



State Candidate Guide



Traveling Oklahoma Route 66

2019-2020

Oklahoma Ethics Commission
FAIR RULES. FIRM ENFORCEMENT.

“This publication is issued by the Oklahoma Ethics Commission as authorized by 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 in July. This guide was updated on **September 9, 2019**.

TABLE OF CONTENTS

The Commissioners	1
What's New in This Guide?	1
I. Introduction	2
What Is the Oklahoma Ethics Commission?	2
How to Use This Guide	2
Limited Scope.....	2
This Guide Is Limited to Oklahoma Campaigns for State Offices	2
Advisory Opinions.....	2
Commission Website	2
Registration and Compliance Fees	3
Training and Education Fees	3
Ethics Online Reporting System: The Guardian System	3
a. Guardian System Training.....	3
Contacting the Commission.....	3
II. Ethics Commission Resources	4
Ethics Rules and Guides	4
Ethics Continuing Education Programs	4
Ethics Commission Helpful Tips & Questions of the Week.....	4
GovDelivery Notification System	4
Ethics Commission Is On Social Media	4
III. Exploratory Activities	4
IV. Before Raising Campaign Funds, Open a Campaign Bank Account	5
Campaign Depository (i.e., Campaign Bank Account)	5
a. Campaign Depository (i.e., campaign bank account) Requirements.....	5
b. Best Practice: Indicate Candidate Committee Name on Checks and Ethics Number	6
c. Committees Transitioning from One Candidate Committee to Another Candidate Committee for a Future Election	6
d. The Depository May Earn Interest.....	6
All Records Must be Maintained for 4 Years	7
Section Summary.....	7
V. Understanding “Candidates” and Candidate Committees	7
Individuals Who Are Considered Candidates Under the Ethics Rules	7
Candidate Committee Formation.....	8
Candidate Committee Structure.....	8
a. Transitioning From a Previous Campaign to a New Campaign	8
Section Summary:.....	9
VI. Committee Officers and Other Individuals	9

Committee Officers	9
a. Required Officers: Chair and Treasurer.....	9
b. Optional Officer: Deputy Treasurer	9
c. Other Officers	9
Duties of the Committee Officers.....	10
a. Vacancies in Candidate Committee Offices.....	10
Add Non-Officers to Guardian Account to Assist with Reporting if Reporting is Required.....	10
a. Designated Filing Agent (DFA).....	10
b. Data Entry User (DEU).....	11
Candidate May Not Serve as an Officer of Another Committee	11
Section Summary.....	11
VII. Ethics Commission Registration: The Statement of Organization.....	11
When to Register with the Ethics Commission by Filing a Statement of Organization	11
Where a Statement of Organization Must Be Filed	12
Contents of the Statement of Organization.....	12
a. Officer Information Must be Specific to Each Officer	13
Amending the Statement of Organization.....	13
a. Vacancies in Candidate Committee Offices.....	13
Records Should Be Kept for 4 Years.....	13
Section Summary.....	14
VIII. Understanding Contributions	14
What a Contribution Is.....	14
a. All Contributions Are Aggregated.....	14
b. Contributions Must Be Voluntary.....	14
c. Contributions Cannot Be Reported in the Name of Another	14
d. Earmarked Contributions Are Contributions to Candidates.....	15
e. When an Expenditure Is a Contribution	15
f. Volunteer Services Are Not Contributions.....	15
g. Discounts Provided Only to the Candidate Committee for Goods or Services Are Considered In-kind Contributions	16
Accepting and Depositing Contributions.....	16
Section Summary.....	17
IX. Permissible Contributions & Contribution Limits.....	18
Who May Make Contributions to a Candidate Committee?.....	18
A Candidate to His or Her Own Candidate Committee—Unlimited Contributions	19
Special Limit on Nontaxable Gifts	19
Cash Contributions—Limited to \$50 in the Aggregate per Contributor.....	19
Anonymous Contributions—Limited to \$50 in the Aggregate per Contributor	20

Contributions from an Individual—Limited to \$2,800 Per Election That the Candidate’s Name Appears on the Ballot (2020 Candidate Committees Only).....	20
a. Individuals Defined	20
b. Required Individual Contributor Information	20
c. Maximum Individual Contribution Limits Indexed to Inflation	20
Summary of Contribution Limits for 2020 Candidate Committees.....	21
d. Individual Contributions from Couples or a Joint Checking Account	22
e. Limited Liability Company (LLC) or Partnership—Count Toward the Individual Contribution Limits of Each Member or Partner Based on That Member’s or Partner’s Percentage of Ownership.....	22
f. Indian Tribes—Each Non-Incorporated Indian Tribe is Limited to \$2,800 per Election That the Candidate’s Name Appears on the Ballot (2020 Candidate Committees Only).....	23
Contributions from Another State Candidate Committee—Contribution Limit Is Based on Both the Receiving and Giving Candidate Committee (The Lesser Contribution Limit of the Two Applies).....	23
Contributions from a Limited Political Action Committee (PAC) to Candidates—Limited to \$5,000 per Election That the Candidate’s Name Appears on the Ballot.....	24
a. 1/25 Political Action Committee (1/25 PAC)	25
b. Contributions from Out-of-State Political Action Committees.....	26
c. Federal Political Action Committee.....	27
Contributions from Political Parties to Candidates—Limited to \$25,000 for Statewide Office or \$10,000 for Any Other State Office (Other Than Judicial Office).....	27
d. Statewide Office Versus Any Other Office.....	28
X. Prohibited Contributions & Contributors.....	28
Corporate and Labor Union Contributions Prohibited.....	28
a. Communications by a Corporation or Labor Union Not Considered Contributions.....	28
Contributions from Foreign Nationals Are Prohibited	28
Unlimited Committees Prohibited from Contributing to Candidates.....	28
Federal Candidate Committee & Local Campaign Committee Contributions Prohibited	29
No Contributions During Blackout Period from Lobbyists and Lobbyist Principals	29
Section Summary.....	30
XI. Special Fund-Raising Events.....	30
Joint Candidate Fund-Raising Events.....	30
Residence Used for Fund-Raiser	30
a. Rule Application to Spouses.....	31
Non-Residential Buildings Used for Fund-Raiser	31
Golf Fund-Raising Events	32
Fund-Raising Auctions & Sales.....	32
Section Summary.....	33
XII. Loans.....	34
Permissible Loans.....	34

a. Loans by Commercial Financial Institutions.....	34
b. Loans by Non-Commercial Financial Institutions Are Considered Contributions.....	34
c. Candidates May Make Unlimited Loans to Their Own Candidate Committees.....	34
Prohibited Loans.....	36
Section Summary.....	36
XIII. Understanding Expenditures.....	36
What an Expenditure Is.....	36
Personal Use of Campaign Funds Prohibited.....	36
General Rules for Making Expenditures.....	37
a. Ordinary and Necessary Campaign Expenses (Expenditures Due to the Campaign).....	37
b. Expenditures Made to Family Members as Staff Members of Campaign.....	37
c. Contributions to Another Candidate Committee.....	37
d. Modest Items Related to the Campaign May Be Given in Recognition of Contributions and Volunteers.....	38
e. Contributions May Be Used to Pay Certain Officeholder Expenses (Expenditures Once Elected).....	38
f. Funds Transferred to New Committee and Officeholder Expenses.....	39
Section Summary.....	39
XIV. Disclosure Requirements for Campaign Advertising.....	39
Electronic Communications Disclosure Requirements.....	39
Printed Communications Disclosure Requirements.....	40
Disclosure Not Required for Certain Items.....	40
XV. Reimbursements.....	40
Reimbursements to Individuals Other than the Candidate and Consultant on Behalf of the Committee.....	40
Reimbursements to the Candidate Other Than Through Loans.....	40
a. Candidate Reimbursements Must be Made Within 90 Days.....	41
b. Travel Reimbursement.....	41
Reporting Reimbursements.....	41
Calculation of Travel Expense.....	42
a. Calculating Expenses for Motor Vehicle Travel.....	42
b. Use of Personal Vehicle for Campaign Purposes.....	42
c. Rental of Motor Vehicle for Campaign Purposes.....	42
d. Purchase or Lease of a Motor Vehicle for Campaign Purposes.....	42
e. Calculating Expenses for Air Travel.....	43
Section Summary.....	43
XVI. Reports of Contributions and Expenditures.....	44
Obligation to File Reports of Contributions & Expenditures.....	44
a. Special Requirements for Judicial Candidates.....	44
Contents of Reports of Contributions and Expenditures.....	44

