Ethics Rules, then the Constitution, statutes or Ethics Rules prevail.

Limited Scope

This guide is not intended to provide comprehensive information about all Ethics Rules and other relevant law concerning campaigns for county office. Individuals who consider becoming candidates for county office should become familiar with the relevant Constitutional and statutory provisions, as well as with the Ethics Rules.

This Guide Is Limited to Oklahoma Campaigns for County Offices

This guide only addresses Oklahoma law and is limited to campaigns for county offices. It does not address campaigns for federal, state (e.g., Governor, Attorney General, District Judge, Legislature, etc.), municipal, or school district office.

Guides and other information for state, municipal, or school district candidates are available on the Ethics Commission website at www.ethics.ok.gov.

Advisory Opinions

[Rule 1.7](#) authorizes the Commission to issue official advisory opinions interpreting its Rules. Such advisory opinions are binding on the Commission. The Commission will consider an advisory opinion only as it applies to the person requesting the opinion, rather than third parties. Send requests for advisory opinions may to the Oklahoma Ethics Commission via email at ethics@ethics.ok.gov or mail at 2300 N. Lincoln Blvd., Room G-27, Oklahoma City, OK 73105.

Commission Website

Additional information on compliance with the Ethics Rules is located on the Ethics Commission website at www.ethics.ok.gov. County candidates should refer to the website. The county reporting page contains candidate forms, calendars, and other information relevant to county candidate reporting.

Contacting the Commission

The Ethics Commission office is located on the ground floor of the State Capitol in Room G-27. The Commission's office hours are **Monday through Friday from 8:30 a.m. to 5:00 p.m.**

- Address: State Capitol, 2300 N. Lincoln Blvd., **Room G-27**
Oklahoma City, OK 73105
- Telephone number: (405) 521-3451
- Fax number: (405) 521-4905
- E-mail: ethics@ethics.ok.gov

Ethics Commission meetings are typically held on the second Friday of every month. Information regarding the Commissioners, the Ethics Commission staff, and the Commission meeting agendas and minutes are located on the Ethics Commission website at www.ethics.ok.gov.

II. Ethics Commission Resources

Ethics Rules and Guides

The Ethics Commission provides the text of its rules, the County Campaign Finance and Financial Disclosure Act, and the Candidate Guide (County Office) on its website at www.ethics.ok.gov. The guide provides an overview of the Rules and relevant examples to assist with compliance.

County Candidate Checklists

The “Campaign” tab, “Local Campaign” link on the Ethics Commission website includes relevant checklists for county candidates. These checklists summarize required steps and common considerations in certain situations, such as registering a new committee, transitioning from an existing committee to a new committee, or dissolving a candidate committee.

Printable Ethics Forms

All of the Ethics Forms that campaign committees file with the County Election Board are located on the Ethics Commission website at www.ethics.ok.gov, “Campaign” tab, “Local Campaign” link. County candidates will fill out these forms and turn them in to the **County Election Board**.

Ethics Commission Staff

The Oklahoma Ethics Commission staff is available to answer questions regarding the Ethics Rules during its regular office hours. The Ethics Commission enforces and assists with compliance of the Ethics Rules. If you have questions about compliance with or enforcement of the Ethics Rules, contact the Ethics Commission staff at (405) 521-3451 or ethics@ethics.ok.gov.

III. Before Raising Campaign Funds, Open a Campaign Bank Account

Campaign Depository (i.e., Campaign Bank Account)

Every candidate must establish at least one campaign depository (e.g., a bank checking account) in a financial institution (e.g., bank) that ordinarily conducts business in the State of Oklahoma.

The campaign depository is where all the campaign committee funds are deposited into and expended out of during the life of the committee. [Rules 2.94.](#)

The campaign depository must be independent from any other accounts—including but not limited to personal accounts—to ensure campaign funds are not commingled with funds of any other entity or person. [Rules 2.95.](#)

a. Campaign Depository (i.e., Campaign Bank Account) Requirements

- The campaign depository must be established in a financial institution (i.e., bank) in the State of Oklahoma.
- The campaign depository must be maintained in the name of the campaign committee as it is registered or will be registered with the Ethics Commission. In other words, the account needs to include, but is not limited to, the following: (1) some form of the candidate’s name (full name, first name, last name, etc.) and (2) the year for which the individual is seeking election (i.e., the election year).
 - **Examples:** Smith for County Commissioner 2020, Friends of John Doe 2020, or Jane for County Sheriff 2020 would all be acceptable names for a campaign committee.
- **The campaign depository must be independent of all other accounts.** Funds should not be commingled with funds of any other entities or persons, including the individual candidate’s personal bank account.
- **All monetary contributions, including monetary contributions from the candidate, and all loan proceeds must be deposited in the campaign depository.** In-kind contributions will not be deposited in the campaign depository. See [section VII](#) for more information on what contributions are and the difference between monetary and in-kind contributions.
- All expenditures must come out of the campaign depository and must be made by check or debit card, signed by the Chair, Treasurer, or Deputy Treasurer. **No cash may be withdrawn from the campaign depository.** The candidate can designate another individual to sign campaign committee checks or debit cards; however, the candidate, Treasurer, and Deputy Treasurer remain responsible for committee expenditures. [Rules 2.95.](#)

b. Best Practice: Indicate Campaign Committee Name on Checks

One way in which candidates can make expenditures is via check. As the campaign depository account name is required to be the name of the committee as registered with the County Election Board, this is the name that should be on the checks, and includes the election year.

Including this information provides notice to other entities that the funds are coming from a campaign committee, as opposed to another source. It also assists those who are required to file reports to attain the information needed to properly report funds received from a campaign committee.

c. Campaign Depository for Committees Transitioning from One Campaign Committee to Another Campaign Committee for a Future Election

A committee for a prior campaign that is transitioning to a new committee for a future campaign should shut down the current bank account for the prior campaign and open a new bank account with the name of the new campaign committee for the new campaign.

Providing independent bank accounts for each campaign allows for better bookkeeping, and it enables the transitioning committee to identify and address discrepancies early.

However, a campaign committee, under the Ethics Rules, may use the same bank account from the prior campaign for the new campaign, provided the following conditions are met: (1) the funds being transferred are appropriately indicated as being transferred from one committee to the other in the Reports of Contributions and Expenditures; (2) the campaign bank account's name is updated to indicate the new campaign committee's name and year of the election, which includes the year of the election; and (3) the campaign depository balance is equal to the balance transferred on the Report of Contributions and Expenditures. See the Transfer Checklist on the Ethics website at www.ethics.ok.gov under the "Local Campaign" link for more information on how to transition from one campaign committee to another. [Rule 2.95.](#)

d. The Depository May Earn Interest

The campaign depository may earn interest paid by the financial institution in which the account is maintained, but the funds cannot be otherwise invested. [Rule 2.95.](#)

All Records Must be Maintained for 4 Years

All records and documents must be maintained for at least a four-year period. This includes, but is not limited to, bank statements, receipts, canceled checks, and any other financial documents. These records must be made available to the Commission upon request. The records must contain sufficient information required for proper filing of Reports of Contributions and Expenditures. [Rule 2.73.](#)

Section Summary

- Before raising or spending funds for a campaign, open a campaign depository.
- The campaign depository must be maintained in a financial institution that ordinarily conducts business in Oklahoma.
- The campaign depository name must include at least (1) the candidate's name (full name, first name, last name, etc.) and (2) the year of the election.
- The campaign depository is only for funds received and spent for the campaign, and it must be independent of any other entity's funds or personal funds.
- ALL monetary contributions must be deposited in the campaign depository, including any contributions from the candidate, and loan proceeds.
- All expenditures must come out of the campaign depository by check or debit card, not cash.
- The campaign committee name should be on all checks used by the committee.

- For those transitioning from a previous campaign to a new campaign, it is best practice to close out the bank account for the prior campaign and open a new bank account for the new campaign.
- All campaign committee records, financial and otherwise, must be kept for a period of four years and must be made available upon request by the Ethics Commission.

IV. Understanding “Candidates” and Campaign Committees

Individuals Who Are Considered Candidates Under the Ethics Rules

An individual who has filed a Declaration of Candidacy with the County Election Board to have his or her name placed on the ballot may or may not be considered a “candidate” under the Ethics Rules, as discussed below.

A candidate for county office is an individual who has filed or should have filed a Statement of Organization (i.e., the Ethics registration document) for a campaign committee with the **County Election Board**. A Statement of Organization is required to be filed within 10 days after the candidate has accepted or spent in excess of \$1,000 for his or her campaign, but may be filed at any earlier time. This \$1,000 threshold includes any personal funds spent on the campaign by the candidate. If in excess of \$1,000 is not spent or received for a campaign, then the committee is not required to register and file reports. See the [Section VI](#) for more information on registration requirements. [Rules 2.2\(2\)](#) and [2.70](#).

Campaign Committee Formation

Every candidate is required to have a campaign committee. A campaign committee is the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate’s campaign. [Rules 2.2\(3\)](#) and [2.68](#).

Generally, a candidate may only have one campaign committee for any county office at any time, the exception is when a candidate is transitioning from one campaign committee to another campaign committee. For purposes of transitioning between committees, a candidate may have two committees open for not longer than 60 days. See the Transfer Checklist under the “Local campaign” link and choose the “County” page at www.ethics.ok.gov. [Rule 2.69](#).

Campaign Committee Structure

Every campaign committee is required to have a campaign depository (i.e., bank account), Chair, and Treasurer. For information on the campaign depository, see [section III](#). Information on campaign committee officers and their duties is provided in [section V](#). [Rule 2.69](#).

a. Transitioning from a Previous Campaign to a New Campaign

Once a candidate with an active campaign committee files a Statement of Organization with the County Election Board for another committee for a new campaign, the candidate may maintain both the first committee (previous campaign) and the second committee (new campaign) for

county office for 60 days. The first committee must be closed within 60 days of the date that the Statement of Organization is filed for the second committee.

Funds or debt, or both, may be transferred from the committee for the previous campaign to the new committee for a future campaign. However, a candidate may not continue to raise funds for the committee for the previous campaign once the new committee for a future campaign is opened. Furthermore, transfers may only be made from county campaign committee to county campaign committee. For example, transfers may not be made from a county campaign committee to a state, municipal, school district or federal candidate or candidate/campaign committee.

Again, once the new committee is registered, the committee for the previous campaign must be dissolved within 60 days. For more information on how to transfer from one committee to another, see the Transition Checklist, which is available under the “Local Campaign” link and “County” page on the Ethics Commission website. [Rule 2.69](#).

Section Summary

- A “candidate” is someone who has or should have filed a Statement of Organization with the County Election Board.
- Candidates are required to file the Statement of Organization with the County Election Board within 10 calendar days of spending or receiving in excess of \$1,000 for their campaign (including any funds the candidate gives or spends toward his/her campaign).
- All candidates are required to have one campaign committee.
- Candidates only have one campaign committee open at any time, unless he/she falls within the exception for transitioning from one committee to another. This exception permits two committees to be open for no longer than 60 days.
- All campaign committees are required to have a campaign depository (i.e., bank account), Chair, and Treasurer.

V. Committee Officers and Other Committee Personnel

Required Officers: Chair and Treasurer

A campaign committee must have both a Chair and a Treasurer. The same person may serve as both the Chair and Treasurer. The candidate may serve as either the Chair or Treasurer, or both. All officers serve at the pleasure of the candidate, who may replace an officer at any time. [Rule 2.71](#).

TIP: Candidates should have some type of written notice from the Treasurer acknowledging the agreement to serve as Treasurer.

a. Optional Officer: Deputy Treasurer

A Deputy Treasurer is not a required officer but is recommended. This officer is the person designated to fulfill the responsibilities of the Treasurer in the event the Treasurer is unavailable.

The Deputy Treasurer performs similar duties to the Treasurer and can sign committee checks or debit cards upon making expenditures. [Rule 2.71](#).

b. Other Officers

In addition to the Chair and Treasurer, a campaign committee may have other officers to assist the committee with its activities. However, the additional officers do not relieve the candidate, Chair, Treasurer, or Deputy Treasurer of their legal responsibilities under these Rules.

Duties of the Committee Officers

All officers must adhere to the Ethics Commission Rules.

The Treasurer is legally responsible for keeping the committee's financial records and accounts, including all contributions accepted, all deposit slips or other evidence of acceptance of contributions, all expenditures made, all receipts, canceled checks or other evidence of payment of expenditures, bank statements, and all other documents necessary to file Reports of Contributions and Expenditures. The Treasurer is also responsible for the timely and accurate filing of all reports with the Commission.

When acting in place of the Treasurer, the Deputy Treasurer may perform similar duties. [Rule 2.106](#). The duties of any other officers may be determined by the candidate. However, these determinations do not relieve the Treasurer or Deputy Treasurer of their legal obligations and responsibilities. Further, the duties of the Treasurer or Deputy Treasurer do not relieve the candidate of his or her obligation to ensure compliance with the Ethics Rules. [Rule 2.71](#).

All records and documents must be maintained for a period of four years. These records must be made available to the Commission upon request. [Rules 2.104](#) and [2.71](#).

a. Vacancies in Campaign Committee Offices

Any vacancy in the office of Chair, Treasurer, or Deputy Treasurer must be filled within 30 days. A campaign committee that has filed a Statement of Organization with the County Election Board must file an amended Statement of Organization within 5 days after the vacancy is filled. For more information on the Statement of Organization and registration requirements, see [section VI](#). [Rules 2.72](#) and [2.74](#).