Where to File Reports: Electronically in The Guardian System.....	45
a. Resources for Filing Reports of Contributions and Expenditures in The Guardian System.....	45
When Reports Are Due.....	45
a. Filing Dates Available on the Ethics Website and in The Guardian System.....	46
b. Periods Covered and Filing Periods.....	46
c. Filing the First Report.....	46
Regularly Scheduled Elections—Quarterly Reports Required in Non-Election Years (Does not Include Special Elections).....	46
Regularly Scheduled Elections—Quarterly and Pre-Election Reports Required in Election Years.....	47
a. All Candidates Must File Pre-Election Reports.....	48
Reports Due During the Two Weeks Before an Election: 24-Hour Continuing Report of Contributions (CRC).....	48
Special Election Reporting Dates.....	49
XVII. Enforcement, Late Reports and Compliance Orders.....	49
XVIII. Personal Financial Disclosure Statement (PFD).....	49
XIX. Understanding Independent Expenditures, Electioneering Communications, and the Risks of Coordination.....	50
What Constitutes Coordination, Cooperation, Consultation or “Acting In Concert”.....	50
a. Consequences of Coordination.....	50
XX. Dissolving the Candidate Committee.....	50
Candidate Committee May Dissolve at Any Time Prior to the Mandatory Dissolution Dates.....	50
Mandatory Dissolution of Candidate Committee.....	51
a. Mandatory Dissolution Dates for Candidates Elected to Office.....	51
b. Mandatory Dissolution Dates for Candidates Who are Not Elected to Office.....	51
c. Mandatory Dissolution Dates Found on Reporting Calendars.....	51
Maintain Records for a Period of Four Years.....	51
How to Dissolve a Committee.....	51
a. Disposition of Assets.....	51
b. Resolution of Debt.....	52
c. Surplus Funds.....	52
d. Uses of Surplus Funds.....	52
e. Final Report of Contributions and Expenditures.....	53
f. Send Bank Statements to Ethics Commission Upon Request.....	53
Section Summary.....	54
XXI. Public Funds, Property and Time.....	54
General Prohibitions of Public Funds, Property and Time.....	54
a. Use of Public Property for Political Purposes.....	54
b. Use of Public Facilities for Voter Registration Activities.....	55
c. Solicitation on State of Oklahoma Property That Is Used to Conduct Official State Business.....	55

d. Distribution of Campaign Materials on State Property That Is Used to Conduct Official State Business..	55
e. Prohibitions on Campaign Activities During Work Hours and/or In Work Attire (State Officer and Employees)	55
f. State-Owned Property and Services Prohibited from Being Used For Campaign Purposes	55
g. State Officer or Employee’s Personal Property Used for Campaign.....	56
Other Rules Specifically Regarding Elected State Officers and Staff	56
a. Elected State Officers May Use Public Resources to Distribute Informational Materials	56
b. Elected State Officers May Use Public Resources to Post Materials on Opinions or Positions on Issues .	56
c. Prohibition on Certain Campaign Contribution Solicitation from State Officers or Employees.....	56
d. State Employees May Participate in Political Activities That are a Part of His or Her Regular Duties.....	57
Section Summary.....	57
APPENDIX I: CONTRIBUTION TABLE.....	58
APPENDIX II: INDEPENDENT EXPENDITURES & ELECTIONEERING COMMUNICATIONS	59
What an Independent Expenditure Is	59
a. What an Independent Expenditure Is Not.....	59
What an Electioneering Communication Is	59
a. What an Electioneering Communication Is Not	59
Who May Make Independent Expenditures and Electioneering Communications	60
No Limits on Funds Spent for Independent Expenditures and Electioneering Communications	60
How Independent Expenditures or Electioneering Communications Are Reported.....	60
a. IE or EC Made at Least 15 Days Before an Election	60
b. IE or EC Made No More Than 14 Days (Two Weeks Before the Election): Next Business Day Filing Period	60

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
- **Charles Laster** – appointed by Governor Mary Fallin, term expires July 2022
- **Cathy Stocker** – re-appointed by Attorney General Mike Hunter, 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?

- The Commission added two new Commissioners in July
- The Commission adjusted the contribution limit that individuals can give to 2020 candidate committees and that state candidate committees may give to other state candidate committees. This contribution limit has increased from \$2,700 to \$2,800. However, candidate committees created for elections prior to 2020 keep the same individual contribution limit and candidate committee to candidate committee contribution limit of \$2,700. See the contribution chart in [Appendix I](#) and the section on contributions for more information.
- The registration and administration fee was lowered from \$250 to \$100 at the Commission meeting held June 14, 2019; this fee change will become effective July 1, 2019. Further, two new Commissioners were appointed to the Commission in July of 2019.
- 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 agency 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.

How to Use This Guide

This guide summarizes the Rules of the Oklahoma Ethics Commission, as applied to candidates for state office as of the date of publication of this guide. It is written by the Commission staff to assist with compliance of 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 Rules, then the Constitution, statutes or Rules prevail.

Limited Scope

This guide is not intended to provide comprehensive information about all Ethics Rules and other relevant law concerning campaigns for state office. Individuals considering becoming candidates for state 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 State Offices

This guide only addresses Oklahoma law—specifically the Rules of the Oklahoma Ethics Commission—and is limited to campaigns for state office. It does not address campaigns for federal, county, municipal or school district office.

Guides and other information for county, 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 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.

Registration and Compliance Fees

Candidates are required to pay a registration and administration fee upon filing a Statement of Organization. The Commission will publish registration and administration fees for candidate committees on its website. [Rule 6.19](#). The registration and administration fee for candidate committees from **July 1, 2019 through June 30, 2020 is \$100.00**. [Rule 6.19](#).

The Executive Director is also authorized to issue compliance orders to obtain compliance with the Ethics Rules, including late filing fees. A person affected by a compliance order may request a hearing to be conducted by an administrative law judge. [Rule 6.19](#).

Training and Education Fees

The Executive Director is authorized to establish and collect fees for participation in training and educational seminars, classes, and similar programs and materials. [Rule 1.8](#).

Ethics Online Reporting System: The Guardian System

The Guardian System is the Ethics Commission filing system in which all reports are filed. Access The Guardian System through the Ethics Commission website at www.ethics.ok.gov or at <https://guardian.ok.gov>.

The Guardian System is accessible 24 hours a day, 7 days a week. All reports are due in The Guardian System on the specified filing date, **regardless of weekends and holidays**.

For more information on how to use The Guardian System, please see the documents and the YouTube videos with step-by-step instructions on The Guardian System website. This information is located in The Guardian System under the “Resources” tab and then clicking on “Publications” in the dropdown menu.

a. Guardian System Training

Training on how to use The Guardian System is offered periodically. View upcoming programs on the Ethics Commission website. One-on-one training is also available upon request. The Guardian System training is unavailable the last 5 days of a reporting period. Contact the Ethics Commission staff at (405) 521-3451 or ethics@ethics.ok.gov to make an appointment.

Contacting the Commission

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

- Address: State Capitol, 2300 N. Lincoln Blvd., Rm 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 and relevant Guides on its website at www.ethics.ok.gov. The Guides provide an overview of the Rules and examples to assist with compliance. The Ethics Laws and the Guides are available under the “Ethics Laws, Guides and Forms” tab on the Ethics website.

Ethics Continuing Education Programs

The Ethics Commission holds several continuing education programs to assist in the understanding and compliance with the Ethics Rules. More information on the continuing education dates, times and fees is available on the Ethics website.

Ethics Commission Helpful Tips & Questions of the Week

The Ethics Commission frequently posts “Helpful Tips” and questions of the week on its homepage at www.ethics.ok.gov. These tips provide answers to frequently asked questions.

GovDelivery Notification System

Sign up on the Ethics Commission website (www.ethics.ok.gov) to receive Ethics Commission notifications via text message or email. Users can subscribe to receive information from the Commission on specific topics, such as candidate committee information, rule updates, continuing education programs, commission meetings, etc.

Text “OKETHICS2020” to GOV311 or 468311 to receive text message notifications from the Ethics Commission regarding 2020 candidate committees.

Ethics Commission Is On Social Media

Follow the Ethics Commission on social media platforms to view updates on Ethics Commission news.

- Follow @EthicsOKgov on Twitter
- Like us on Facebook: <https://www.facebook.com/EthicsOKgov/>

III. Exploratory Activities

Under limited circumstances, an individual may conduct exploratory activities, such as polling or other techniques designed exclusively to assist the individual in making a decision as to whether to seek a state office. During this exploratory phase, an individual may accept contributions, subject to the limits of a candidate committee, and make expenditures limited to exploratory activities without designating a candidate committee. When engaged in such activities, the individual must maintain all the records that are required of a candidate committee.

There are limits on the amounts of funds that can be accepted or expended in exploratory activities. For statewide office, the limit is \$25,000.00. For all other state offices, the limit is \$10,000.00. If that limit is exceeded, the individual must either (1) file a statement of organization for a candidate committee with the Ethics Commission or (2) cease all exploratory activities.

If the individual becomes a candidate and forms a candidate committee, then all contributions received and expenditures made for exploratory activities are subject to the maximum contribution limits and are included in the first Report of Contributions and Expenditures filed by the candidate committee.

If all exploratory activities cease and the individual decides not to seek state office, it is not necessary to file a Statement of Organization. However, no individual may conduct exploratory activities for a state office or offices more than one time between general elections. [Rule 2.78.](#)

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

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

Every candidate committee must establish at least one campaign depository (e.g., a bank checking account) in a financial institution (e.g., bank) that ordinarily conducts business within the State of Oklahoma. The campaign depository is where all the candidate committee funds are transferred into and 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 depositor(y/ies) 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 candidate 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).

Example: Smith for House 2020, Friends of John Doe 2020, Jane for Senate District 42 2020, or Doe 2020 would all be acceptable names for a candidate committee. Similar committee names would be acceptable for the campaign depository.

- **The campaign depository must be independent of all other accounts.** Funds should not be commingled with funds of any other entities or persons, including an individual's personal bank account.

- **ALL monetary contributions, including monetary contributions from the candidate, must be deposited in the campaign depository.** In-kind contributions will not be deposited in the campaign depository. See the [section VIII](#) 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 candidate committee checks or debit cards; however, the Candidate, Treasurer, and Deputy Treasurer remain responsible for committee expenditures. [Rules 2.95.](#)

b. Best Practice: Indicate Candidate Committee Name on Checks and Ethics Number

One way in which candidates can make expenditures is via check. The campaign checks should include both the candidate committee's name and Ethics number (if registered in The Guardian System).

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

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

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

Providing independent bank accounts for each campaign allows for better bookkeeping, and it enables the transitioning candidate committee to identify and address discrepancies early to ensure the committee has dissolved in accordance with the Ethics Rules.

However, a candidate 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 candidate committee's name and year of the election; and (3) the campaign depository balance is equal to the balance transferred on the Report of Contributions and Expenditures. [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 ordinarily conduct business in Oklahoma.
- The campaign depository name must include at least the candidate's name (full name, first name, last name, etc.) and 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.
- All expenditures must come out of the campaign depository by check or debit card, not cash.
- The candidate committee name and the Ethics ID number should be on all checks used by the committee.
- It is best practice to close out a bank account and open a new bank account when transitioning to a new committee for a new campaign.
- All candidate 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.

V. Understanding “Candidates” and Candidate Committees

Individuals Who Are Considered Candidates Under the Ethics Rules

An individual who has filed a Declaration of Candidacy with the State Election Board to have his or her name placed on the ballot may or may not be considered a “candidate” under the Ethics Rules, depending upon other factors discussed hereafter.

Under the Ethics Rules, a candidate is an individual who has filed or should have filed a Statement of Organization for a candidate committee with the Ethics Commission. A Statement of Organization may be filed at any time earlier than when it is required under the Ethics Rules; however, **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. This includes funds spent by the candidate.** If more than \$1,000 is not spent or received for a campaign, then the committee is not required to register and file reports. See [section VII](#) for more information on registration requirements. [Rules 2.2\(2\)](#) and [2.70](#).

Candidate Committee Formation

Every candidate is required to have a candidate committee. A candidate 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](#). A candidate committee includes committees for partisan elective offices (e.g., Governor, State Senator, District Attorney), for nonpartisan judicial offices (e.g., District Judge) and for judicial retention offices (e.g., Justice of the Supreme Court). [Rule 2.2\(2\)](#).

Candidate Committee Structure

Every candidate committee is required to have a campaign depository, a Chair, and a Treasurer. For information on the campaign depository, see [section IV](#). Information on candidate committee officers and their duties is provided in [section VI](#).

A candidate may have no more than one candidate committee for any state office at any time. However, there is an exception for candidates closing one committee from an old campaign and starting a new committee for a new campaign. [Rule 2.69](#).

a. Transitioning From a Previous Campaign to a New Campaign

Once a candidate with an active candidate committee files a Statement of Organization with the Commission for another candidate committee for a new campaign, the candidate may maintain both the first candidate committee (previous campaign) and the second candidate committee (new campaign) for state office for 60 days.

Funds or debt, or both, may be transferred from the candidate committee for the previous campaign to the new candidate committee for a future campaign. However, a candidate may not continue to raise funds for the candidate committee for the previous campaign once the new candidate committee for a future campaign is opened. Furthermore, transfers may only be made from state candidate committee to state candidate committee. Transfers may not be made from a state candidate committee to a county, municipal or school district candidate 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 Transfer Checklist, which is available in the Forms section on the Ethics Commission website under the "Ethics Laws, Guides & Forms" tab or under the "Campaign Finance Reporting" tab. [Rule 2.69](#).

TIP: At the time a new committee is registered, the Candidate and Treasurer should calendar the 60 day deadline. This will ensure the committee shuts down timely.

Section Summary:

- A “candidate” under the Ethics Rules is someone who has or should have filed a Statement of Organization with the Ethics Commission.
- All candidates are required to have one candidate committee.
- Candidates may only have one candidate committee open at any time, unless they fall within the exception that occurs during the transfer from one committee to another. When one candidate committee is transitioning to another candidate committee, the two committees may be open for 60 days.
- All candidate committees are required to have a campaign depository, Chair, and Treasurer.
- The campaign depository is required to include the name of the candidate and the year of the election.
- Only candidate committees that receive or spend more than \$1,000 are required to register with the Commission.

VI. Committee Officers and Other Individuals

Committee Officers

a. Required Officers: Chair and Treasurer

A candidate committee must have both a Chair and a Treasurer. The same person may serve as both the Chair and Treasurer. Likewise, 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.

b. Optional Officer: Deputy Treasurer

A Deputy Treasurer is not a required officer, but it is recommended officer. 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](#).

c. Other Officers

In addition to the Chair and Treasurer, a candidate 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 his or her 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. All records and documents should be maintained for a period of four years. These records should be made available to the Commission upon request. The Treasurer is also responsible for the timely and accurate filing of all reports with the Commission. [Rule 2.73](#).

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](#).

a. Vacancies in Candidate Committee Offices

Any vacancy in the office of Chair, Treasurer, or Deputy Treasurer must be filled within 30 days. A candidate committee that has filed a Statement of Organization in The Guardian System 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 VII](#). [Rule 2.74](#).

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

Add Non-Officers to Guardian Account to Assist with Reporting if Reporting is Required

Officers of a candidate committee that are registered in The Guardian System may add individuals to assist with reporting requirements. These individuals provide support for the committee to ensure data is entered and reports are filed.

a. Designated Filing Agent (DFA)

A designated filing agent ("DFA") is someone, other than an officer, who can access the committee's account in The Guardian System and file reports for the committee. A committee may have multiple DFAs. A DFA is not required but is recommended. A Chair, Treasurer or Deputy Treasurer of the committee does not need to register as a DFA because these officers already have report filing capabilities.

DFAs may be added in The Guardian System during the initial registration process or later by the Chair, Treasurer, or Deputy Treasurer. Once added to the system, the DFA will receive login credentials via email.

b. Data Entry User (DEU)

The data entry user (“DEU”) is an individual, other than an officer or DFA, who can access the committee’s account in The Guardian System to input contributions and expenditures on behalf of the committee; however, **he or she cannot file reports**. This allows a committee to have an individual to input contributions and expenditures that can later be reviewed and filed by an officer or DFA.

DEUs can only be added by Ethics Commission staff. Call the Ethics Commission staff to receive the DEU’s login credentials.

Candidate May Not Serve as an Officer of Another Committee

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

Section Summary

- Every candidate committee is required to have a Chair and a Treasurer. It is also recommended that the candidate 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. Further, the additional officers and officer duties do not relieve the candidate, Treasurer, Deputy Treasurer or the Chair of his or her obligations.
- 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 the Reports of Contributions and Expenditures. All records must be maintained for four years and made available upon request by the Commission.
- A candidate 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 in The Guardian System must file an Amended SO within 5 days of the vacancy after the vacancy is filled.
- Officers can add one or more Designated Filing Agents (DFAs) to assist with filing reports.
- Candidates may not serve as an officer of another candidate committee or a PAC.

VII. Ethics Commission Registration: The Statement of Organization**When to Register with the Ethics Commission by Filing a Statement of Organization**

A Statement of Organization for a candidate committee may be filed with the Ethics Commission 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 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 state office never accepts or spends more than \$1,000.00, then there is no requirement to file a Statement of Organization with the Ethics Commission. [Rule 2.70.](#)

Candidates are required to pay a registration and administration fee upon filing a Statement of Organization with the Ethics Commission. The Commission will publish registration and administration fees for candidate committees on its website under the “Campaign Finance Reporting” tab. The registration fee for candidate committees from July 1, 2019 to June 30, 2020 is \$100.00. [Rule 6.19](#).

The registration and administration fee may be paid online in The Guardian System via credit card, or may be made by check or cash to the Oklahoma Ethics Commission. A small service fee will be charged for those using a credit card. [Rule 2.70](#).

Example 1: In April, Joanna filed a declaration of candidacy and paid a \$500 fee to the State Election Board to run for a House seat. She also spent \$500 on printing for campaign flyers. Although Joanna has spent \$1,000, she is not yet required to register with the Ethics Commission because she has not exceeded the \$1,000 threshold for either contributions or expenditures; however, Joanna could voluntarily register with the Ethics Commission if desired.

Example 2: Same scenario above, but on June 5th, Joanna received spent another \$100 on campaign signs. She is now required to file a Statement of Organization with the Commission within 10 days because she exceeded the \$1,000 threshold in expenditures.

Where a Statement of Organization Must Be Filed

All Statements of Organization must be filed electronically in The Guardian System, unless otherwise ordered by the Commission or the Executive Director of the Commission. The Guardian System is located on the Ethics Commission homepage at www.ethics.ok.gov or access it directly at <http://guardian.ok.gov>. A document that is filed electronically is considered timely filed if it is filed at any time on the date specified, **regardless of weekends and holidays**. [Rule 1.4](#) and [2.122](#).