A campaign committee may not accept or expend funds when both the Treasurer and Deputy Treasurer offices are vacant. [Rule 2.72](#).

Candidate May Not Serve as an Officer of Another Committee

A candidate may not serve as the officer of any campaign committee, other than his or her own campaign committee, or as an officer of any political action committee or county political committee. [Rule 2.71](#).

Section Summary

- Every campaign committee is required to have a Chair and a Treasurer. It is also recommended that the campaign committee have a Deputy Treasurer who can perform the duties of the Treasurer in the Treasurer's absence.
- A candidate may assign other officers and officer duties; however, all officers must follow the Ethics Rules. The additional officers and officer duties do not relieve the candidate, Treasurer, Deputy Treasurer or the Chair of their legal responsibilities and obligations with the Ethics Commission.
- All officers serve at the pleasure of the candidate.
- The Treasurer is legally responsible for keeping all of the committee's financial records and accounts, as well as filing timely and accurate Reports of Contributions and Expenditures. All records must be maintained for four years and made available upon request by the Commission.
- A campaign committee cannot receive or spend funds when both the Treasurer and Deputy Treasurer offices are vacant. Vacancies of committee officers must be filled within 30 days. Committees that have filed a Statement of Organization with the County Election Board must file an Amended Statement of Organization within 5 days of the vacancy after the vacancy is filled.
- Candidates may not serve as an officer of another campaign committee, political action committee (PAC), or county political committee.

VI. Ethics Commission Registration: The Statement of Organization

When to Register with the Ethics Commission by Filing a Statement of Organization

Committees register by filing a Statement of Organization with the **County Election Board**. A Statement of Organization for a campaign committee may be filed at any time if the committee has not exceeded \$1,000 in contributions or expenditures. However, a Statement of Organization must be filed within 10 calendar days after a candidate has accepted or spent more than \$1,000 for his or her campaign. This \$1,000 threshold includes any personal funds that the candidate provides to his or her campaign. If an individual who is seeking county office never accepts or spends more than \$1,000.00, then there is no requirement to file a Statement of Organization with the County Election Board. [Rule 2.70](#).

Where a Statement of Organization Must Be Filed for a County Campaign

All Statements of Organization for county campaigns must be filed with the **County Election Board**. The Statement of Organization is found on the Ethics Commission website at www.ethics.ok.gov under the "Local Campaigns" link and "County" page. The Statement of Organization is due on the date specified, or, **if the date falls on a weekend, holiday or other day the county office is closed**, by the close of business on the next business day that the County Election Board Office is open. [19 O.S. §§ 138.13](#) and [138.14](#); [Rule 1.4](#).

The Statement of Organization must be notarized, and, upon submitting the report to the County Election Board, candidates are required to pay a \$50 non-refundable processing fee to the County

Election Board. The \$50 must be made via check drawn upon the campaign committee's account. [19 O.S. § 138.12](#).

Example 1: In April, Joanna filed a Declaration of Candidacy with the County Election Board to run for a county seat. She opened a bank account for her committee and received \$700 in contributions. Joanna spent \$100 on signs for her campaign. Joanna is not yet required to register with the County Election Board because she has not exceeded the \$1,000 threshold; however, Joanna could voluntarily register with the County Election Board by filing a Statement of Organization with the County Election Board.

Example 2: Same facts as above, except on June 5th Joanna received another \$800 in contributions for her campaign. She is now required to file a Statement of Organization with the County Election Board within 10 calendar days because she exceeded the \$1,000 threshold.

a. Public Records

A Statement of Organization that is filed with the County Election Board is a public record. The public may request these records, and the County Election Board must provide these records upon request. The County Election Board must maintain Statements of Organization for four years after the date the Statement of Organization is filed or prepared, if not posted on the county's website.

The County Election Board may post submitted Statements of Organizations on its website, but is not required to do so. [19 O.S. § 138.16](#).

Contents of the Statement of Organization

The Statement of Organization for a campaign committee includes the following information:

1. Name of the candidate as it will appear on the ballot;
2. Names of the Chair and Treasurer of the committee and, if applicable, the name of the Deputy Treasurer;
3. Name of the committee, which must at least include the (1) candidate's name (i.e., the full name, first name, middle name or last name of the candidate) and (2) year of the general election or special election for which the office will be filled (e.g., Jane Doe 2020, Doe for County Commissioner 2020 or friends Jane for Sheriff 2020);
4. Official and complete name of the county elective office for which the candidate seeks election;
5. Candidate's party affiliation, if any;
6. Contact information including the street addresses, mailing addresses, if applicable electronic mailing addresses (email), telephone numbers and Internet website, if applicable, of the campaign committee, the candidate, Chair, Treasurer, and, if applicable, Deputy Treasurer; and

7. the full name and address of each depository in which the committee will maintain an account (e.g., First Bank, 555 Oklahoma City, OKC, 73105). [Rule 2.75](#).

a. Officer Information Must Be Specific to Each Officer

If there are multiple individuals serving as officers in a campaign committee, the Statement of Organization needs to include each officer's individual contact information. [Rule 2.75](#).

Amending the Statement of Organization

The candidate is responsible for notifying the County Election Board of any change in information provided in the Statement of Organization by filing an Amended Statement of Organization with the County Election Board within 10 days of any change, other than a change in Officers which requires an Amended Statement of Organization within 5 days after a committee officer vacancy is filled. [Rule 2.74](#) and [Rule 2.75](#).

a. Vacancies in Campaign Committee Offices

It is important to fill any officer vacancy as soon as possible because a campaign committee may not accept or expend funds when there is a vacancy in the offices of both the Treasurer and Deputy Treasurer.

Any vacancy in the office of Chair, Treasurer, or Deputy Treasurer must be filled within 30 days. Committees that have already filed a Statement of Organization ("SO") with the County Election Board are required to file an amended SO within 5 days after the vacancy is filled. [Rules 2.72](#) and [2.74](#).

Records Should be Kept for 4 Years

All records and documents required to be kept by the Treasurer must be maintained for at least four years. These records must be made available to the Commission upon request. [Rule 2.73](#).

Section Summary

- An individual is required to register with the **County Election Board** once they spend or receive in excess of \$1,000 for their campaign for county office, this includes any personal funds used by the candidate for his or her campaign.
- Register with the **County Election Board** by (1) filing a **notarized** Statement of Organization and (2) providing a **check drawn on the campaign committee's account of \$50** that is made out to the County Election Board. The \$50 processing fee is non-refundable.
- The contents of the Statement of Organization include the campaign committee information and officer contact information. Each officer must include his or her own individual contact information.
- The candidate is responsible for notifying the County Election Board when there is a change of information in the Statement of Organization by filing an amended Statement of Organization within 10 days of any change. Officer changes require an amended Statement of Organization to be filed within 5 days from which the vacancy is filled.
- All campaign committee documents and records must be kept for a period of 4 years.

VII. Understanding Contributions

What is a Contribution?

Generally, a contribution is anything of value given to a campaign committee. Contributions may be either monetary or “in-kind.” Monetary contributions are made through “written instruments,” such as a personal check or a credit card authorization. Up to \$50 of a contributor’s aggregate contributions may be in cash. “In-kind” contributions are goods, services, or discounts provided to the campaign committee. [Rule 2.2\(6\)](#).

All contributors have contribution limits for the amount of contributions the contributor can provide to a committee. See [section VIII](#) for more information on the permissible contributions and contribution limits for campaign committees.

a. All Contributions Are Aggregated

All contributions—monetary and in-kind—that each contributor provides to a campaign committee are aggregated to ensure that the individual or entity does not exceed the contribution limits.

Example: Jana, a candidate for county office, received a check for \$200 and a chair for her campaign office (valued at \$300) from Paul. Paul has given \$500 worth of contributions to Jana’s campaign (\$200 in monetary contributions + \$300 of in-kind contributions = \$500 worth of contributions in the aggregate).

b. Contributions Must Be Voluntary

Contributions must be voluntarily given to the candidate or campaign committee by a contributor. Contributions cannot be coerced or exchanged for any advantage. [Rule 2.91](#).

c. Contributions Cannot Be Reported in the Name of Another

A contribution must be reported in the name of the person or entity that actually made the contribution. An individual or entity may not, directly or indirectly, provide another individual or entity with funds for the purpose of making a campaign contribution. To report a contribution in the name of someone other than the person who made the contribution is called “money laundering” and is prohibited. [Rule 2.18](#).

Contributions must be reported as coming from the person providing the contribution, and the committee is charged with using best efforts to attain the proper contributor information for each contribution to the committee. See [section XV](#) for detailed information on the required contributor information.

Example: Jane is running for county office. Tom wants to give her a contribution but does not want anyone to know his identity. Tom speaks with Jane about his concern. He gives Jane \$200 to her campaign but asks Jane to report the contribution as coming from someone else or from an anonymous contributor. Jane may not accept this contribution and report the \$200 as coming from anyone other than Tom.

d. Earmarked Contributions Are Contributions to Candidates

A contribution to a political party committee or a limited committee that is designated, either directly or indirectly, for the benefit of a particular candidate or candidates is considered a contribution by the contributor to the candidate or candidates. [Rules 2.31](#) and [2.33\(A\)](#). All contributions must be reported in the name of the person who funds the contribution; contributions cannot be reported in the name of another. [Rule 2.18](#). This Rule is intended to prevent the laundering of funds through political parties and PACs to candidates in violation of Ethics Rules.

Example: Jane is running for county office. Tom wants to give her a contribution but does not want anyone to know that he gave a contribution to Jane's campaign. Tom gives County Political Party Committee XYZ \$200 and specifies that the \$200 is for Jane's campaign. This is a contribution from Tom to Jane. Tom should have given the contribution directly to Jane for her campaign. Individuals cannot launder funds through PACs (or other committees) to candidates.

e. When an Expenditure Is a Contribution

Contributions include expenditures made on behalf of a campaign committee. For example, if a political committee purchased a desk for the committee, the expenditure would be considered an in-kind contribution by the political committee to the candidate. [Rule 2.2\(6\)](#).

f. Volunteer Services by Individuals Are Not Contributions

The value of volunteer services is not considered a contribution by an individual who volunteers his or her services. However, no individual or entity may "volunteer" the services of another individual. An employer, for example, cannot "volunteer" the services of an employee. [Rule 2.2\(6\)](#).

When an individual volunteers the use of a personal telephone, electronic mail, social media, or similar electronic devices or services for campaign communications, such use is not considered a contribution but is considered a volunteer service. [Rule 2.111](#). Such volunteer services do not extend to the use of a commercial entity's telephone, electronic mail, social media, or similar devices or services for campaign communications. These are considered in-kind contributions to the campaign committee, unless the campaign committee pays fair market value for the use. [Rule 2.112](#). Such a contribution from an incorporated entity or labor union is prohibited. [Rule 2.2\(6\)](#).

Example: John Smith owns Smith's Website Design, Inc. John volunteers to create a website for Jane Doe for County Commissioner 2020. If John uses a computer and software program owned by Smith's Website Design, Inc. to create the website for the candidate without compensation, the service provided is not a volunteer service from John Smith, but an in-kind contribution from Smith's Website Design, Inc., which would be a prohibited corporate contribution.

g. Discounts Provided Only to the Campaign Committee or Candidate for Goods or Services Are Considered In-kind Contributions

Discounts that are provided only to the campaign committee or candidate, as opposed to the general public, are considered in-kind contributions to the campaign committee. Such discounts provided by a corporation or labor union are prohibited. [Rule 2.2\(6\)](#)

Example 1: Nancy owns a t-shirt printing company, T-Shirts, Inc. She wants to help support Miguel, a candidate for county office, by providing a 20% discount on his campaign shirts. Miguel cannot accept the discount because the discount is considered an in-kind contribution from a corporation. Instead, Miguel should pay full price for the t-shirts using campaign funds.

Example 2: T-Shirts, Inc. is having a t-shirt Tuesday sale, where all t-shirt printing is 20% off for all customers. Miguel may purchase t-shirt printing from T-Shirts, Inc. for his campaign t-shirts at the discounted price because the discount is being offered to the general public.

Accepting and Depositing Contributions within 10 Days

A contribution is deemed to have been accepted by a campaign committee if it is not returned within 10 business days after it has been received. [Rule 2.21](#). A “business day” generally excludes Saturdays, Sundays and official state holidays. A contribution must be deposited during that same period—10 business days—unless it is returned. A contribution that is not deposited within 10 business days after it has been received by the campaign committee must be returned to the contributor and reported in the appropriate Report of Contributions and Expenditures as having been accepted and refunded. [Rule 2.22](#) and [2.95](#).

Section Summary

- Contributions are either monetary or in-kind (i.e., goods or services) given to a campaign committee. Monetary and in-kind contributions are aggregated.
- Contributions must be given voluntarily.
- Contributions shall be reported in the name of the actual contributor.
- Services provided free of charge from an individual are volunteer services, not contributions.
- Goods or services provided free of charge from an organization are in-kind contributions.
- Contributions not deposited within 10 business days are deemed accepted, must be returned to the contributor, and must be reported as received and refunded.

VIII. Permissible Contributions & Contribution Limits

Who May Make Contributions to a Campaign Committee?

The following persons and entities may contribute to a county candidate, subject to the applicable contribution limits:

May Make Contributions to a Campaign Committee	2020 Election Contribution Limit
Individuals , including -LLCs -Partnerships -Indian Tribes -Candidate to his/her own campaign	<ul style="list-style-type: none"> • Up to \$2,800 per election that candidate's name appears on ballot • \$50 limit for cash and anonymous contributions
Another Campaign Committee for County Elective Office	<ul style="list-style-type: none"> • Up to \$2,800 per campaign
Limited Political Action Committees (PACs) -Oklahoma PACs -Out-of-State PACs* -Federal PACs* <small>*Provided the PAC does not receive corporate contributions</small>	<ul style="list-style-type: none"> • Up to \$5,000 per election that the candidate's name appears on the ballot
1/25 Limited Political Action Committees	<ul style="list-style-type: none"> • Up to \$2,500 per election that the candidate's name appears on the ballot
Political Party Committees	<ul style="list-style-type: none"> • \$10,000 prior to general election

See [Appendix I](#) to view the full contribution limit chart.

Candidates Prohibited from Receiving Excessive Contributions

All of the contributions received from a contributor are aggregated; in other words, monetary and in-kind contributions are added together to determine the total amount of contributions a single contributor has given to a campaign. All contributors are limited in the amount of contributions in the aggregate s/he/it can provide to a campaign committee, and all campaign committees are limited in the amount of contributions they can accept from each contributor. [Rule 2.38.](#)

A Candidate to His or Her Own Campaign Committee—Unlimited Contributions

The individual contribution limit does not apply to the candidate providing contributions to his or her campaign. A candidate may contribute an unlimited amount to his or her campaign committee from his or her personal funds or from joint funds of the candidate and the candidate's spouse. All monetary contributions provided by the candidate are required to be deposited into the depository prior to expenditure from the campaign committee. All contributions from the candidate to his or her committee must be reported to the Ethics Commission.

However, a candidate's spouse who makes a contribution solely from his or her funds, not from joint funds between the candidate and spouse, is subject to the individual contribution limits. [Rules 2.38](#) and [2.95](#).

There are occasions where a candidate may be reimbursed personal funds given to the campaign. See [section XI](#) on loans and [section XIV](#) on candidate reimbursements.

Special Limit on Nontaxable Gifts

A gift or gifts to a candidate or a candidate's spouse that are nontaxable under the United States Internal Revenue Code are considered contributions to the candidate's campaign committee to the extent that the gift or gifts exceed gifts from the same donor in 3 of the preceding 5 calendar years, assuming the candidate makes a similar contribution to his or her campaign. [Rule 2.38](#).

Cash Contributions—Limited to \$50 in the Aggregate per Contributor

The maximum amount of a cash contribution is \$50. This is an aggregate amount, i.e., all cash contributions from a single contributor added together may not exceed \$50. The \$50 cash contribution does count toward that individual's overall contribution limit (see the following sections on individual contribution limits).

If an individual meets the \$50 cash contribution limit for a candidate, that individual may still contribute up to the individual contribution limit to that candidate, but it must be made through another method of payment, such as a check or credit card.

If a candidate or campaign committee receives a cash contribution of over \$50, the candidate must (1) return the amount in excess of \$50 if the contributor is known or (2) forfeit the amount in excess of \$50 to the State Treasurer for the General Revenue fund of Oklahoma.

Example: Paula gave a \$50 cash contribution to Gary, a candidate for county office prior to his primary election. Paula can no longer give contributions in the form of cash to Gary's campaign. However, she may still give contributions via check, credit card, or goods or services (in-kind) to Gary's campaign prior to the primary election up to the per election limit.

Anonymous Contributions—Limited to \$50 in the Aggregate per Contributor

The maximum amount of anonymous contributions is \$50 in the aggregate per contributor. Anonymous contributions are not contributions where an individual desires to remain anonymous or otherwise not identified. A contribution from a known contributor must be reported as coming from that contributor. [Rule 2.19](#).

Candidates must make best efforts to identify all contributors. If a contributor can be identified by using best efforts, the candidate must make such efforts to identify the contributor and report the contribution in accordance with these Rules.

If an anonymous contribution in excess of \$50 is received, the amount of the contribution in excess of \$50 must be deposited with the State Treasurer to the general revenue fund of Oklahoma. [Rule 2.20](#).

Example: Gary, a candidate for county office, received an anonymous letter in the mail with no return address and a \$100 bill enclosed for his campaign. Gary may keep \$50 as an anonymous contribution but must pay \$50 to the General Revenue Fund of Oklahoma.

Contributions from an Individual—Per Election Limits apply to each Election That the Candidate’s Name Appears on the Ballot

The contribution limit from an individual to a campaign committee for the 2020 elections is \$2,800 per election that the candidate’s name appears on the ballot. The campaign committees established for 2018 and pre-2018 elections are still subject to the \$2,700 contribution limit.

a. Individuals Defined

Generally, any individual or other person—except corporations and labor unions—may make contributions to a campaign committee, subject to the contribution limits. Other “person” could be a partnership or a limited liability company, for example. A child under the age of 18 may make a contribution only if the contribution is attributed to his or her parent (or equally between two parents) or guardian. [Rule 2.17](#).

b. Required Individual Contributor Information

The name, address, occupation and employer are required from all contributors, unless otherwise provided in these Rules. Candidates and their campaign committees must use best efforts to attain such information and report it to the Ethics Commission accordingly. [Rule 2.17](#) and [2.106](#).

c. Maximum Individual Contribution Limits Indexed to Inflation

Before July 1 of every odd-numbered year, the Ethics Commission adjusts the maximum individual contribution limit upward, rounded to the nearest \$100 increment, based on the increase in the Consumer Price Index during the preceding calendar year.

The Commission adjusted the individual contribution limit for 2020 elections in March of 2019 from \$2,700 to \$2,800. The next adjustment will be considered before July 1, 2021. [Rule 2.37\(H\)](#) Contribution Limits for Candidates in Multiple Elections Reset for Each Election: the Primary, Runoff Primary and/or General Election.

If a candidate participates in more than one election, the contribution limits will reset for each election. The contribution limit is tied to the election, and contribution limits not met in prior elections cannot be made up for in subsequent elections. [Rule 2.37](#).

i. Contribution Limits for 2020 Campaign Committees

Unopposed Candidates:

- Up to \$2,800 total for the campaign

Candidates in one election:

- Up to \$2,800 total if the candidate's name only appears on the primary election ballot
- Up to \$2,800 total if the candidate's name only appears on the general election ballot

Candidates in two elections:

- Primary and Runoff Primary Elections: Up to \$2,800 prior to each election for a total of \$5,600
- Primary and General Elections: Up to \$2,800 prior to each election for a total of \$5,600
- **Committees may not make one contribution to be allocated across multiple elections.**

Candidates in three elections:

- Primary, Runoff Primary and General Elections: Up to \$2,800 prior to each election for a total of \$8,400.
- **Committees may not make one contribution to be allocated across multiple elections.**

After the General Election

- An individual that has not contributed over \$5,000 in total to a campaign committee prior to the general election may make additional contributions to that campaign committee after the general election in an amount that when aggregated to prior contributions to the candidate's campaign does not exceed \$2,800.

The maximum contribution limits are specific to each election. Contribution limits not met in one election cannot be made up in a subsequent election. Alternatively, contributions for future elections may not be pre-paid. [Rule 2.37](#).

Example 1: Susan, an individual contributor, gave a \$500 contribution prior to the primary election to Pam, a candidate for county office. Pam's name appears on the ballot at the primary election. After the primary election, Pam's name was placed on the ballot for the runoff primary election. Susan, the contributor, can make an additional contribution of up to \$2,800 to Pam prior to the runoff primary election. However, Susan cannot make up for the \$2,300 she did not give prior to the primary election for use in the runoff primary election because the limits reset after each election.

Example 2: John, an individual contributor, gave a contribution of \$100 prior to the primary election to Jane, a candidate for county office. Jane's name appeared on the ballot for the primary and general elections. After the general election, John can give up to \$2,700 to Jane's campaign committee.

d. Individual Contributions from Couples or a Joint Checking Account

Contributions from individuals are reported on an individual basis even when received from a joint checking account. Spouses each have a \$2,800 individual contribution limit for a campaign committee. In other words, a married couple could contribute up to \$5,600 per election that the candidate's name is on the ballot.

Committees that receive contributions via check drawn on a joint checking account must determine from the contributor(s) how much of the contribution to allocate to each account holder. The contribution should not be reported as a single contribution from the joint account holders, nor should the check amount be split between the two account holders without verification. If a contribution is to be split, the contribution should be reported as separate contributions from each individual, according to how much each individual is actually contributing from the checking account (see example below). If the contributor, however, specifies the contribution is only from one of the individuals listed on the check, then the report should attribute the entire amount to the designated contributor. [Rule 2.37](#).

Example: Susan, a candidate for county office, received a \$800 check from the joint bank account of John and Jane Smith. Susan needs to find out from the Smiths how much of the contribution to allocate to each individual. Susan calls the Smiths and learns that John is contributing \$300 and Jane is contributing the remaining \$500 to Susan's campaign. Susan must report the \$300 contribution as coming from John Smith and the \$500 as coming from Jane Smith; she will not report it as a single transaction of \$800 from John and Jane Smith.

e. Limited Liability Company (LLC) or Partnership Contributions—Each Member or Partner is Limited to \$2,800 per Election That the Candidate's Name Appears on the Ballot

Individuals who are members of a limited liability company ("LLC") or partners of a partnership may make contributions to a campaign committee using LLC or partnership funds, provided (1) the contribution(s) is split amongst all members or partners according to each member's or partner's ownership interest and (2) none of the members or partners are incorporated.

The owners of a limited liability company are called "members," and the owners of a partnership are called "partners." Contributions by a limited liability company (LLC) are reported as contributions from each individual member of the LLC in proportion to each member's ownership interest. Contributions by a partnership are reported as contributions from each individual partner in proportion to each partner's ownership interest. The amounts contributed through the LLC or partnership count toward the contribution limits of each individual member or partner. [Rule 2.37](#), [2.24](#), [2.25](#), and [2.106](#).

Example 1: XYZ LLC is owned equally by two members—Jane Doe and John Smith. The XYZ LLC made a \$1,000 contribution via check to Bob. Bob's campaign committee may accept the check from the LLC, but the campaign committee will report the contribution as \$500 from Jane Doe and \$500 from John Smith since the LLC is owned equally between the two individuals.

Example 2: Mayra and LNMO, Inc. are equal members of ABC LLC. The LLC cannot make a contribution to a campaign committee because the contribution includes prohibited corporate funds.

f. Indian Tribes—Each Non-Incorporated Indian Tribe Follow the Contribution Limits that Apply to Contributions by Individuals

Indian tribes follow the individual contribution limit. The contribution limit applies to the tribe as a whole per candidate and is reported as coming from the tribe under the contributor type “Indian Tribe.”

If the tribe is incorporated, the campaign committee is prohibited from accepting the contribution due to the corporate contribution restrictions.

If the contribution received from a tribe is actually a contribution from the tribe’s political action committee (“PAC”), then the contribution limits for a PAC apply and the contribution must be reported as coming from the PAC. See the guide for Limited Political Action Committees for more information on contributions from PACs. [Rules 2.23](#), [2.33](#), and [2.37](#).

g. Contributions from Another County Candidate Committee—Contribution Limit Is Based on Both the Receiving and Giving Candidate Committee (The Lesser Contribution Limit of the Two Applies)

A candidate committee may make a contribution to another candidate committee so long as both the giving and receiving committees are at the same level of elective office. For instance, a county campaign committee may provide a contribution to another county campaign committee, but not a state, municipal, or school board candidate committee. [Rule 2.37\(F\)](#).

Contribution limits apply to both the giving and receiving committees. When the giving and receiving candidate committees were formed for different election years, they may be subject to different contribution limits. The lesser contribution limit of the two will be the contribution limit that applies. Refer to the chart below. [Rule 2.37\(F\)](#).

Candidate Committee Contribution Limits by Election				
2015	2016	2017	2018	2020
\$2,700	\$2,700	\$2,700	\$2,700	\$2,800

Example: Candidate committee A is a 2016 candidate committee subject to a \$2,700 limit. Candidate committee B is a 2020 candidate committee subject to a \$2,800 limit. If candidate committee A gives a contribution to candidate committee B, then it is limited to giving a maximum of \$2,700 for the entire campaign.

h. Contributions from Limited Committees or County Political Committees to Candidates—Limited to \$5,000 per Election That the Candidate’s Name Appears on the Ballot

A limited committee is a political action committee (“PAC”) organized to make contributions to candidates and is subject to contribution limits. A county political committee is a committee

composed of one or more persons whose purpose includes the election or defeat of one or more candidates for county office but which is not required to register with the Ethics Commission or the Federal Election Commission. [Rules 2.2\(13\), 2.33, and 2.106](#); [19 O.S. § 138.12\(B\) \(3\)](#).

A campaign committee is required to report the PAC's identification number in its Report of Contributions and Expenditures, if one is assigned. This may be the number issued by the Ethics Commission for registered limited committees, the number issued by the Federal Election Commission (FEC) for committees registered with the FEC, the number issued by the County Election Board, or the number issued by another state. [Rules 2.2\(13\), 2.33, 2.93 and 2.106](#). Generally, a limited committee and a county political committee may make a maximum contribution of up to \$5,000 per election that a candidate's name appears on the ballot. [Rules 2.2\(13\), 2.33 and 2.106](#).

PAC and political committee contributions operate very similarly to contributions from individuals and the per election limits or unopposed candidate limit.

i. Contribution Limits from a Limited Committee or County Political Committee Based on the Number of Elections for Which the Candidate's Name Appears on the Ballot.