Contents of the Statement of Organization

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

1. the name of the candidate as it will appear on the ballot;
2. the name of the Chair and Treasurer of the committee and, if applicable, the name of the Deputy Treasurer;
3. the name of the committee, which must at least include the candidate’s name (i.e., the full name, first name, middle name or last name of the candidate) and the year of the general election or special election at which the office will be filled (e.g., Jane Doe 2020, Doe for Senate 2020 or Friends of Jane for House 2020);
4. the official and complete name of the state elective office for which the candidate seeks election;

5. the candidate's party affiliation, if any (note: this is for partisan elections only; judicial candidates will list their party affiliation as "non-partisan");
6. the mailing address and, if applicable, the residence address, electronic mailing address (email), telephone numbers and Internet website, if applicable, of the candidate committee, the candidate, the Chair, Treasurer, and, if applicable, the 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 candidate committee, the Statement of Organization needs to include each officer's individual contact information. Each officer will receive their own login credentials for The Guardian System. **Individuals cannot log in to The Guardian System or file reports under someone else's name by using someone else's login credentials.** [Rule 2.75.](#)

Amending the Statement of Organization

The candidate is responsible for notifying the Commission of any change in information provided in the Statement of Organization by filing an Amended Statement of Organization in The Guardian System within 10 days of any change. [Rule 2.75.](#) However, an Amended Statement of Organization is required within 5 days after a committee officer vacancy is filled. [Rule 2.74.](#)

a. Vacancies in Candidate Committee Offices

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") in The Guardian System are required to file an amended SO within 5 days after the vacancy is filled. [Rule 2.74.](#)

A candidate committee may not accept or expend funds when there is a vacancy in the offices of both the Treasurer and Deputy Treasurer. [Rule 2.72.](#)

Records Should Be Kept for 4 Years

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

Section Summary

- An individual is required to register with the Ethics Commission once they spend or receive in excess of \$1,000 for their campaign for state office; this includes any funds used by the candidate for his or her campaign.
- Register with the Ethics Commission by filing a Statement of Organization in The Guardian System and paying the registration and administration fee.
- The contents of the Statement of Organization include the candidate committee information and officer contact information. Each officer must include his or her own individual contact information to ensure he or she can receive login credentials for The Guardian System. No one can log in or file reports under the name of another.
- The candidate is responsible for notifying the Commission when there is a change of information in the Statement of Organization via amendment within 10 days of any change.
- All candidate committee documents and records must be kept for a period of 4 years.

VIII. Understanding Contributions

What a Contribution Is

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

a. All Contributions Are Aggregated

All contributions—monetary and in-kind—that each individual or entity provides to a candidate committee are aggregated to ensure that the individual or entity does not exceed the contribution limits. See [section IX](#) for more information on permissible contributions and contribution limits.

Example: Jana, a candidate for state 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 monetary contribution + \$300 in-kind contribution = \$500 in the aggregate).

b. Contributions Must Be Voluntary

Contributions must be voluntarily given to the candidate or candidate 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 XVI](#) for detailed information on the required contributor information.

Example: Jane is running for a seat in the Legislature. 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. Jane may not accept this contribution and report the \$200 as coming from anyone other than Tom. If Jane accepted such a contribution, she would be in violation of the Ethics Rules and may also be subject to criminal violations for intentionally reporting false information.

d. Earmarked Contributions Are Contributions to Candidates

A contribution to a political party committee or a limited political action 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\(A\)](#). This Rule is intended to prevent the laundering of funds through political parties and PACs to candidates in violation of Ethics Rules, including the Rule that requires contributions to be reported in the name of the actual contributor. Again, 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](#).

Example: Jane is running for a seat in the Legislature. 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 Political Action Committee X \$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 candidate committee. For example, if a political action committee (PAC) purchased a newspaper advertisement urging the election of a particular candidate and did so with the candidate's knowledge, the expenditure would be considered an in-kind contribution by the PAC to the candidate. [Rule 2.2\(6\)](#).

f. Volunteer Services 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](#). However, when a commercial entity uses telephone, electronic mail, social media, or similar devices or services for campaign

communications, it is considered an in-kind contribution to the candidate committee, unless the candidate committee pays fair market value for the use. [Rule 2.112](#).

Example: John Smith owns Smith’s Website Design, Inc. John volunteers to create a website for Jane Doe for House 2018. 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 a prohibited corporate contribution.

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

Discounts that are provided only to the candidate committee, as opposed to the general public, are considered in-kind contributions to the candidate 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 state office, by providing a 20% discount on his campaign shirts. Here, 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

A contribution is deemed to have been accepted by a candidate 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 candidate committee must be returned to the contributor and reported to the Commission in a 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 candidate 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 a commercial 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 to the Ethics Commission as received and refunded.

IX. Permissible Contributions & Contribution Limits

Who May Make Contributions to a Candidate Committee?

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

May Make Contributions to a Candidate Committee	Contribution Limit
Individual , 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 (2020 Candidate Committees only) \$50 limit for cash and anonymous contributions
Another Candidate Committee for State Elective Office	<ul style="list-style-type: none"> Up to \$2,800 per campaign (2020 candidate committees only)
Limited Political Action Committees (PACs) -Oklahoma PACs -Out-of-State PACs* -Federal PACs* *Provided the PAC does not receive corporate contributions	<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"> \$25,000 for Statewide Office \$10,000 for Any Other State Office (Other Than Judicial Office)

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 candidate committee, and all candidate committees are limited in the amount of contributions they can accept from each contributor. It is important to know these contribution limits because it is a violation of the Ethics Rules by both the contributor and the recipient if the maximum contribution limits are exceeded. [Rule 2.38](#).

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

A candidate may contribute an unlimited amount to his or her candidate committee from his or her personal funds or from joint funds of the candidate and the candidate's spouse. The individual contribution limit does not apply to the candidate providing contributions to his or her campaign. All monetary contributions provided by the candidate are required to be deposited into the depository prior to expenditure from the candidate 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 XII](#) on loans and [section XV](#) 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 candidate 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 in the aggregate per contributor. 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 \$2,800 contribution limit (see the following sections on individual contribution limits).

If an individual meets the \$50 cash contribution limit for a candidate, that individual can still contribute up to the individual contribution limit of \$2,800 to that candidate, but it must be made through another method of payment other than cash, such as a check or credit card.

If a candidate or candidate 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.

The candidate must retain the name, address, occupation and employer of each contributor. 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, which includes the contributor's name, address, occupation and employer. [Rule 2.19](#).

Example: Paula gave a \$50 cash contribution to Gary, a candidate for state 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 up to \$2,750 in contributions via check, credit card, or goods or services (in-kind) to Gary's campaign prior to the primary election.

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.

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 state 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—Limited to \$2,800 Per Election That the Candidate's Name Appears on the Ballot (2020 Candidate Committees Only)

The contribution limit from an individual to a candidate committee for the 2020 elections is \$2,800 per election that the candidate's name appears on the ballot. The candidate 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 candidate 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 candidate 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.](#)

Summary of Contribution Limits for 2020 Candidate 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 \$2,800 in total to a candidate committee prior to the general election may make additional contributions to that candidate 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 \$1,000 contribution prior to the primary election to Pam, a 2020 candidate for state 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 \$1,800 she did not give in the primary election in the runoff primary election because each contribution limit is specific to each election.

Example 2: John, an individual contributor, gave a contribution of \$100 prior to the primary election to Jane, a 2020 candidate for state office. Jane's name appeared on the ballot for the primary and general elections. After the general election, John may give up to \$2,700 to Jane's candidate 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 2020 candidate committees. In other words, a married couple could contribute up to \$5,600 per election that the candidate's name is on the ballot for those running for office in 2020.

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 2020 candidate for state office, received a \$2,800 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 \$1,000 and Jane is contributing the remaining \$1,800 to Susan's campaign. Susan must report the \$1,000 contribution as coming from John Smith and the \$1,800 as coming from Jane Smith; she will not report it as a single transaction of \$2,800 from John and Jane Smith.

e. Limited Liability Company (LLC) or Partnership—Count Toward the Individual Contribution Limits of Each Member or Partner Based on That Member's or Partner's Percentage of Ownership

Individuals who are members of a limited liability company ("LLC") or partners of a partnership may make contributions to a candidate 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." The owners of a partnership are called "partners." Contributions by a limited liability company are reported as contributions from each individual member of the limited liability company 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. [Rules 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 candidate Bob. Bob’s candidate committee may accept the check from the LLC, but the candidate 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 LMNO, Inc. are equal members of ABC, LLC. The LLC cannot make a contribution to a candidate committee because the contribution includes prohibited corporate funds.

f. Indian Tribes—Each Non-Incorporated Indian Tribe is Limited to \$2,800 per Election That the Candidate’s Name Appears on the Ballot (2020 Candidate Committees Only)

Indian tribes follow the individual contribution limit and may contribute up to \$2,800 per election that the candidate’s name appears on the ballot for 2020 candidate committees. 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” in The Guardian System.

If the tribe is incorporated, the candidate 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](#).

Contributions from Another State 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 state candidate committee may provide a contribution to another state candidate committee, but not a county, municipal, or school board candidate committee. [Rule 2.37\(F\)](#).

Contribution limits for candidate 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\(F\)](#). Candidate committees formed for the 2020 election cycle may give other 2020 candidate committees up to \$2,800 in total.

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.

Contributions from a Limited Political Action Committee (PAC) to Candidates—Limited to \$5,000 per Election That the Candidate’s Name Appears on the Ballot

A limited committee may contribute to a candidate committee, subject to the contribution limits. A limited committee is a political action committee (“PAC”) organized to make contributions to candidates and is subject to contribution limits.

A candidate committee is required to report the PAC’s identification number in its Report of Contributions and Expenditures. This may be the number issued by the Ethics Commission, the number issued by the Federal Election Commission (FEC), or the number issued by another state.

Generally, a limited political action committee (“limited 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](#).

Unopposed Candidates:

- Up to \$5,000 total for the campaign

Candidates in one election:

- Up to \$5,000 if the candidate’s name appears only on the primary election ballot
- Up to \$5,000 if the candidate’s name appears only on the general election ballot

Candidates in two elections:

- Primary and Runoff Primary Elections: Up to \$5,000 prior to each election for a total of \$10,000.
- Primary and General Elections: Up to \$5,000 prior to each election for a total of \$10,000.
- **Committees may not make one contribution to be allocated across multiple elections.**

Candidates in three elections:

- Primary, Runoff Primary, and General Elections: Up to \$5,000 prior to each election for a total of \$15,000.
- **Committees may not make one contribution to be allocated across multiple elections.**

After the general election regardless of number of elections:

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

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

Example 1: Jaqueline is running for a state legislative office, and her name appears on the ballot in the primary, runoff, and general elections. PAC X, a limited committee, gives her \$1,000 before the primary, \$2,000 before the runoff, and \$1,000 before the general election for an aggregate contribution total of \$4,000. Because PAC X has not exceeded \$5,000, it may contribute an additional \$1,000 to Jaqueline's campaign after the general election.

Example 2: Melvin is running for state legislative office, and his name is on the ballot in the primary, runoff, and general elections. PAC X, a limited committee, gives him a \$2,000 in-kind contribution before the primary, \$1,000 monetary contribution before the runoff, and \$2,000 monetary before the general election for an aggregate contribution total of \$5,000. Because PAC X has reached \$5,000 in contributions, it is unable to make additional contributions to Melvin after the general election.

a. 1/25 Political Action Committee (1/25 PAC)

A limited committee that has been registered with the Ethics Commission 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 are unofficially called 1/25 PACs. A candidate committee may receive contributions from a 1/25 PAC, subject to the specified contribution limits.

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

A candidate committee is required to report the PAC's Ethics identification number in its Report of Contributions and Expenditures.

Unopposed Candidates:

- Up to \$2,500 total for the campaign

Candidates in one election:

- Up to \$2,500 if the candidate's name appears only on the primary election ballot
- Up to \$2,500 if the candidate's name appears only on the general election ballot

Candidates in two elections:

- Primary and Runoff Primary Elections: Up to \$2,500 prior to each election for a total of \$5,000.
- Primary and General Elections: Up to \$2,500 prior to each election for a total of \$5,000.
- **Committees may not make one contribution to be allocated across multiple elections.**

Candidates in three elections:

- Primary, Runoff Primary, and General Elections: Up to \$2,500 prior to each election for a total of \$7,500.
- **Committees may not make one contribution to be allocated across multiple elections.**

After the general election:

- A limited committee that has not contributed over \$2,500 in total to a candidate committee prior to the general election may make additional contributions to that candidate committee after the general election in an amount that when aggregated to prior contributions to the candidate's campaign does not exceed \$2,500.

Example 1: Jaqueline is running for a state legislative 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 state legislative office, and his name is on the ballot in the primary, runoff primary, 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.

b. Contributions from Out-of-State Political Action Committees

A candidate 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 candidate 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 state office.

Although out-of-state PACs are not required to register with the Ethics Commission, these PACs are required to file a Report of Contributions and Expenditures for Non-Oklahoma Committees in The Guardian System in order to disclose such contributions in the state of Oklahoma. The registration number assigned by the other state to the out-of-state PAC is required. The Non-Oklahoma PAC Contributions & Expenditures reports are found on The Guardian System at guardian.ok.gov under the “Special Reports” tab. [Rule 2.92](#), [2.96](#) and [2.99](#).

c. Federal Political Action Committee

A candidate 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 candidate 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 candidate 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 \$25,000 for Statewide Office or \$10,000 for Any Other State Office (Other Than Judicial Office)

A candidate committee, for an office other than a judicial office, may receive contributions from political party committees, subject to the contribution limits. Judicial candidate committees for judicial offices may not accept contributions from political party committees due to the nonpartisan nature of judicial races.

The maximum amount that a political party committee may contribute is \$25,000 to a candidate for statewide office prior to the general election and \$10,000 to candidates for all other offices prior to the general election.

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 1: X State Political Party Committee wants to support its candidates in the General Election. County Y Political Party Committee contributes \$10,000 to Joe Smith, a candidate for House. 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.

Example 2: X Political Party Committee wants to support its candidates in the General Election. County Y Political Party Committee contributes \$10,000 to Jane Doe, a candidate for Governor. 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 able to make one or more contributions of up to \$15,000 to Jane Doe's committee because of the \$25,000 aggregate contribution limit to statewide candidates.

d. Statewide Office Versus Any Other Office

A statewide office is an office in Oklahoma that does not have districts; for example, Governor, Lt. Governor, State Auditor & Inspector, etc. do not have districts. A political party committee may contribute up to \$25,000 of its funds to these statewide offices through its various committees. Meanwhile, offices for House of Representatives and Senate all have districts. For these offices, a party committee can contribute up to \$10,000 through its various committees.

X. Prohibited Contributions & Contributors

A candidate committee is prohibited from accepting contributions from the following entities:

Corporations & Labor Unions	Unlimited Committees	Foreign Nationals
Federal, county, municipal, and school board Candidate 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 candidate committees, and candidate 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

Candidate 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 candidate committees. An unlimited committee may also be organized for the purpose of being an independent judicial retention committee or a PAC organized

exclusively for the purpose of advocating the approval or defeat of a state question. Unlimited committees may receive contributions in unlimited amounts and may accept contributions from corporations and labor unions. [Rules 2.2\(19\), 2.35, 2.37](#) and [2.106](#).

Federal Candidate Committee & Local Campaign Committee Contributions Prohibited

A candidate committee cannot accept a contribution from an authorized committee of a candidate for federal office. [Rule 2.30](#). Further, a state candidate committee is prohibited from receiving contributions from local campaign committees, including campaign committees for county, municipal, and school board elections. [Rule 2.37](#).

No Contributions During Blackout Period from Lobbyists and Lobbyist Principals

The following is not an Ethics Rule; it is a criminal statute under [21 O.S. § 187.1](#). This statute is enforced by the Attorney General's office or a District Attorney's office, not the Ethics Commission. This subsection is provided merely for informational purposes.

No lobbyist or lobbyist principal may make or promise to make a contribution to, or solicit or promise to solicit a contribution for a member of the Oklahoma Legislature or a candidate for state legislative office during any regular legislative session, beginning the first Monday in February, through its adjournment and for 5 calendar days following sine die adjournment. A member of the Legislature or a candidate for state legislative office may not intentionally solicit or accept a contribution from a lobbyist or lobbyist principal during the same time period. This provision does not prevent a political action committee affiliated with a lobbyist principal corporation or labor union from making a contribution.

Again, a violation of this rule is a criminal code violation, which will result in criminal penalties that are outside the scope of the Ethics Commission.

Section Summary

- The following may give contributions to a candidate committee (state 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.
 - Partnerships → Treated the same as LLCs.
 - Limited Political Action Committees (Limited Committees) → Reported with Ethics Number, out-of-state registration number or FEC number.
 - 1/25 Political Action Committees (1/25 PAC) → Limited Committees that are reported with Ethics Number, out-of-state registration number or FEC number.
 - Candidate Committees at the same level of elective office → Reported with Ethics Number
 - The following are **prohibited** from making contributions to candidate committees:
 - Corporations (all types, including for profit, nonprofit, and professional)
 - Labor Unions
 - Unlimited Political Action Committees (Unlimited Committees)
 - Foreign nationals
 - Federal level candidate committees and local campaign committees (county, municipal, and school board candidate committees)
 - LLCs or Partnerships with incorporated members or partners
- See [Appendix I](#) for the Contribution Limits Chart.

XI. Special Fund-Raising Events**Joint Candidate Fund-Raising Events**

Two or more candidates for state 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 candidate committees may not be commingled. Each contribution must be made to the individual candidate 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 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 candidate 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 candidate committee. The \$500 in excess of \$1,000 is considered an in-kind contribution to Tiffany's candidate 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 nonresidential 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 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 candidate 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 candidate 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 state 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 candidate 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 candidate committee.

Example 2: Same facts as Example 1 except that the commercial office space is actually owned by John Smith, Inc. Jane’s candidate 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 candidate 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, nor a fee 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 state candidate 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 candidate committee must return the check because it is a prohibited contribution from a corporation.