The following indicates the maximum amount of contributions from a limited committee or county political committee to a campaign committee depending upon the number of elections that a candidate's name appears on the ballot:

- **Unopposed Candidates:**
 - Up to \$5,000 total if the candidate is unopposed
- **Candidates in one election:**
 - Up to \$5,000 total if the candidate is unopposed
 - Up to \$5,000 total if the candidate's name only appears on the primary election ballot
 - Up to \$5,000 total if the candidate's name only appears on the general election ballot
- **Candidates in two elections:**
 - Up to \$10,000 if the candidate's name appears on both the primary election and runoff-primary election ballots (i.e., up to \$5,000 prior to each election)
 - Up to \$10,000 if the candidate's name appears on both the primary election and general election ballots (i.e., up to \$5,000 prior to each election)
- **Candidates in three elections:**
 - Up to \$15,000 total if the candidate's name appears on the primary election, runoff-primary election and general election ballots (i.e., up to \$5,000 prior to each election)
- **After the general election:**
 - After the general election, a political action committee that has not previously contributed or that has contributed less than \$5,000 in the aggregate may make one or more additional contributions to a campaign committee that does not exceed \$5,000 when aggregated with prior contributions. (This Ethics Rule became effective May 3, 2018.)

The maximum levels are specific to each election. Contribution limits not met in one election cannot be made up in another election. [Rule 2.33](#).

Example: Jane Smith is a candidate for county office. Her name appears on the ballot for both the primary and runoff-primary elections. ABC county political committee gave a contribution of \$1,000 to Jane Smith prior to the primary election. The contribution limit resets after the primary election, so ABC county political committee may make an additional contribution of \$5,000 prior to the runoff-primary election. ABC county political committee, however, could not give a contribution prior to the runoff-primary election of \$9,000 to make up for the difference not contributed prior to the primary. Also, ABC county political committee cannot contribute to Jane prior to the general election because Jane's name is not on the ballot for the general election.

1/25 Limited Committees

A limited committee or county political committee that has been registered for less than a year prior to a primary election or that has fewer than 25 contributors is subject to smaller contribution limits than traditional limited committees. These PACs or county political committees are unofficially called 1/25 committees. A campaign committee may receive contributions from a 1/25 limited committee or a county political committee, subject to the specified contribution limits.

Such limited committees or county political committees may make contributions to campaign committees subject to maximum limits that are exactly half the amount of maximum contributions by other limited committees or county political committees, i.e., \$2,500 rather than \$5,000.

A campaign committee is required to report the PAC's or political committee's identification number (if one is assigned) in its Report of Contributions and Expenditures.

i. Examples of Maximum Contribution Limits from a 1/25 Limited Committee or 1/25 County Political Committee Based on the Number of Elections for Which the Candidate's Name Appears on the Ballot

The following indicates the maximum amount of contributions from a 1/25 limited committee or county political committee to a campaign committee depending upon the number of elections that a candidate's name appears on the ballot:

- **Unopposed Candidates:**
 - Up to \$2,500 total if the candidate is unopposed
- **Candidates in one election:**
 - Up to \$2,500 total if the candidate is unopposed
 - Up to \$2,500 total if the candidate's name only appears on the primary election ballot
 - Up to \$2,500 total if the candidate's name only appears on the general election ballot
- **Candidates in two elections:**
 - Up to \$5,000 total if the candidate's name appears on both the primary election and runoff-primary election ballots (i.e., up to \$2,500 prior to each election)
 - Up to \$5,000 total if the candidate's name appears on both the primary election and general election ballots (i.e., up to \$2,500 prior to each election)

- **Candidates in three elections:**
 - Up to \$7,500 total if the candidate's name appears on the primary election, runoff-primary election and general election ballots (i.e., up to \$2,500 prior to each election)
- **After the general election:**
 - As of May 3, 2018, a 1/25 committee may make a contribution or contributions in an amount that, when aggregated to prior contributions to a candidate's campaign, does not exceed \$2,500. Such contributions should only be solicited to pay off debt, operating expenses, and/or, if the candidate is a current officeholder, to use for officeholder expenses. Committees are prohibited from receiving contributions after the general election to raise fund funds for a future campaign. [Rules 2.34\(D\)-\(G\)](#) and [2.106](#).

Example 1: Jaqueline is running for a county office, and her name appears on the ballot in the primary, runoff, and general elections. PAC X, a 1/25 committee, gives Jacqueline's campaign \$1,000 before the primary, \$500 before the runoff, and \$500 before the general election for an aggregate contribution total of \$2,000. Because PAC X has not exceeded \$2,500 in contributions prior to the general election, it may contribute up to \$500 to Jacqueline's campaign after the general election.

Example 2: Melvin is running for county office, and his name is on the ballot in the primary, runoff and general elections. PAC X, a 1/25 committee, gives him \$2,000 before the primary, \$250 before the runoff, and \$250 before the general election for an aggregate contribution total of \$2,500. Because PAC X has reached \$2,500 in contributions, it is unable to make additional contributions to Melvin's campaign after the general election.

Contributions from Out-of-State Political Action Committees

A campaign committee may accept a contribution from a political action committee ("PAC") registered in another state, provided the PAC would be eligible to make contributions to the candidate if it was registered in Oklahoma. For instance, an out-of-state PAC that receives corporate or labor union contributions would not be able to contribute to an Oklahoma campaign committee.

The contribution limits for limited and 1/25 committees apply to the contributions from out-of-state committees. The out-of-state PAC is required to file written proof of its registration with the Oklahoma Ethics Commission in the other state before making contributions to an Oklahoma candidate for county office. [Rules 2.92, 2.96](#) and [2.99](#).

Contributions from Federal Political Action Committee

A campaign committee may accept a contribution from a political action committee ("PAC") registered with the Federal Election Commission ("FEC"), subject to limits of the Ethics Rules. The contribution limits for limited and 1/25 committees apply to the contributions from federal PACs. However, a campaign committee may not accept a contribution from the authorized committee of a candidate for federal office.

The FEC registration number for the Federal PAC should be reported with the Ethics Commission by the campaign committee that received the contribution. The PACs FEC can be found by contacting the PAC or on the FEC website at www.fec.gov. [Rules 2.30, 2.96](#) and [2.98](#).

Contributions from Political Parties to Candidates—Limited to \$10,000

A campaign committee may receive contributions from political party committees, subject to the contribution limits.

The maximum amount that a political party committee may contribute to a county candidate is \$10,000 prior to any general election for that office.

The maximum amount includes the aggregate of all contributions made to the candidate by a political party, including the state committee, Congressional District committees, county committees and precinct committees, or any other committee or entity officially recognized in the party's bylaws or similar governing document. [Rule 2.32](#).

Example: X State Political Party Committee wants to support its candidates in the General Election. County Y Political Party Committee contributed \$10,000 to Joe Smith, a county candidate. X State Political Party Committee and County Y Political Party Committee belong to the same party and are both recognized under that party's bylaws. X State Political Party Committee is unable to make a contribution to Joe Smith because the County Y Committee maxed out on contributions to that candidate from that political party.

IX. Prohibited Contributions & Contributors

A campaign committee for county office is prohibited from accepting contributions from the following entities:

Corporations & Labor Unions	Unlimited Political Action Committees	Foreign Nationals
Federal, state, municipal, or school board campaign committees	LLCs or Partnerships with incorporated member(s) or partner(s)	

Corporate and Labor Union Contributions Prohibited

Corporations and labor unions may not contribute to campaign committees, and campaign committees may not accept contributions from corporations or labor unions. This prohibition includes all types of corporations, such as for-profit corporations, nonprofit corporations and professional corporations. If the entity is incorporated, the prohibition applies. [Okla. Const. art. IX, § 40](#); [21 O.S. § 187.2](#); and [Rule 2.23](#).

a. Communications by a Corporation or Labor Union Not Considered Contributions

Communications by a corporation intended to be received only by its stockholders, directors, officers or employees and their spouses, or communications by a labor union intended to be received only by its members and their spouses are not considered contributions. For example, a corporation or labor union may wish to make known to its employees or members, respectively, an endorsement of a particular candidate. In such a case, the endorsement would not be considered a contribution to the candidate's campaign. [Rule 2.29.](#)

Contributions from Foreign Nationals Are Prohibited

Federal law prohibits foreign nationals from making contributions to candidates at the federal, state and local level. Visit the FEC website at www.fec.gov for more information.

Unlimited Committees Prohibited from Contributing to Candidates

Campaign committees are prohibited from receiving contributions from any type of unlimited committee. An "unlimited committee," often referred to as a Super PAC, is a PAC organized for the purpose of making independent expenditures or electioneering communications, not for the purposes of making contributions to campaign committees. Unlimited committees may receive contributions in unlimited amounts and may accept contributions from corporations and labor unions. [Rules 2.2\(20\), 2.35, 2.37](#) and [2.106](#). Accordingly, a county campaign committee is prohibited from receiving contributions from any "unlimited committee".

Federal, State, Municipal or School Board Campaign Committee Contributions Prohibited

A campaign committee cannot accept a contribution from an authorized committee of a candidate for federal office. [Rule 2.30](#). Further a county campaign committee is prohibited from receiving contributions from State, Municipal or School Board campaign committees. Rule 2.37.

Section Summary

- The following may give contributions to a campaign committee (county office):
 - Individuals (18 years or older) → Reported as individuals, not couples.
 - Limited Liability Companies (LLCs) → Reported on an individual basis based on each member's percentage of ownership (no members may be excluded).
 - Partnerships → Treated the same as LLCs.
 - Limited Committees → Reported with Ethics Number, out-of-state registration number or FEC number.
 - County Political Committees → Reported with County assigned number, if one is assigned
 - 1/25 Limited Committees → Reported with Ethics Commission Number, out-of-state registration number or FEC number.
 - County Campaign Committees → Reported with Number assigned by County Election Board (if assigned)
- The following are prohibited from making contributions to campaign committees:
 - Corporations (all types, including for profit, nonprofit, and professional)

- Labor Unions
- Unlimited Political Action Committees (Unlimited Committees)
- Foreign Nationals
- Federal-Level Campaign Committees
- LLCs or Partnerships with Incorporated Members or Partners
- Pre-2015 Campaign Committees
- State, Municipal, or School Board Candidate/Campaign Committee

- See [Appendix I](#) for the Contribution Limits Chart.

X. Special Fund-Raising Events

Joint Candidate Fund-Raising Events

Two or more candidates for county office, except judicial office, may participate in a joint fund-raising event. Each participating candidate must be given approximately equal status in any formal solicitation of contributions, and each participating candidate must pay an equal share of the costs.

In addition, contributions to campaign committees may not be commingled. Each contribution must be made to the individual campaign committee that the contributor supports. [Rule 2.59.](#)

Residence Used for Fund-Raiser

An individual who hosts a fund-raising event for a candidate in his or her residence and uses personal funds in doing so may spend up to \$1,000 before the expenditure is considered an in-kind contribution to the candidate's campaign. In other words, an individual could host such a fund-raising event in his or her home and spend \$1,000 of his/her personal funds on food and refreshments without making a reportable contribution to the candidate. Any personal funds expended above the \$1,000 limit are considered in-kind contributions and are subject to regular limits and reporting requirements.

This \$1,000 exclusion applies no more than once per individual per campaign for a campaign committee, regardless of the number of elections a candidate's name appears on the ballot. [Rule 2.60.](#)

Example 1: Betty hosted a fund-raiser in her residence for Tiffany's campaign. She spent \$1,500 of her personal funds on decorations, food and refreshments. The first \$1,000 is excluded and not reported as a contribution to Tiffany's campaign committee. The \$500 in excess of \$1,000 is considered an in-kind contribution to Tiffany's campaign committee and must be reported as such.

a. Rule Application to Spouses

If a husband and wife each spend personal funds (even if those are combined personal funds of the two), then each individual has a \$1,000 exemption. This rule states that "an individual" may spend personal funds, and the Ethics Rules apply contribution limits to individuals rather than to families. Thus, an exemption under this Rule for an individual would be granted for each individual that participates in the fund-raiser. The Rule requires the fund-raiser to take place in the residence of

the host, and the funds expended must be personal funds. If those conditions are met, then a husband and wife could each spend up to \$1,000 on a fund-raiser in their residence.

This exemption will apply for one fund-raiser for the husband and one fund-raiser for the wife. That exemption may be applied to the same fund-raiser or two separate fund-raisers; however, if both the husband and wife are identified as hosts of the fund-raiser and joint funds are used to pay for the fund-raiser, then they have each used their single event exemption.

Non-Residential Buildings Used for Fund-Raiser

An individual who hosts a fund-raising event for a candidate in an office or other non-residential building and uses personal funds in doing so may spend up to \$1,000 before the expenditure is considered an in-kind contribution. The exclusion may be used one time for a candidate's campaign and may not exceed \$1,000. Any personal funds expended above the \$1,000 limit are considered in-kind contributions subject to regular limits or reporting requirements.

To qualify for the exclusion, the office or other building must be owned by, or exclusively leased or rented by the individual (and not any type of entity) who is receiving the exclusion. Otherwise, use of the space and any other costs associated with the fund-raising event are considered an in-kind contribution by the owner. However, if the campaign committee pays for the costs associated with the fund-raising event, including the fair market value for the use of the space, the payment is considered an expenditure by the campaign committee. This provision does not permit a corporation or labor union to make an in-kind contribution that is otherwise prohibited. [Rule 2.61.](#)

Example 1: John Smith wants to host a fund-raiser for Jane, a candidate for county office, at his commercial office space that he owns personally. In this case, John Smith could host the fund-raiser at no cost to Jane's campaign committee at his commercial office space. Also, John Smith could spend up to \$1,000 of his personal funds for this fund-raising event without it being considered a contribution, but any amount over the \$1,000 would be considered an in-kind contribution to Jane's campaign committee.

Example 2: Same facts as Example 1 except that the commercial office space is actually owned by John Smith, Inc. Jane's campaign committee would be required to pay John Smith, Inc. fair market value to rent the space for a fund-raiser in order to avoid receiving a prohibited corporate in-kind contribution. John, in this instance, would not be able to use the \$1,000 exemption because the office space is not owned by him individually; instead, it is owned by John Smith, Inc.

Golf Fund-Raising Events

A campaign committee may use golf events for fund-raising purposes. Any goods or services donated to a golf fund-raising event are considered in-kind contributions to the committee based on the fair market value of the goods or services. Any fee paid to participate in the event is a monetary contribution. No goods or services may be donated or fees paid by a corporation or labor union. Any discount on use of the course will be a contribution to the committee, unless the same discount is available to all others who hold golf fund-raising events. [Rule 2.62.](#)

Example 1: John’s county campaign committee hosts a golf tournament to fund-raise for his campaign and offers the opportunity to “sponsor” a hole. Sponsorship includes posting a sign at the sponsored hole. XYZ Corporation sends a \$1,000 check to sponsor the 18th hole. John’s campaign committee must return the check because it is a prohibited contribution from a corporation.

Example 2: John’s county campaign committee is hosting a golf tournament to fund-raise for his campaign. Individual green fees are \$100 each or \$350 for a foursome. XYZ, Inc. sends in a check for \$350 so four of its employees may participate in the tournament. John’s campaign committee must return the check because it is a prohibited corporate contribution.

Fund-Raising Auctions & Sales

A candidate may use auctions for fund-raising purposes. Any goods or services donated to such an event are in-kind contributions to the campaign committee based on their fair market value. Any money paid for goods or services at such an event are monetary contributions. No goods or services may be donated nor purchased by a corporation or labor union. [Rule 2.63.](#)

When a campaign committee sells goods or services, every sale is a contribution to the committee. The committee must receive the same contributor information, as with any other contribution received, in order to ensure proper reporting. All purchases count toward contribution limits. Also, when a campaign committee sells goods or services, such activities are subject to applicable licenses and taxes provided by law. [Rule 2.64.](#)

Example 1: Sarah’s county campaign committee is hosting an auction to raise funds and is accepting items from the surrounding community to auction. Sarah’s campaign committee receives a gift certificate for the auction from Sleep Well Bed and Breakfast, Inc. Sarah’s campaign committee must return the gift certificate because it is a prohibited corporate contribution.

Example 2: Sarah’s county campaign committee is hosting an auction to raise funds and is accepting items from the surrounding community to auction. Sarah received a painting from Randy, which is valued at \$200, to be auctioned off at Sara’s fund-raiser event. Melanie won the bid for the painting and paid \$300. Sarah will report this in the Report of Contributions and Expenditures as (1) a \$200 in-kind contribution from Randy and (2) a \$300 monetary contribution from Melanie.

Example 3: Sarah Smith is selling T-shirts to raise funds for her campaign. She purchased the T-shirts for \$10 and is selling them for \$20. Constance purchases a t-shirt from Sarah’s campaign committee. Sara Smith will report this as a \$20 contribution from Constance and a campaign expense of \$10 for the T-shirt.

Section Summary

- Special rules on certain fund-raising events:
 - **Residence used for fund-raiser:** Once per campaign committee, a contributor that hosts a fundraising event for a candidate in their residence receives a \$1,000 exclusion (not reportable or included in contribution limits) if the contributor's personal funds are used for the event. Expenditures in excess of the \$1,000 are in-kind contributions.
 - **Non-residence used for fund-raiser:** Once per campaign committee, a contributor that hosts a fundraising event for a candidate in a building the contributor personally owns or exclusively leases receives a \$1,000 exclusion (not reportable or included in contribution limits) if the contributor's personal funds are used for the event. Expenditures in excess of the \$1,000 are in-kind contributions.
 - **Golf-tournament:** Funds or free or discounted goods, and/or services given for the event are contributions to the committee and count toward each contributor's contribution limit.
 - **Auction:** Any items donated to the auction and any funds received due to the auctioned items are contributions to the campaign committee and count toward each contributor's contribution limit.
 - **Sale:** Any item donated to be sold for a campaign fund-raising event is an in-kind contribution. Funds received from an item purchased at the sale to fund-raise for the campaign is deposited in the campaign account and reported as a monetary contribution. Candidates and their committees are responsible for knowing any other applicable laws, including permit and licensing requirements.
 - **Corporations and labor unions** may not contribute goods or services to fundraisers.

XI. Loans

Permissible Loans

Candidates may receive loans from three sources:

1. A Commercial Financial Institution
2. A Non-Commercial Financial Institution (Person or Entity)
3. The Candidate (Self)

[Rules 2.38](#), [2.65](#), [2.66](#), and [2.67](#).

a. Loans by Commercial Financial Institutions

A campaign committee may receive a loan from a commercial financial institution. A loan from this entity is not considered a contribution if (1) the entity normally engages in the business of making loans, (2) the loan is made in the regular course of business, and (3) the loan is made on the same terms as are ordinarily made available to the public. [Rule 2.65](#).

b. Loans by Non-Commercial Financial Institutions Are Considered Contributions

A loan by a person or entity, other than a commercial financial institution, to a campaign committee is a contribution from the lender, guarantor or endorser in the amount of the balance of the loan that has not been repaid, and the individual contribution limits apply.

The portion of the loan that is paid by the Committee will no longer be considered a contribution to the campaign. Any remaining unpaid balance of the loan, however, will remain a contribution. [Rule 2.67](#).

Example 1: Mike is a candidate for county office. Aaron wants to support Mike's campaign by providing Mike's committee with a loan. Because Mike's name is on the ballot in the primary and the general elections, Aaron can provide a loan of up to \$2,800 before the primary and another loan of up to \$2,800 before the general election. However, if Aaron provides the maximum contribution limits for both elections by providing these loans, Aaron will not be able to provide any other type of contribution to Mike's campaign, such as a monetary contribution or an in-kind contribution.

c. Candidates May Make Unlimited Loans to Their Own Campaign Committee

Because a candidate may make an unlimited amount of contributions to his or her own campaign, a candidate may also make an unlimited amount of loans to his or her campaign committee. The loan must come from his or her personal funds or from joint funds of the candidate and the candidate's spouse. However, in order for a candidate to be repaid the loan, the candidate must follow the three-step loan process discussed in subpart (C)(i) below. [Rule 2.67](#).

i. Required Three-Step Process: (1) Funds Deposited in Campaign Depository; (2) Documentation of Loan Terms Made Contemporaneously; and (3) Report Loan from Candidate to Committee on Their Report of Contributions and Expenditures

When a candidate makes a loan to his or her committee, the terms of the loan must be in writing in a document executed contemporaneously (i.e., at the same time) with the transfer of funds into the campaign committee's depository. The document must be signed and dated by all parties involved. The loan from the candidate must also be indicated on the candidate's Report of Contributions and Expenditures. Such a loan may be repaid from contributions received by the campaign committee, but the campaign committee shall not be permitted to pay any interest on the loan.

Loans are not made and cannot be repaid from committee funds when:

1. A loan document was not made and signed at the time of the loan; or
2. Funds were not deposited into the committee account. However, any personal funds spent by the candidate may be reimbursed under the 90 day reimbursement rule. See [section XIV](#) on reimbursements.

Example 1: Tom is a candidate for county office. He is the only officer in his committee. Tom wants to loan his campaign \$200. Tom makes a document that states the terms of the agreement. He signs and dates the document as the candidate

(lender) and as the committee Treasurer (payor). He then puts \$200 of his personal funds into the campaign committee depository (i.e., committee account). He also files a Report of Contributions and Expenditures and indicates on the report that he, as the candidate, made a personal loan to his campaign committee. Tom has appropriately performed the three-step loan process and will be able to pay back the loan with committee funds according to the terms of the loan.

Example 2: Same example, except Tom is the candidate and Chair and Jane is the Treasurer. The difference in this example from the previous one is that the document Tom created with the loan terms needs to be dated and signed by Tom, the candidate, and Jane, the Treasurer.

Example 3: Tom is a candidate for county office. He is the only officer in the committee. He purchases \$200 worth of materials with his personal funds for campaign signs. He later makes, signs, and dates a document with the terms of the \$200 loan to his campaign committee. He also files a Report of Contributions and Expenditures and indicates on the report that he, as the candidate, made a personal loan to his campaign committee. Tom has not made a loan to the campaign committee because he did not deposit his personal funds into the campaign committee's account prior to making the expenditures. He may, however, reimburse himself the \$200 with committee funds within 90 days of the original expenditure.

ii. What Can a Candidate Do If He or She Did Not Follow the Loan Process and Spent Personal Funds

A candidate who does not follow the three-step loan process can only be reimbursed with campaign funds for expenses the candidate made with personal funds through the reimbursement rule. See [section XIV](#) on reimbursements.

Prohibited Loans

A campaign committee may not make a loan to or receive a loan from a Political Action Committee. Also, a campaign committee may not make a loan to another campaign committee. [Rule 2.66](#).

Section Summary

- A campaign committee may receive a loan from (1) a commercial financial institution, (2) a non-commercial financial institution, or (3) the candidate.
- A loan from a non-commercial financial institution, such as a third-party individual, is considered a contribution and is subject to contribution limits.
- A campaign committee may receive an unlimited amount of loans from the candidate himself/herself provided the following steps occur: (1) the funds are deposited in the campaign depository; (2) a written loan document is created and signed by the candidate (lender) and committee (payor) contemporaneously with the loan; and (3) the loan is reported on the appropriate Report of Contributions and Expenditures.

XII. Understanding Expenditures

What is an Expenditure

An expenditure is a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee, deposit or gift made by the campaign committee. [Rule 2.2\(8\)](#).

Personal Use of Campaign Funds Prohibited

Contributions accepted by a campaign committee may not be converted by any person to personal use. “Personal use” includes any use of funds to fulfill a commitment, obligation or expense of any person that would exist irrespective of a candidate’s campaign or responsibilities as a holder of a county elective office.

Personal use by a candidate includes, but is not limited to, food purchased for daily consumption in the candidate’s home or supplies needed to maintain the household; clothing (excluding campaign clothing of low monetary value such as T-shirts or caps); dry cleaning; shoes; mortgage, rent or utility payments for the candidate’s personal residence, even if part of the residence is being used for the campaign; use of a motor vehicle for non-campaign purposes or non-officeholder expenses; interest on a loan made by the candidate or the candidate’s spouse to the campaign; costs of a vacation or other trip not related to the campaign or officeholder expenses; admission to athletic events, concerts, theater or other forms of entertainment (except for events that are part of the campaign); dues in country clubs, health clubs, recreational facilities or other nonpolitical organizations and earnings from investments of contributions other than as permitted by the Ethics Rules. These examples are intended to be illustrative, not exhaustive.

Again, if the expense would exist regardless of whether the candidate is running for office, then the expense is a personal expense, which cannot be paid with campaign funds. [Rule 2.39](#).

General Rules for Making Expenditures

Contributions to a campaign committee may be used to make expenditures for the following occurrences:

1. Ordinary and necessary campaign expenses;
2. Operating expenses of the committee;
3. Contributions to another campaign committee (i.e., another candidate for county office);
4. Modest campaign-related items in recognition of volunteers and contributors;
5. Officeholder expenses;
6. Reimbursements (see [section XIV](#)); or
7. Other purposes not otherwise prohibited by law or the Ethics Rules. [Rule 2.2\(8\)](#) and [2.43](#).

a. Ordinary and Necessary Campaign Expenses (Expenditures Due to the Campaign)

“Ordinary and necessary campaign expenses” are expenses that would not exist *but for the candidate’s campaign*. Examples include, but are not limited to, Ethics Commission or County Election Board filing fees, staff salaries, campaign consulting fees, rent (other than for the candidate’s residence or part of a residence), travel, advertising, telephones, office supplies and equipment, fundraising, individual memberships in political organizations, individual

memberships in civic or charitable organizations, legal fees for the campaign, payment for campaign accounting or bookkeeping services or campaign finance reporting services and repayment of the principal and interest on a loan as permitted under the Ethics Rules. The examples are intended to be illustrative, not exhaustive. [Rule 2.43.](#)

If the candidate would have the expense regardless of whether they were running for office, it is not a campaign expenditure but a personal expense, which is prohibited. See the prior subsection titled “Personal Use of Campaign Funds Prohibited.”

Expenditures for campaign advertising may require a disclosure. For more information on campaign advertisement disclosures, see [section XIII. Rule 2.39.](#)

b. Expenditures Made to Family Members as Staff Members of Campaign

Expenditures made by a campaign committee to a family member for services provided to the campaign may be no more than customary compensation for such services. [Rule 2.43.](#)

c. Contributions to Another County Campaign Committee

A campaign committee may make a contribution to another campaign committee so long as both the giving and receiving committees are at the same level of elective office. For instance, a county campaign committee may provide a contribution to another county campaign committee, but not a state, municipal, or school board campaign committee. [Rule 2.37\(F\).](#)

Contribution limits for campaign committees are set in odd numbered years for the upcoming regular election cycle. [Rule 2.37.](#) The contribution limit is per campaign limit not a per election limit. The limit applies regardless of the number of elections in which the recipient candidate’s name appears on the ballot. [Rule 2.37\(F\).](#) Campaign committees formed for the 2020 election cycle may give other 2020 campaign committees up to \$2,800 in total.