Example 2: John’s state candidate 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 candidate 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 candidate 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 candidate 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 candidate committee sells goods or services, such activities are subject to applicable licenses and taxes provided by law. [Rule 2.64.](#)

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

Example 2: Sarah's state candidate committee is hosting an auction to raise funds and is accepting items from the surrounding community to action. 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 candidate 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:** A contributor that hosts a fundraising event for a candidate in their residence receive a \$1,000 exclusion (does not count toward contribution limit) if the contributor's personal funds are used for the event. Any expenditures made for the event by the contributor in excess of the \$1,000 is an in-kind contribution. Exclusion can only be used by an individual contributor once per year per candidate committee.
 - **Non-residence used for fund-raiser:** 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 (does not count toward the contribution limit) if the contributor's personal funds are used for the event. Any expenditures made for the event by the contributor in excess of the \$1,000 is an in-kind contribution. The exclusion can only be used by an individual contributor once per year per candidate committee. Buildings owned or exclusively leased by a non-individual will not qualify for this exemption.
 - **Golf-tournament:** Any funds paid for and goods and services given to the event at no cost to the candidate or candidate committee 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 candidate 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.

XII. Loans

Permissible Loans

Candidates may receive loans from three sources:

1. A Commercial Financial Institution
2. A Non-commercial Financial Institution
3. The Candidate

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

a. Loans by Commercial Financial Institutions

A candidate 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 candidate 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 off 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: Mike is a candidate for state 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 \$2,700 before the primary and another loan of up to \$2,700 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 Candidate Committees

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 candidate 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. [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 in 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 candidate 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 candidate committee, but the candidate 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 XV](#) on reimbursements.

Example 1: Tom is a candidate for state 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 candidate 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 candidate 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 state 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 candidate 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 candidate committee. Tom has not made a loan to the candidate committee because he failed to first transfer his personal funds into the candidate committee's account. He may, however, reimburse himself with committee funds within 90 days of the original expenditure of \$200.

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 XV](#) on reimbursements.

Prohibited Loans

- A PAC may not make a loan to or receive a loan from a candidate committee.
- A candidate committee may not make a loan to another candidate committee. [Rule 2.66](#).

Section Summary

- A candidate 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 candidate committee may receive an unlimited amount of loans from the candidate himself/herself. In order to properly establish a loan, the candidate making a loan to his or her own candidate committee using personal funds must do the following: (1) the funds must be deposited in the campaign depository; (2) a written loan document must be created and signed by the candidate (lendor) and committee (payor) at the time of the loan; and (3) the loan must be reported on a Report of Contributions and Expenditures.

XIII. Understanding Expenditures

What an Expenditure Is

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

Personal Use of Campaign Funds Prohibited

Contributions accepted by a candidate 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 state 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 candidate committee may be used to make expenditures for the following:

1. Ordinary and necessary campaign expenses;
2. Operating expenses of the committee;
3. Contributions to another candidate committee (state office only);
4. Modest campaign-related items in recognition of volunteers and contributors;
5. Officeholder expenses;
6. Reimbursements (see [section XV](#)); 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 State 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 XIV](#). [Rule 2.39](#).

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

Expenditures made by a candidate 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 Candidate Committee

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 state candidate committee may provide a contribution to another state candidate committee, but not a county, municipal, or school board candidate committee. [Rule 2.37\(F\)](#).

Contribution limits for candidate 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\(F\)](#). Candidate committees formed for the 2020 election cycle may give other 2020 candidate committees up to \$2,800 in total.

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.

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

A candidate 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 candidate committee. These items must be (1) campaign related (e.g., item with a campaign logo, candidate 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 candidate committee. [Rule 2.64](#).

Goods which do not meet the modest items rule should not be provided by candidate committees due to concerns regarding vote influence. Criminal laws, not Ethics Rules, are implicated when providing goods or anything of value intended to influence votes. These laws are enforced by the Attorney General's or a District Attorney's office.

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

Contributions to a candidate 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 state 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 state 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 state elective office, provided that the expenses are not otherwise reimbursed or paid for by the state. Officeholder expenses are those that would not exist but for the fact that the candidate was elected to and holds state 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. Funds Transferred to New Committee and Officeholder Expenses

When an officeholder dissolves one candidate committee and contemporaneously files a Statement of Organization for a different candidate 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.

Section Summary

- The following are the types of expenditures that a candidate committee may make:
 - Ordinary and Necessary Campaign Expenses
 - Operating Expenses
 - Contributions to Other Candidates (state candidates only)
 - Officeholder Expenses (only for those holding office)
 - Modest Items Related to the Campaign to Recognize Contributors and Volunteers
 - Reimbursements (see [section XV](#))
 - 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

XIV. Disclosure Requirements for Campaign Advertising

Electronic Communications Disclosure Requirements

Whenever a candidate 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, either orally or in writing, exactly as shown: “**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 candidate 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 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. However, the disclosure is required for banners and campaign signs (larger than 18” X 24”). [Rule 2.56](#).

XV. Reimbursements

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

Individuals, other than the candidate and political consultants, who make an expenditure for the campaign and wish to be reimbursed by the candidate committee may do so. 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 state office. Her candidate committee staff member, Clay, used \$200 of his personal funds to purchase materials for campaign signs at ABC Hardware, Inc. Maria’s candidate committee can reimburse Clay the \$200. Maria’s candidate committee must report this as a \$200 expenditure to ABC Hardware, Inc. for campaign signs. The committee must maintain Clay’s receipt as a committee document.

Reimbursements to the Candidate Other Than Through Loans

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 XII](#) on loans. Reimbursements to a candidate must be made within 90 days. [Rules 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 candidate committee with his or her personal funds can be reimbursed those funds with candidate 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 candidate 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 candidate 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 XII](#) on loans). One of the requirements for the loan process includes the candidate putting his or her own funds in the campaign depository. Consequently, 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 reimbursement Rule (i.e., within 90 days reimbursement rule) is applicable to such situation. [Rule 2.43](#).

Example: Matt, a candidate for state 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 candidate committee to report two entries in The Guardian System:

1. **In-Kind Expenditure** - to the original vendor with a specific description, indicating the product or services rendered in relation to the committee and the candidate's personal payment for the item.

2. **Expenditure** – the expenditure type will be a candidate reimbursement, 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.

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 candidate 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. Candidate 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, candidate committee funds may only be used to reimburse mileage at the applicable mileage rate for mileage not otherwise reimbursed.

When there is a mixed use 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). Candidate committees should review the applicable rate regularly to ensure the appropriate reimbursement rate is used. The mileage reimbursement rate for 2019 is \$0.50/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 candidate 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 candidate 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 state 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 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 expenditure.
- The candidate reimbursement Rule applies to all candidate reimbursements, including mileage and other travel reimbursements.
- Mileage reimbursements must be reported with a specific description of the mileage amount and rate used to calculate the mileage reimbursement value.
- No gas may be purchased using candidate committee funds, unless the committee purchases a vehicle for exclusive campaign use from a licensed Oklahoma dealer.

XVI. Reports of Contributions and Expenditures

Obligation to File Reports of Contributions & Expenditures

Once a candidate committee has filed a Statement of Organization with the Ethics Commission, 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. [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 as all other candidates for state office. 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 2.101](#).

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 candidate 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, political party or candidate 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](#).

It is imperative that the Treasurer keep detailed and accurate records of all candidate 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 candidate 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 and partnerships. Although the candidate committee may receive a contribution from a limited liability company 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 elicit 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: Electronically in The Guardian System

All Reports of Contributions and Expenditures must be filed electronically in The Guardian System, unless otherwise ordered by the Commission or the Executive Director of the Commission. Access to Reports of Contributions and Expenditures may be found on The Guardian System <https://guardian.ok.gov>. [Rule 2.122](#). Documents filed electronically are considered timely filed if filed at any time on the date specified. [Rule 1.4](#).

a. Resources for Filing Reports of Contributions and Expenditures in The Guardian System

For more information on The Guardian System and filing Reports of Contributions and Expenditures, see the documents and YouTube videos with step-by-step instructions in The Guardian System at <https://guardian.ok.gov>. To access this information, log in to The Guardian System, click on the "Resources" tab, and then click on "Publications" in the drop-down menu.

One-on-one Guardian System training with Ethics Commission staff may be requested. However, The Guardian System training will not be offered during the last 5 days of a quarterly or pre-election reporting period. Contact the Ethics Commission staff at (405) 521-3451 or ethics@ethics.ok.gov to schedule an appointment.

When Reports Are Due

The Guardian System is accessible 24 hours a day, 7 days a week. Accordingly, all reports are due no later than the date specified even when the due date falls on a holiday or weekend (e.g.,

report due on Labor Day or a Saturday). Ethics Commission staff is only available during the Commission's regular hours of operation. Commission staff is unavailable on the weekends and on official state holidays.

When a report is due depends upon when a candidate registers or is required to register in The Guardian System and whether the filing period occurs during an election year. [Rules 1.4](#), [2.100](#), [2.101](#), and [2.103](#).

a. Filing Dates Available on the Ethics Website and in The Guardian System

A complete schedule of filing dates is provided on the Ethics Commission's website at www.ethics.ok.gov under the "Campaign Finance Reporting" tab.

Also, The Guardian System will notify those who have filed a Statement of Organization in the system of upcoming reports.