Contribution limits apply to both the giving and receiving committees. When the giving and receiving campaign, committees were formed for different election years, they may be subject to different contribution limits. **The lesser contribution limit of the two will be the contribution limit that applies.** Refer to the chart below. [Rule 2.37\(F\).](#)

Campaign Committee Contribution Limits by Election				
2015	2016	2017	2018	2020
\$2,700	\$2,700	\$2,700	\$2,700	\$2,800

Example: Campaign committee A is a 2016 campaign committee subject to a \$2,700 limit. Campaign committee B is a 2020 campaign committee subject to a \$2,800 limit. If campaign committee A gives a contribution to campaign committee B, then it is limited to giving a maximum of \$2,700 for the entire campaign.

d. Modest Items Related to the Campaign May Be Given in Recognition of Contributions and Volunteers

A campaign committee may provide campaign-related goods, such as coffee mugs, t-shirts, caps and similar items of modest value, free of charge to volunteers or contributors to a campaign committee. These items must be (1) campaign related (e.g., item with a campaign logo, campaign committee name, etc.), (2) of modest value, and (3) provided to a volunteer or contributor. Expenditures for such items are considered as campaign expenditures by the campaign committee. [Rule 2.64](#).

Criminal laws, not Ethics Rules, are implicated when providing goods or anything of value, other than those provided in [Rule 2.64](#). These laws are enforced by the Attorney General's or the District Attorney's office, and not by the Ethics Commission.

e. Contributions May Be Used to Pay Certain Officeholder Expenses (Expenditures Once Elected)

Contributions to a campaign committee of a candidate who is elected to office for which the contributions were accepted may be used to make expenditures for officeholder expenses. Officeholder expenses are expenses incurred as a result of the candidate's *election to county office*, not expenses due to the candidate's campaign. These expenses are reported to the Commission as "officeholder expenses." An officeholder who receives payment from the county for an office related expense may not claim that expense as an officeholder expense on campaign reports.

Such expenses may be paid until expiration of the term, resignation or other vacation of the office. Contributions received for a campaign for one office cannot be used for officeholder expenses of a different office.

If officeholder expenses are ordinary and necessary expenses incurred in connection with a candidate's duties as the holder of a county elective office, provided that the expenses are not otherwise reimbursed or paid for by the county. Officeholder expenses are those that would not exist but for the fact that the candidate was elected to and holds county elective office. These expenses are unique to holding an office, not to the person holding the office. [Rules 2.44](#) and [2.2\(14\)](#).

f. Reimbursements

There are times when campaign funds can be used to reimburse certain individuals. See [section XIV](#) for more information on reimbursements.

g. Funds Transferred to New Committee and Officeholder Expenses

When an officeholder dissolves one county campaign committee and contemporaneously files a Statement of Organization for a different county campaign committee prior to the expiration of the term for which he or she was elected and transfers funds from the first committee to the second committee, the officeholder may pay officeholder expenses until the expiration of the term in an amount not to exceed the amount transferred. Remember, county campaigns can only transfer surplus funds to another county campaign; county campaigns cannot transfer to federal, state, municipal or school board campaigns.

Section Summary

- The following are the types of expenditures that a campaign committee may make:
 - Ordinary and Necessary Campaign Expenses
 - Operating Expenses
 - Contributions to Other County Candidates
 - Officeholder Expenses (only for those holding office)
 - Modest Items Related to the Campaign to Recognize Contributors and Volunteers
 - Reimbursements (see [section XIV](#))
 - Other purposes not otherwise prohibited by law or the Ethics Rules
- Prohibited expenditures
 - Personal expenses that would exist regardless of whether a candidate is running for office or holding office
 - Expenses paid for or reimbursed by the state

XIII. Disclosure Requirements for Campaign Advertising

Electronic Communications Disclosure Requirements

Whenever a campaign committee makes an expenditure for the purpose of communicating through any Internet advertising, or video, radio, television, cable or satellite broadcast, the communication shall state the following language exactly either orally or in writing: **“Authorized and paid for by [NAME OF COMMITTEE].”** The name of the committee includes the election year. If the disclosure is in writing, it must be of sufficient size and contrast to be clearly readable by the recipient of the communication. [Rule 2.55](#).

Printed Communications Disclosure Requirements

Whenever a campaign committee makes an expenditure for the purpose of communicating through any Internet advertising, or direct mail, magazine advertisement, newspaper advertisement or other printed materials, the communication shall state the following language exactly as shown: **“Authorized and paid for by [NAME OF COMMITTEE].”** The name of the committee includes the election year.

Large campaign signs (larger than 18” X 24”), banners and other campaign materials capable of reuse are required to have the same disclosure, but are not required to include the election year in the disclosure.

The disclosure must be of sufficient size and contrast to be clearly readable by the recipient of the communication. [Rule 2.56](#).

Disclosure Not Required for Certain Items

No disclosure is required for items where inclusion of a disclaimer would be impractical, such as non-commercial yard signs, bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements where inclusion of a disclaimer would be impractical. However, the disclosure is required for banners and large campaign signs (i.e., larger than 18” X 24”). [Rule 2.56](#). One caveat,

is that for items capable of re-use in future campaigns, the year of the election is not required to be a part of the disclosure language.

XIV. Reimbursements

Reimbursements to Individuals Other than the Candidate and Consultant on Behalf of the Committee

Individuals, other than the candidate and political consultants, may make an expenditure for the campaign be reimbursed by the campaign committee. However, the expenditure should be reported by indicating the ultimate vendor or recipient of the funds and providing a specific description of the reimbursement. [Rule 2.2\(8\)](#) and [2.106\(B\)\(6\)](#).

Example: Maria is a candidate for county office. Her campaign committee staff member, Clay, used \$200 of his personal funds to purchase materials for campaign signs at ABC Hardware, Inc. Maria's campaign committee can reimburse Clay the \$200. The campaign must report Clay's expenditure and reimbursement on the appropriate Contributions and Expenditures Reports. Maria's campaign committee must report this as a \$200 expenditure to ABC Hardware, Inc. for campaign signs, and note in the expenditure description that this is a reimbursement to Clay. The committee must maintain Clay's receipt as a committee document.

Reimbursements to the Candidate (90 Day Reimbursement Rule)

There is only one way in which a candidate may be reimbursed under the Ethics Rules. If a candidate does not follow the specific requirements under the reimbursement Rules, then the candidate cannot be reimbursed.

It is important to note that a reimbursement to a candidate is different than a loan payment to a candidate who made an appropriate loan. See the [section XI](#) on loans. Reimbursements to a candidate must be made within 90 days of the original expense. [Rule 2.38](#) and [2.43](#).

a. Candidate Reimbursements Must be Made Within 90 Days

A candidate who makes an expenditure on behalf of his or her campaign committee with his or her personal funds may be reimbursed those funds with campaign committee funds within 90 days of the original expenditure. The committee must report the reimbursement in the Report of Contributions and Expenditures. The committee Treasurer must **maintain receipts and other documents** showing the purchase by the candidate—including the date, vendor, and description of items purchased on behalf of the committee—and the reimbursement to the candidate.

If the candidate is not reimbursed within those 90 days, the candidate cannot be reimbursed; instead the funds will be considered a monetary contribution from the candidate to the campaign committee and an expenditure to the recipient of those funds or simply an in-kind contribution from the candidate.

Note that this is different than a loan payment to a candidate from the campaign committee. The only way a candidate can receive a loan repayment from committee funds is if the candidate

appropriately followed the three-step process of making a loan (see [section XI](#) on loans). For instance, one of the requirements for the loan process includes the candidate putting his or her own funds in the campaign depository prior to expending those funds. This means that loan repayments are not applicable to situations where a candidate spends personal funds for the campaign without first putting those funds in the campaign depository; however, the 90-day reimbursement rule is applicable to such situation. [Rule 2.43.](#)

Example: Matt, a candidate for county office, spent \$500 of his personal funds for campaign signs without putting the funds in the campaign depository. The expenditure was made on January 1, 2020. If Matt wants to be reimbursed, he must do so no later than March 31, 2020. If Matt fails to seek reimbursement by March 31, 2020, he cannot be reimbursed by committee funds. Matt is also unable to claim a \$500 loan because he did not follow the three-step loan process, which requires his personal funds to be deposited in the campaign depository before the funds are spent and the contemporaneous execution of a loan document.

b. Travel Reimbursement

All reimbursements to a candidate must be made within 90 days of the original expense. Consequently, all travel reimbursements made to the candidate from committee funds must be made within 90 days of the original expense; otherwise, the candidate cannot be reimbursed. [Rule 2.43.](#)

Reporting Reimbursements

Candidate reimbursements require the campaign committee to report two entries in schedule E (General Expenditures):

1. **In-kind Expenditure (category of expenditure)** - to the original vendor (entity receiving expenditure) with a specific description, indicating the product or services rendered in relation to the committee and the candidate's personal payment for the item. Do not count the in-kind expenditure toward your total expenditures in the reporting period total or aggregate total. Only monetary expenditures count toward the expenditure totals.
2. **Entry 2 Expenditure** – List as a candidate reimbursement (category of expenditure) with a specific description that ties it to the in-kind expenditure entry. The description needs to indicate at least the original expenditure and date of the original expenditure.

NOTE: These two entries may or may not appear on the same report. Entry number 1 is recorded on the date the expenditure to the vendor is made, and entry number 2 is recorded on the date that the candidate was reimbursed with committee funds.

Calculation of Travel Expense

a. Calculating Expenses for Motor Vehicle Travel

Calculating travel expenses for use of a motor vehicle is determined by the factual circumstances in which the motor vehicle is used.

b. Use of Personal Vehicle for Campaign Purposes

If a motor vehicle is used for campaign purposes or officeholder expenses and for any other purpose—including personal use—the campaign committee may make expenditures only **for mileage reimbursement** for campaign or officeholder mileage at the rate authorized for the use of privately owned motor vehicles under the State Travel Reimbursement Act or less. In other words, a candidate, volunteer, campaign staff member, etc. can be reimbursed mileage from committee funds. Campaign committee funds cannot be used to purchase fuel, maintenance, or similar services for the vehicle. Gasoline should never be purchased with a campaign debit card, campaign credit card, or any other campaign funds when there is mixed use of a vehicle. Further, campaign committee funds may only be used to reimburse mileage at the applicable mileage rate for mileage not otherwise reimbursed.

When such a situation occurs where the vehicle use is mixed between personal use and campaign use, the mileage reimbursement includes all operating costs, including gasoline and repairs. Thus, campaign funds cannot be used for repairs to a motor vehicle (except as the repairs are included in the mileage reimbursement).

The mileage rate for the mileage reimbursement is determined by the State Travel Reimbursement Act. This rate may not be the rate set by the Internal Revenue Service (IRS). Campaign committees should review the applicable rate regularly to ensure the appropriate reimbursement rate is used. **The 2020 mileage reimbursement rate is \$0.575/mile.**

All mileage reimbursements must be made within 90 days of the original expenditure (i.e., the travel). All committee expenditures for mileage reimbursement must be reported with a specific description, including but not limited to, the **number of miles and the mileage rate** used to determine the reimbursement value. A mileage log or other documentation must be kept that shows the reimbursement is for campaign or office holder expenses. [Rules 2.45\(B\), 2.43](#) and [2.106](#).

c. Rental of Motor Vehicle for Campaign Purposes

Expenditures for the rental of a motor vehicle or for fares of taxicabs, buses or similar modes of transportation may be made at the actual cost of the rental or fare, provided the rental or fare is at the rate normally charged for others. [Rule 2.45\(C\)](#).

d. Purchase or Lease of a Motor Vehicle for Campaign Purposes

If campaign contributions are used for the purchase or lease of a motor vehicle, the motor vehicle must be purchased or leased from a dealer licensed by the Oklahoma Motor Vehicle Commission or the Oklahoma Used Motor Vehicle and Parts Commission on commercially reasonable terms. The vehicle cannot be purchased from the candidate or a family member of the candidate. When the committee is dissolving, the vehicle must be sold to a licensed dealer; the vehicle may not be purchased by the campaign committee, the candidate or family member of the candidate.

All expenses associated with the purchase or lease and operation of a motor vehicle may be paid with contributions to a campaign committee only if the motor vehicle is used exclusively for campaign purposes or for ordinary and necessary expenses incurred in connection with the

candidate's duties as the holder of an elective county office. This provision is not effective if the motor vehicle is used for any other purpose, including but not limited to personal use. [Rule 2.45\(A\)](#).

e. Calculating Expenses for Air Travel

Calculating expenses for air travel is determined by the factual circumstances of the air travel.

Travel on an air carrier is calculated at the actual cost of the fare. If air travel is first class, business class or equivalent class, the expenditure is calculated at the cost of any lower fare available on the same flight.

Air travel on an aircraft operated by a commercial carrier is calculated based on the usual charter fare or rental charge.

Air travel on an aircraft operated by a private individual is calculated based on the usual charter fare or rental charge of a commercial carrier.

Air travel on an aircraft operated by the candidate or a family member of the candidate is calculated as a contribution by the candidate to the campaign, based on the usual charter fare or rental charge of a commercial carrier, unless the aircraft is rented, in which case the cost is calculated as the rental charge. [Rule 2.45\(D\)-\(G\)](#).

Section Summary

- Candidates may be reimbursed with campaign committee funds when he or she spends personal funds on his or her own campaign if the reimbursement takes place within 90 days of the original expense.
- The candidate 90-day reimbursement rule applies to all candidate reimbursements, including mileage and other travel reimbursements. Mileage reimbursements must be reported with the mileage amount and rate used to calculate the mileage reimbursement.
- **No gas may be purchased using campaign committee funds** for a personal vehicle.

XV. Reports of Contributions and Expenditures

Obligation to File Reports of Contributions & Expenditures

Once a campaign committee has filed a Statement of Organization with the County Election Board, the committee is required to make periodic Reports of Contributions and Expenditures until the committee is dissolved in accordance with the Ethics Rules and a Final Report of Contributions and Expenditures is filed. Again, all county candidate reports are filed with the County Election Board, not with the Oklahoma Ethics Commission. [Rule 2.100](#) and [2.101](#).

a. Special Requirements for Judicial Candidates

Candidates for elective judicial offices, including judicial offices subject to retention, are subject to the Ethics Rules. However, under the Code of Judicial Conduct, 5 O.S. Ch. 1, App. 4, [Rule 4.4\(A\)](#), the judicial candidate is responsible for ensuring that his or her campaign committee

complies with the Ethics Rules and with other provisions of the Code of Judicial Conduct. Judicial candidates are not required to file Reports of Contributions and Expenditures when they are prohibited from soliciting or accepting contributions (60 days after their last election). However, once judicial candidates can solicit and accept contributions for an election, they are required to file Reports of Contributions and Expenditures. [Rule 2.100](#).

Contents of Reports of Contributions and Expenditures

Reports of Contributions and Expenditures include information on all receipts, including monetary contributions, in-kind contributions, refunds or returns, and other receipts and information on all expenditures.

Reports of Contributions and Expenditures require significant detail. For example, Reports of Contributions and Expenditures include, but are not limited to, the following

The **name, address, occupation and employer of any individual making a contribution or contributions regardless of the amount of the contribution**, the date and amount of any monetary or in-kind contributions made during the time period covered by the Report and the aggregate total of all contributions accepted from one person;

The name and Ethics Commission identification number of a PAC, political party committee or campaign committee making a contribution or contributions, the date and amount of any monetary or in-kind contributions made during the time period covered by the report and the aggregate total of all contributions accepted from a PAC, county political committee, political party committee or campaign committee

The total of all contributions made during the time period covered by the Report;

Information on all loans made to the committee or repaid by the committee; and

The name and address of any person or entity to whom an expenditure was made during the time period covered by the Report, a description of the goods or services purchased, and the aggregate total of all expenditures made to the person or entity. [Rules 2.17](#) and [2.106](#).

The Executive Director is authorized to require additional information on the Reports of Contributions and Expenditures. [Rule 2.93](#).

a. Maintain Records for Four Years

It is imperative that the Committee, primarily the Treasurer, keep detailed and accurate records of all campaign committee transactions to ensure that the Treasurer has the information necessary to correctly account for all the receipts and expenditures of the committee. Sometimes this responsibility goes beyond merely recording gross expenditures. For example, expenditures made by political consultants or other third parties on behalf of the candidate must be reported as if the expenditures had been made directly by the campaign committee. That makes it necessary to identify all of the expenditures made by such persons on behalf of the committee so the expenditures are properly reported. Another example of necessary detail that goes beyond the surface of the transaction is the reporting of contributions from eligible Limited Liability Companies (LLCs) and partnerships. Although the campaign committee may receive a contribution from an LLC or a partnership, the contributions must be reported as if the

contributions were made by the members or partners, respectively, as individuals. To accurately report the committee's activities, the Treasurer often will have to get details not apparent on the face of a contribution or expenditure and keep careful records in order to make the Report of Contributions and Expenditures. [Rule 2.106.](#)

Where to File Reports: County Election Board

All Reports of Contributions and Expenditures must be filed with the **County Election Board**, not the Oklahoma Ethics Commission. Access the Ethics forms on the Ethics Commission website at www.ethics.ok.gov under the "Campaign" tab, "Local Campaign" link. [19 O.S. §§ 138.14](#) and [138.15.](#)

When Reports are Due

All reports due to the County Election Board must be submitted on the date specified (i.e., due date) by 4:30 p.m. in order to be considered timely filed. When the day that a document is required to be filed falls on a day other than a business day, that document is timely filed if filed on the next succeeding business day.

Report due dates depend upon when a candidate registers or is required to register and whether the filing period occurs during an election year. See the filing dates section for more information. [Rule 1.4.](#)

a. Filing Schedule Information on Ethics Website

Information on filing schedules is provided on the Ethics Commission's website at www.ethics.ok.gov under the "Campaign" tab, "Local Campaign" link.

b. Periods Covered and Filing Periods

When reviewing the reporting schedules, there are dates indicating the "period covered" and "filing period." Period covered indicates the time period that the committee needs to account for funds coming into and leaving the committee in the Report of Contributions and Expenditures. Whereas, the filing period indicates the dates in which the report can be filed with the County Election Board. A report cannot be filed before the filing period begins, and any reports filed after the filing period ends are considered late.

c. Filing the First Report

The first Report of Contributions and Expenditures by a campaign committee shall be filed at the same time as required for the quarterly or pre-election Report of Contributions and Expenditures that includes the time period in which the Statement of Organization was, or should have been, filed. The Report covers the period beginning on the date of the first contribution or expenditure and ending on the same ending date for the quarterly or pre-election period. [Rule 2.103.](#)

Regularly Scheduled Elections—Quarterly Reports Required in Non-Election Years (Does Not Include Special Elections)

Committees are formed for specific elections. For years other than the year of elections for which a committee is formed, Reports of Contributions and Expenditures by campaign committees are made on a quarterly basis.

Example: Candidate Smith forms a committee for the 2020 elections called “Smith for County Commissioner 2020.” Candidate Smith’s committee will file quarterly reports in the years other than 2020, including 2022 which is an election year (unless the committee is dissolved before that time). These reporting dates apply to regularly scheduled elections, not special elections to fill a vacancy.

The reporting dates and time periods covered in a calendar year that is not an election year are as follows:

QUARTERLY REPORTING PERIOD		
Filing Dates	Period Covered	Type of Report Due
April 1 – 30	Jan. 1 – March 31	1 st Quarter Report
July 1 – July 31	April 1 – June 30	2 nd Quarter Report
Oct. 1 – 31	July 1 – Sept. 30	3 rd Quarter Report
Jan. 1 – 31	Oct. 1 – Dec. 31	4 th Quarter Report

*Access the reporting calendars under the “Local Campaigns” link and “County” page on the Ethics Commission website.

Quarterly reports due in January, April, July or October cannot be filed early, unless the campaign committee is dissolving and filing a Final Report of Contributions and Expenditures.

Judicial candidates are not required to file Reports of Contributions or Expenditures beginning 60 days after his/her last election in accordance with the Judicial Code of Conduct. The Code prohibits soliciting and accepting contributions more than 60 days after the election in which the candidate participated. [5 O.S. § 4.4\(B\)\(2\)](#). Once the judicial candidate can solicit and accept contributions under the Code of Judicial Conduct, then they are required to file Reports of Contributions or Expenditures. [Rule 2.100](#).

Election Year Reporting:—Quarterly and Pre-Election Reports Required

In the year of a regular election for which the committee was formed, campaign committees will follow a filing schedule that is based on the dates of the primary, runoff, and general elections. All committees participating in the election year will file pre-election reports *regardless of whether the candidate’s name appears on a ballot(s)*.

Quarterly reporting until the 1st Quarter of the Election year has concluded, then election based reporting begins and continues through the end of the year.

The reporting dates and time periods covered are as follows:

REPORTS DUE BETWEEN	PERIOD COVERED	TYPE OF REPORT DUE
April 1 – April 30, 2019	January 1 – March 31, 2019	1st Quarter Contributions and Expenditures
July 1 – July 31, 2019	April 1 – June 30, 2019	2nd Quarter Contributions and Expenditures
October 1 – October 31, 2019	July 1 – September 30, 2019	3rd Quarter Contributions and Expenditures
January 1 – January 31, 2020	October 1 – December 31, 2019	4th Quarter Contributions and Expenditures
April 1 – April 30, 2020	January 1 – March 31, 2020	1st Quarter Contributions and Expenditures
PRE-PRIMARY ELECTION REPORTING		
June 16 – June 22, 2020	April 1 – June 15, 2020	Pre-Primary Election Contributions and Expenditures
Within 24 hours of accepting in excess of \$1,000 in the aggregate from a contributor	June 16 – June 28, 2020	Continuing Report of Contributions (CRC)
JUNE 30, 2020 - PRIMARY ELECTION		
PRE-RUNOFF PRIMARY ELECTION REPORTING		
August 11 – August 17, 2020	June 16 – August 10, 2020	Pre-Runoff Primary Election Contributions and Expenditures
Within 24 hours of accepting in excess of \$1,000 in the aggregate from a contributor	August 11 – August 23, 2020	Continuing Report of Contributions (CRC)
AUGUST 25, 2020 - RUNOFF PRIMARY ELECTION		
PRE-GENERAL ELECTION REPORTING		
October 20 – October 26, 2020	August 11 – October 19, 2020	Pre-General Primary Election Contributions and Expenditures
Within 24 hours of accepting in excess of \$1,000 in the aggregate from a contributor	October 20 – November 1, 2020	Continuing Report of Contributions (CRC)
NOVEMBER 3, 2020 - GENERAL ELECTION		
January 1 – January 31, 2021	October 20 – December 31, 2020	Post-General Partial Quarter Contributions and Expenditures
QUARTERLY REPORTING UNTIL DISSOLVED		
<i>Quarterly reports are required until the committee is dissolved in accordance with the Ethics Rules and a final report is filed.</i>		
REPORTS DUE BETWEEN	PERIOD COVERED	TYPE OF REPORT DUE
April 1 – April 30, 20XX	January 1 – March 31, 20XX	1st Quarter Contributions and Expenditures
July 1 – July 31, 20XX	April 1 – June 30, 20XX	2nd Quarter Contributions and Expenditures
October 1 – October 31, 20XX	July 1 – September 30, 20XX	3rd Quarter Contributions and Expenditures
January 1 – January 31, 20XX	October 1 – December 31, 20XX	4th Quarter Contributions and Expenditures

[Rule 2.101.](#)

Example 1: Candidate X forms a 2020 committee in December of 2019. Candidate X will need to file a 4th Quarter Report in January of 2020 that covers Oct. 1 – Dec. 31, 2019. In April of 2020, Candidate X will file a 1st Quarter Contributions and Expenditures Report. The candidate will continue to follow the election year reporting schedule.

Example 2: Candidate Y forms a 2020 committee in January of 2020. Candidate Y will need to file a 1st Quarter Contributions and Expenditures Report in April of 2020. The candidate will continue to follow the election year reporting schedule.

d. All Candidates Must File Pre-Election Reports

All candidates must file pre-election reports, regardless of whether their name appears on the ballot at a particular election. [Rule 2.101](#). Reports Due During the Two Weeks Before an Election: Continuing Report of Contributions

A campaign committee is required to file a 24-Hour Continuing Reports of Contributions (“CRC”) for certain contributions received after the close of the pre-election reporting period until the last two days before the election. Stated differently, during the **two-week period before an election**, a campaign committee is required to file a CRC if the committee receives a contribution that exceeds \$1,000 in the aggregate from one source. Note that the contribution must exceed \$1,000 in the aggregate. If a contribution or contributions in the aggregate only amounts to \$1,000, then a CRC will not be required. It is also important to remember that **contributions include monetary contributions, in-kind contributions, loans to the campaign committee from a non-commercial financial institution, and loans from the candidate to his or her own campaign committee.**

These Reports are due **within 24 hours after the contribution is accepted**. In this case, “accepted” means that the monetary contribution has been placed in the campaign depository or that an in-kind contribution has been used in the campaign.

The Report must identify the name, address, occupation and employer of the contributor making a contribution, the amount of the contribution, and the date it was deposited.

If a candidate’s name does not appear on the ballot at the next election, that candidate’s committee is not required to file Continuing Reports of Contributions. [Rule 2.102](#).

Example 1: Candidate John is in the runoff election, which occurs on August 25, 2020. Within the two-week time period before the election, on August 16th, John received a \$1,000.01 contribution from Connie Contributor. John must report this contribution on a Continuing Report of Contributions by August 17, 2020 (within 24 hours).

Example 2: Candidate Jane is in the primary election, which occurs June 30, 2020. Candidate Jane loaned her campaign \$1,000.01 on June 22, 2020. Because Candidate Jane loaned her campaign committee in excess of \$1,000 within the two weeks before the primary election, a Continuing Report of Contributions must be filed by June 23, 2020 (within 24 hours).

Special Election Reporting Dates

Special elections occur to fill a vacancy in an elected office. During special elections, each campaign committee must file pre-election Reports of Contributions and Expenditures on the same dates and for the same periods with respect to the special primary election, runoff-primary election and general election. If there is no runoff-primary election, the period covered by the pre-general election report is adjusted to begin 15 days before the primary election and end 15 days before the general election.

Candidates in special elections must continue to file quarterly reports after the general election until the campaign committee is dissolved in accordance with the Ethics Rules and a Final Report of Contributions and Expenditures is filed. [Rule 2.101](#).

See more information on how to calculate special election dates on the Ethics Commission website under the “Campaigns” tab, “Local Campaigns” link.