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 in The Guardian System. A report cannot be filed until after the last day of the period covered by the report. 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 candidate committee shall be filed at the same time as required for the quarterly or pre-election Report of Contributions and Expenditures following the filing of a Statement of Organization. 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](#).

A committee that fails to register timely and misses one or more reports must notify the Commission staff to have the missed reports added to their schedules.

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 candidate committees are made on a quarterly basis.

For example, Candidate Smith forms a committee for 2020 elections called "Smith for Senate 2020." Candidate Smith's committee will file quarterly reports in the years other than 2020, including 2022 which is an election year. 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:

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

Quarterly reports due in January, April, July or October cannot be filed early, unless the candidate committee is dissolving and filing a Final Report of Contributions and Expenditures. Although reports cannot be filed prior to a filing period, contributions and expenditures may be entered and updated continuously in The Guardian System.

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](#).

Regularly Scheduled Elections—Quarterly and Pre-Election Reports Required in Election Years

In the years of the election for which the committee was formed, candidate 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). The reporting dates and time periods covered are as follows:

Filing Date	Period Covered	Type of Report
April 1 – 30	Jan. 1 – March 31	1 st Quarter Contributions and Expenditures Report
8-14 days before the primary election	April 1 – 15 days before primary election	Pre-Election Report of Contributions and Expenditures
8-14 days before runoff primary election	15 days before primary – 15 days before runoff primary election	Pre-Runoff Report of Contributions and Expenditures
8-14 days before general election	15 days before primary election – 15 days before the general election	Pre-General Report of Contributions and Expenditures
Jan. 1 – 31	End of pre-general election reporting period – Dec. 31	Partial Quarter Report of 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 20120, 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.

a. 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: 24-Hour Continuing Report of Contributions (CRC)

A candidate committee is required to file 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 candidate 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 is not be required. It is also important to remember that **contributions include monetary contributions, in-kind contributions, loans to the candidate committee from a non-commercial financial institution, and loans from the candidate to his or her own candidate 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.

TIP: It is recommended that candidate committees enter all accepted contributions daily into The Guardian System during the two weeks before an election, so that if a contribution(s) triggers a Continuing Report of Contributions, the committee can file the report within the 24-hour filing period.

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 made.

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. If a Continuing Report of Contributions is triggered and it is believed to be in error, contact the Ethics Commission staff immediately for assistance to prevent potential late filing fees. [Rule 2.102.](#)

Example 1: Candidate John is in the runoff election, which occurs on August 28, 2020. Within the two-week time period before the election, on August 16th, John received a \$1,000.01 contribution from Connie Contributor. John should report this contribution in The Guardian System as soon as the contribution is accepted

because a Continuing Report of Contributions will be triggered in The Guardian System and must be filed by August 17, 2020 (within 24 hours).

Example 2: Candidate Jane is in the primary election, which occurs June 26, 2020. Candidate Jane loaned her campaign \$1,000.01 on June 22, 2020. Because Candidate Jane loaned her candidate 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 candidate 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 candidate committee is dissolved in accordance with the Ethics Rules and a Final Report of Contributions and Expenditures is filed. [Rule 2.101](#).

Again, all reporting schedules are available on the Ethics Commission website under the “Campaign Finance Reporting” tab, and those using The Guardian System will have the benefit of the system providing notice to the candidate committee when a report is due. Candidates for a special election have mandatory dissolution dates. The mandatory dissolution dates are provided at the bottom of the reporting schedules.

XVII. Enforcement, Late Reports and Compliance Orders

The Executive Director is authorized to issue compliance orders to obtain compliance with these Rules, including late filing fees. A candidate committee that files more than one quarterly 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](#).

XVIII. Personal Financial Disclosure Statement (PFD)

Effective July 1, 2016, the only individuals who are required to file a financial disclosure statement are state officers who are *elected or subject to retention to judicial office*. Candidates are no longer required to file financial disclosure statements. For more information on filing a PFD, see the PFD Guide, available on the Ethics Commission website at www.ethics.ok.gov. [Rule 3.16](#).

XIX. Understanding Independent Expenditures, Electioneering Communications, and the Risks of Coordination

Third parties, not candidate committees, engage in independent expenditures (“IE”) or electioneering communications (“EC”). Generally, an IE or EC is a communication that advocates the election or defeat of a candidate or references a clearly identified candidate, respectively, and meets certain distribution criteria. If a candidate, candidate committee, agent, etc., coordinates with a third party who is engaged in an IE or EC, the expenditure becomes a contribution to the candidate committee. This will often cause excessive contributions or prohibited corporate contributions.

An IE made by a third-party cannot be made in coordination with, cooperation with, consultation with, or concert with, or at the request or suggestion of, a candidate, a candidate committee or their agents. [Rules 2.2\(7\)](#) and [2.2\(10\)](#). For more information on IEs and ECs, see [Appendix II](#).

What Constitutes Coordination, Cooperation, Consultation or “Acting In Concert”

Coordination, cooperation, consultation and “acting in concert” are not defined in the Ethics Rules. Common definitions of “coordination,” “cooperation,” “consultation” and “concert” offer these descriptions, among many others: “to associate with others for mutual benefit,” “to act together,” “to confer,” “formed by mutual communication of opinion and views.” Whether or not there is coordination, cooperation or consultation in any given situation depends upon the facts.

a. Consequences of Coordination

If an alleged IE or EC is in fact made in coordination with, cooperation with, consultation with, or concert with, or at their request or suggestion of, a candidate, a candidate committee or their agents or a political party committee or its agents, then the “expenditure” becomes a contribution to the candidate committee and is reported as an expenditure by the candidate committee. If the amount of the expenditure exceeds the limits for contributions, then it is a violation of the Ethics Rules by both the contributor and the recipient. Such an expenditure may also violate criminal laws enforced by the Attorney General’s or District Attorney’s office. [Rule 2.2\(6\)](#), [2.2\(10\)](#), [2.38](#), [2.107\(H\)](#), and [2.108\(H\)](#).

XX. Dissolving the Candidate Committee

Candidate Committee May Dissolve at Any Time Prior to the Mandatory Dissolution Dates

A candidate committee may dissolve at any time prior to mandatory dissolution dates by dissolving in accordance with the Ethics Rules and filing a Final Report of Contributions and Expenditures that shows no funds remaining in the candidate committee. [Rule 2.116](#).

A candidate committee remains obligated to file all required reports until the committee is dissolved in accordance with the Ethics Rules. A candidate committee that does not dissolve and stops filing required reports may be subject to compliance orders and other enforcement actions. [Rule 6.19](#).

Mandatory Dissolution of Candidate 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 candidate 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 candidate 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.

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 candidate committee means that the candidate committee is terminating, disposing of all of its assets and funds, and resolving any debt. A candidate can transfer debt, assets and funds from one state campaign to another campaign for future state office. A candidate committee can completely dissolve and dispose of its funds. However, if a candidate 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 candidate committee must perform the following tasks:

- Dispose of Any Assets
- Resolve Any Debt
- Dispose of Surplus Funds
- File a Final Contributions and Expenditures Report

There are checklists for how to dissolve or transfer to a new candidate committee, available on the Ethics Commission website at www.ethics.ok.gov. For other assistance dissolving or transitioning a candidate committee, contact the Ethics Commission staff. [Rules 2.116](#), [2.117](#), [2.118](#), and [2.39](#).

a. Disposition of Assets

The candidate committee must dispose of assets acquired by the candidate 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 candidate 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 an "other fund" and disposed of with all other remaining funds.

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

b. Resolution of Debt

If a candidate committee has debt at the time of its dissolution, that debt must be resolved in a commercially reasonable manner before the candidate committee may dissolve. Debt may not be resolved for the purpose of evading prohibitions or limitations of the Ethics 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. Candidate 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 candidate committee may be designated **only following the determination of the election for which the candidate 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 state 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 candidate committee without funds remaining in its campaign depository must dissolve by the specified mandatory dissolution date as established in [Rule 2.116](#).

Whereas, a candidate 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 candidate committees, (3) make campaign expenditures, or (4) make operating expenditures.

However, such committees may make the following expenditures:

- Candidate 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
- Candidate 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 in The Guardian System until 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](#).

If you do not file a Final Report in The Guardian System, you may still be subject to compliance orders. [Rule 6.19](#).

f. Send Bank Statements to Ethics Commission Upon Request

Once a candidate 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.

Periodically, after the committee is dissolved, the compliance officers will request bank statements to ensure compliance with the Ethics Rules.

Section Summary

- A state candidate 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 mandatory dissolution dates, and the dissolution and transfer checklists on the Ethics Commission website
- Keep all records, including bank statements, for a period of four years. These documents must be made available upon request by the Commission.

XXI. 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 state 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](#).

No person may use or authorize the use of public funds, property or time to engage in activities designed to influence the results of an election for state office. This prohibition, however, does not prevent an elected state officer from expressing his or her opinion or position on any issue. [Rule 2.4](#).