Reports of Contributions and Expenditures that are filed with the County Election Board are public record. The public may request these records, and the County Election Board must provide these records upon request. The County Election Board must maintain Statements of Organization for four years after the date the Report of Contributions & Expenditures is filed or prepared, if not posted on the county’s website.

The County Election Board may post submitted Reports of Contributions & Expenditures on its website, if it has that capability. [19 O.S. § 138.16](#).

XVI. Enforcement, Late Reports and Compliance Orders

Although reports are filed with the County Election Board, the Oklahoma Ethics Commission’s duties include the compliance, enforcement, and education of the Ethics Rules. The County Election Board’s duties are to accept reports, maintain those filing for a period of four years, and to make those filed reports available upon request. The County Election Board will not enforce, teach, nor assist with compliance with the Ethics Rules.

The Executive Director is authorized to issue compliance orders to obtain compliance with these Rules, including late filing fees. A campaign committee that files more than one report after the date that it is due is deemed to have intentionally failed to file the report in violation of these Rules, unless good cause is shown.

A committee that files reports significantly late or has significant compliance issues may be addressed through the Commission’s complaints process, rather than through compliance orders. [Rules 6.19, 2.100, 2.101](#) and [6.3. 19 O.S. 138.19](#).

XVII. Personal Financial Disclosure Statement (PFD)

Effective July 1, 2016, the only individuals who are required to file a financial disclosure statement at the county level are county officers who are serve in an *elected office or office subject to retention*. Candidates are no longer required to file financial disclosure statements. Those required to file these reports at the county level will find the Personal Financial Disclosure Statement form on the Ethics Commission website at www.ethics.ok.gov under the “Campaign” tab, “Local Campaign” link, along with other PFD information. All Personal Financial Disclosure Statements are filed with the **County Election Board**. [19 O.S. § 138.17](#) and [Rule 3.16](#).

a. Public Records

A Personal Financial Disclosure Statement that is filed with the County Election Board is a public record. The public may request these records, and the County Election Board must provide these records upon request. The County Election Board must maintain Statements of Organization for four years after the date the Statement of Organization is filed.

The County Election Board **must not** post submitted Personal Financial Disclosure Statements on its website. [19 O.S. § 138.18](#).

XVIII. Dissolving the Campaign Committee**Campaign Committees May Dissolve at Any Time Prior to the Mandatory Dissolution Dates**

A campaign committee may dissolve at any time prior to the mandatory dissolution date by dissolving in accordance with the Ethics Rules and [Rule 2.116](#).

A campaign committee remains obligated to file all required reports until the committee files a Final Report of Contributions and Expenditures with the County Election Board that shows no funds remaining in the campaign committee and is dissolved in accordance with the Ethics Rules. A campaign committee that does not dissolve and stops filing required reports is subject to compliance orders and other enforcement actions. [Rule 6.19](#).

Mandatory Dissolution of Campaign Committee

When a candidate is required to dissolve depends upon whether the candidate is elected to office.

a. Mandatory Dissolution Dates for Candidates Elected to Office

A candidate who is elected to office must dissolve his or her campaign committee no later than two years after the general election for an office with a two-year term, no later than four years after the general election for an office with a four-year term and no later than six years after the general election for a six-year term. [Rule 2.116](#).

b. Mandatory Dissolution Dates for Candidates Who Are Not Elected to Office

A candidate who is not elected to office must dissolve his or her campaign committee no later than two years after the general election. [Rule 2.116](#) and [2.48](#).

c. Mandatory Dissolution Dates Found on Reporting Calendars

The mandatory dissolution dates are available on the reporting calendars found on the Ethics Commission website at www.ethics.ok.gov, “Campaign” tab, “Local Campaign” link.

Maintain Records for a Period of Four Years

Every committee, even dissolved committees, are required to maintain committee records for a period of four years, and those records must be made available upon request by the Commission. If the committee uses online banking, the committees must print or save all statements. [Rule 2.73](#).

How to Dissolve a Committee

Dissolving a campaign committee means that the campaign committee is terminating, disposing of all its assets and funds, and resolving any debt. A candidate can transfer debt, assets, and funds from one county campaign to another campaign for future county office, or a campaign committee can completely dissolve and dispose of its funds. However, if a campaign committee dissolves, the funds cannot be retained by the candidate, committee officers, or any other entity other than those permitted to receive surplus funds. This would be considered converting committee funds for personal use, which is prohibited.

In order to dissolve a committee, a campaign committee must perform the following tasks:

- Dispose of Any Assets
- Resolve Any Debt
- Dispose of Surplus Funds
- File a Final Contributions and Expenditures Report with the County Election Board

There are checklists for how to dissolve or transfer to a new campaign committee. The checklists are available on the Ethics Commission website under the “Campaigns” tab, “Local Campaigns” link. For other assistance dissolving or transitioning a campaign committee, contact the Ethics Commission staff. [Rules 2.116](#), [2.117](#), [2.118](#), and [2.39](#).

a. Disposition of Assets

The campaign committee must dispose of assets acquired by the campaign committee through purchase or in-kind contributions, including but not limited to, furniture, computer equipment and similar items. If the candidate retains those assets, this would amount to converting contributions to personal use in violation of the Ethics Rules. A candidate or a candidate’s family member may purchase such assets, other than a vehicle, from the campaign committee but only if the candidate or candidate’s family member pays fair market value for such purchases. It is also best practice to sell committee assets to any other individual for fair market value.

Funds received from selling committee assets can be used to resolve any debt. Any sale of assets is reported as “other funds” and disposed of with all other remaining funds.

All records for how fair market value was determined must be kept with the other campaign committee records for a period of four years. [Rule 2.118](#) and [2.73](#).

b. Resolution of Debt

If a campaign committee has debt at the time of its dissolution, that debt must be resolved in a commercially reasonable manner before the campaign committee may dissolve. Debt may not be resolved for the purpose of evading prohibitions or limitations of the Rules. If a debt is not resolved in a commercially reasonable manner, the amount of the debt that is forgiven shall be considered a contribution to the candidate and could exceed contribution limits or be a prohibited corporate contribution. Campaign committees can raise funds after an election to assist with paying off debt. [Rule 2.117](#).

c. Surplus Funds

The candidate, at his or her discretion, may determine that certain funds are not required for campaign expenses or officeholder expenses. These funds are “surplus funds.” Surplus funds of a campaign committee may be designated **only following the determination of the election for which the campaign committee was formed.** [Rule 2.48.](#)

d. Uses of Surplus Funds

Surplus funds may be expended as follows:

1. Retained in any amount for use in a future campaign for the next succeeding term of the same office;
2. Retained for a future campaign for a different county elective office, excluding a judicial office;
3. Donated to a charitable organization as described in Section 501(c)(3) of Title 26 of the United States Code;
4. Returned to any contributor, as long as the amount returned does not exceed the contributor’s aggregate contribution during the immediately preceding primary election, runoff-primary election and general election;
5. Contributed to a political party’s committees in any amount not to exceed \$25,000 in the aggregate;
6. Used to purchase item(s) for donation to a 501(c)(3) charitable organization, provided that (1) the donated item(s) are sold by the charitable organization for fundraising purposes, (2) the purchase of the item(s) for donation is reported in a Report of Contributions and Expenditures with a description of the cost of the item(s) purchased, (3) the donation of the item(s) is reported in a Report of Contributions and Expenditures as an in-kind expenditure to the charitable organization with a description of the value of the item donated, and (4) the donated item(s) cannot be purchased by a candidate or officer, board member, or employee of the charitable organization; or
7. Donated in accordance with the provisions of [Title 60 O.S. § 381](#), et seq., to the State of Oklahoma, or to any county, city, town or school district within the State of Oklahoma.

Surplus funds may not be used for any other purpose. [Rule 2.48.](#)

i. Disposition of Surplus Funds

A campaign committee without funds remaining in its campaign depository must dissolve by the specified mandatory dissolution date as established in [Rule 2.116](#).

Whereas, a campaign committee with funds remaining in its campaign depository on the specified mandatory dissolution date as established in Rule 2.116 are, from the mandatory dissolution date forward, no longer permitted to (1) receive contributions, (2) contribute to other campaign committees, (3) make campaign expenditures, or (4) make operating expenditures.

However, such committees may make the following expenditures:

- Campaign committees of **elected officers** may make expenditures (1) for officeholder expenses until his/her term expires or the office is vacated and (2) of surplus funds for ninety (90) days after the officeholder's term is completed or vacated; or

Campaign committees of **unelected candidates** may make expenditures of surplus funds for ninety (90) days.

After the ninety (90) day period has ended, any remaining funds must be deposited in the state's general revenue fund. [Rule 2.48](#) and [2019 OK Ethics 01](#).

e. Final Report of Contributions and Expenditures

A Final Report may be filed at any time with the County Election Board up to the applicable mandatory dissolution date. The Final Report will cover the period that begins after the last day of the immediately preceding reporting period and ending on the day before the Final Report is filed. [Rule 2.118](#).

f. Send Bank Statements to Ethics Commission Upon Request

Once a campaign committee files the final report of Contributions and Expenditures, make sure you maintain all documents for a period of four years, including any and all bank statements.

Section Summary

- A county campaign committee must perform the following acts in order to dissolve:
 - Dispose of any assets
 - Resolve any debt
 - Use Surplus Funds
 - File a Final Report of Contributions and Expenditures
- Review the resources on the Ethics Commission website, www.ethics.ok.gov, under the "Campaign" tab, "Local Campaign" link.
- Keep all records, including bank statements, for a period of four years. These documents must be made available upon request by the Commission.

APPENDIX I: CONTRIBUTION LIMIT CHART

2020 County Elections: Contribution Chart

CONTRIBUTORS	RECEIVING COMMITTEES				
	2020 County Campaign Committee	County Political Committee or Limited Committee	1/25 Political Committee or 1/25 Limited Committee	Party Committee	Unlimited Committee
Individuals** <small>(candidates can give unlimited contributions to their own campaign)</small>	Per Election Limit*: \$2,800	\$5,000 per year	\$5,000 per year	\$10,000 per year <small>(may be split between multiple party committees)</small>	No Limits
	Unopposed Candidates: \$2,800 per campaign				
County Political Committee or Limited Committee <small>(other than 1/25 committees)</small>	Per Election Limit*: \$5,000	\$5,000 per year***	Nothing	\$10,000 per year <small>(may be split between multiple party committees)</small>	Nothing
	Unopposed Candidates: \$5,000 per campaign				
1/25 County Political Committee or 1/25 Limited Committee	Per Election Limit*: \$2,500	Nothing	Nothing	\$5,000 per year <small>(may be split between multiple party committees)</small>	Nothing
	Unopposed Candidates: \$2,500 per campaign				
2020 County Campaign Committee <small>(county campaign committees cannot give to state, municipal, or school district campaigns)</small>	\$2,800 per <u>campaign</u>	Nothing	Nothing	Up to \$25,000, only after the race is decided for that candidate	Nothing
Political Party	\$10,000 prior to general election	Nothing	Nothing	Unlimited transfers between committees in same party	Nothing
Unlimited Committee	Nothing	Nothing	Nothing	Nothing	Unlimited***
<p>*PER ELECTION LIMITS For candidates with opponents, contribution limits are election specific, with limits resetting after each election <i>only if</i> the candidate's name will appear on another ballot during the election cycle. A contributor may not provide one contribution that is meant to be allocated for multiple elections. After the general election, contributors may make additional contributions so long as the overall total given by the contributor does not exceed the amount of a single election limit for that contributor type.</p>					
<p>**CASH CONTRIBUTIONS: No more than \$50 of a contributor's contribution may be in cash. Cash received in excess of \$50 must either be returned to the contributor or given to the State Treasurer's office to the general revenue fund of the state of Oklahoma.</p>					
<p>**ANONYMOUS CONTRIBUTIONS: No more than \$50 may be received from a truly anonymous source. Best efforts must be used to identify and report <u>all</u> contributors. Anonymous contributions in excess of \$50 must be given to the State Treasurer's office to the general revenue fund of the State of Oklahoma.</p>					
<p>**TRIBES: Contributions from tribes are acceptable, as long as the tribe is not incorporated; tribes individually follow the contribution limit of \$2,800 per election.</p>					
<p>***COMMITTEE TYPE & PURPOSE: A PAC may only contribute to another PAC of the same type and with the same purpose.</p>					

County Contribution Chart v.2020.1

APPENDIX II: Public Funds, Property and Time

Several Ethics Rules prohibit certain campaign activities in state or other public facilities and the use of state or other public resources for campaign activities.

General Prohibitions of Public Funds, Property and Time

No government officer or employee may use or authorize the use of public funds, property, or time to solicit, receive or accept funds for a political committee. If unsolicited funds are tendered to a candidate in violation of this Rule, the funds may not be accepted by the intended recipient and must be returned to the sender as soon as possible. [Rule 2.3](#).

a. Use of Public Property for Political Purposes

Public meeting rooms, auditoriums, parks, colleges and other educational campuses and similar spaces may be used for political purposes, provided that certain conditions are met. If a fee is customarily charged with use of the facility, that fee must be charged for use of the facility for political activities. If the facility is made available to one candidate, it must be made available to all candidates for the same government office in the order in which requests are received. These requirements do not mandate that any public facility be used for political purposes, nor do these requirements limit the use of traditional public forums for political purposes. [Rule 2.8](#).

b. Use of Public Facilities for Voter Registration Activities

Voter registration activities may be conducted in public facilities, provided those activities are not used in any way to encourage registration in a particular political party or support of or opposition to a candidate or candidates. [Rule 2.10](#).