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 state 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](#).

c. Solicitation on State of Oklahoma Property That Is Used to Conduct Official State Business

No person may solicit or accept a contribution for a political committee, including a candidate committee, in any area of the state capitol building under any circumstances. Further, no person shall solicit or accept a contribution for a political committee, including a candidate committee, in any office or other space owned, leased, or occupied by the State of Oklahoma that ordinarily is used for the conduct of official state business. This does not include college campuses and public meeting rooms, auditoriums, or similar meeting areas that are available for use by the public at large. [Rule 2.6](#).

d. Distribution of Campaign Materials on State Property That Is Used to Conduct Official State Business

No materials designed to influence the results of an election for state office or a state question can be posted in the state capitol building or in any office or other space owned, leased or occupied by the State of Oklahoma that ordinarily is used for the conduct of official state business, except as permitted by law or these Rules. However, when state facilities are being used for political purposes, as provided in these Rules, such materials may be posted for a reasonable period of time. [Rule 2.7](#).

e. Prohibitions on Campaign Activities During Work Hours and/or In Work Attire (State Officer and Employees)

State officers and employees are prohibited from engaging in activities designed to influence the results of an election for state office during work hours. State officers and employees are prohibited from engaging in such activities at any time when wearing a uniform or identification that identifies the person as a state officer or employee. These prohibitions do not apply to an elected state officer. [Rule 2.9](#).

f. State-Owned Property and Services Prohibited from Being Used For Campaign Purposes

State officers and employees are prohibited from using a state-owned telephone, state electronic mail or other state equipment, property or services to advocate the election or defeat of a clearly identified candidate for any elective office. [Rule 2.14](#).

State officers and employees may not use a state-owned telephone, state electronic mail or other state property or services to make a contribution to a political committee, including a candidate or candidate committee. [Rule 2.15](#).

No Internet social media account maintained in the name of a state officer as a state officer or state agency may be used for political purposes. The prohibition includes the solicitation, receiving or acceptance of contributions. It also prohibits advocating the election or defeat of a clearly

identified candidate for any elective office or a vote for or against a state question or other question to be voted upon at an election. Such official accounts may not be converted for use by a candidate committee. [Rule 2.16.](#)

Example 1: John Smith is running for state representative. He creates a Facebook page under the name John Smith to assist with campaign communications. John Smith is elected to office. He decides to change the name on the Facebook page to Representative John Smith and uses that page to communicate with constituents while in office. Campaign season comes around again, and John runs for office again. Since John has been using his Facebook account for state officer purposes, he cannot convert that Facebook account back to a campaign page to use for campaign purposes. Consequently, John cannot use or allow his candidate committee to use that account for campaign purposes.

g. State Officer or Employee’s Personal Property Used for Campaign

A state officer or employee, who is not otherwise prohibited from doing so, may use his or her personal telephone, electronic mail, Internet social media or similar electronic devices or services for campaign communications. Use of such personal equipment is considered as a volunteer service to the campaign. [Rule 2.111.](#)

Other Rules Specifically Regarding Elected State Officers and Staff

a. Elected State Officers May Use Public Resources to Distribute Informational Materials

Elected state officers may use public funds, property, or time to electronically or otherwise produce and distribute newsletters or similar informational materials to constituents and others, provided those materials do not advocate the election or defeat of a clearly identified candidate or candidates for any elective office or offices or a vote for or against a state question or other question to be voted upon at an election. Permitted uses do not include recognition of holidays, birthdays, births or similar greetings in absence of substantial informational materials related to public issues. [Rule 2.11.](#)

b. Elected State Officers May Use Public Resources to Post Materials on Opinions or Positions on Issues

Elected state officers, other than judicial officers, may use public funds, property, or time to post materials in their offices indicating their opinions or positions on issues, provided these materials do not advocate the election or defeat of a clearly identified candidate for any elective office or a vote for or against a state question or other question to be voted upon at an election. Display of a photograph or similar depiction of a current or former elected federal or state officer, including autographed photographs or similar depictions, is permitted. [Rule 2.12.](#)

c. Prohibition on Certain Campaign Contribution Solicitation from State Officers or Employees

An elected state officer may not knowingly solicit, directly or indirectly, a contribution to his or her campaign from any state officer or employee employed by the elected state officer’s agency

or any person who works for the elected state officer's agency through a third-party contract. [Rule 2.5](#).

d. State Employees May Participate in Political Activities That are a Part of His or Her Regular Duties

State employees whose regular duties include scheduling meetings, activities and events for elected state officers may schedule political activities or events for that elected state officer. [Rule 2.13](#).

Section Summary

- Generally, public (i.e., state) funds, property, or time cannot be used for campaign activities. Note that this Rule prohibits using state resources, such as state staff, email, and property for campaign purposes.
- This prohibition, however, does not prevent an elected state officer from expressing his or her opinion or position on any issue, provided it does not advocate for or against a candidate or state question.
- Contributions cannot be solicited or accepted at the State Capitol nor in offices or other spaces owned, leased, or occupied by the State of Oklahoma that ordinarily are used for the conduct of official state business, except as permitted by law or these Rules.
- No materials designed to influence the results of an election for state office or a state question can be posted in the state capitol building nor in any office or other space owned, leased or occupied by the State of Oklahoma that ordinarily is used for the conduct of official state business, except as permitted by law or these Rules.

APPENDIX I: Contribution Chart

2020 State Elections: Contribution Chart

CONTRIBUTORS	RECEIVING COMMITTEES				
	State Candidate Committee	Limited Committee	1/25 Committee	Party Committee	Unlimited Committee
Individuals** (candidates may give unlimited contributions to their own campaign)	Per Election Limit*: \$2,800	\$5,000 per year	\$5,000 per year	\$10,000 per year (may be split between multiple party committees)	No Limits
	Unopposed Candidates: \$2,800 per campaign				
Limited Committee (other than 1/25 committees)	Per Election Limit*: \$5,000	\$5,000 per year***	Nothing	\$10,000 per year (may be split between multiple party committees)	Nothing
	Unopposed Candidates: \$5,000 per campaign				
1/25 Limited Committee	Per Election Limit*: \$2,500	Nothing	Nothing	\$5,000 per year (may be split between multiple party committees)	Nothing
	Unopposed Candidates: \$2,500 per campaign				
State Candidate Committee	\$2,800 per campaign	Nothing	Nothing	Up to \$25,000, only after the race is decided for that candidate	Nothing
Political Party	Statewide Office: \$25,000 prior to general election	Nothing	Nothing	Unlimited transfers between committees in same party	Nothing
	All Other State Offices: \$10,000 prior to general election				
Unlimited Committee	Nothing	Nothing	Nothing	Nothing	Unlimited***
Corporations	Nothing	Nothing	Nothing	Nothing	Unlimited
<p>*PER ELECTION LIMITS 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 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 & ANONYMOUS CONTRIBUTIONS: No more than \$50 of a contributor's contribution may be in cash or from an anonymous source. Cash or anonymous contributions received in excess of \$50 must either be returned to the contributor (if known) or 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 follow the individual 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>					

State Contribution Chart v.2019.1

APPENDIX II: INDEPENDENT EXPENDITURES & ELECTIONEERING COMMUNICATIONS

What an Independent Expenditure Is

An independent expenditure (“IE”) is an expenditure made by a person that expressly advocates (1) the election or defeat of a clearly identified candidate or (2) a vote for or against the retention of a candidate for judicial retention. An IE cannot be made in coordination with, cooperation with, consultation with, or concert with, or at the request or suggestion of, a candidate, a candidate committee or their agents. [Rule 2.2\(10\)](#).

a. What an Independent Expenditure Is Not

An IE is not a contribution to a candidate or a candidate committee. An IE also does not include the display of a noncommercial yard sign, lapel pin, button, bumper sticker or similar displays of support or opposition to a political party or a candidate. [Rule 2.2\(6\)](#) and [Rule 2.2\(10\)](#).

What an Electioneering Communication Is

An electioneering communication (“EC”) is a single communication or a series of communications that refers to a clearly identified candidate for state office and is made within 60 days prior to a general election or 30 days prior to a primary or runoff election.

An EC must be sent by Internet advertising or direct mail; broadcast by radio, television, cable or satellite; or appear in newspaper or magazine advertising.

The communication must be targeted to the “relevant electorate.” The “relevant electorate” is 25,000 or more persons for a statewide office, 2,500 or more persons for State Representative or District Judge and 5,000 or more persons for all other state offices.

An EC is distinguishable from an independent expenditure in that an EC does not explicitly advocate the election or defeat of a clearly identified candidate. [Rule 2.2\(7\)](#) and [\(11\)](#).

a. What an Electioneering Communication Is Not

An EC is not “issue advocacy,” although the two terms often are very similar in substance. A communication that references a candidate that is outside the relevant time period or that is made through a different means of communication is not an EC. However, such a communication, if made through the identified channels, may become an EC by operation of law if it meets the time, means, and relevant electorate requirements. In other words, for example, a communication that mentions a candidate’s name targeted to the relevant audience through a television broadcast made 31 days before a primary election is issue advocacy. That same communication, made 30 days before the same primary election becomes an EC. Communications by telephone are not EC regardless of timing but may be considered an IE.

Who May Make Independent Expenditures and Electioneering Communications

Any limited committee or unlimited committee may make IEs or ECs consistent with the purposes of the committee. IEs and ECs also may be made by other persons, such as individuals, partnerships, limited liability companies and corporations. [Rules 2.50](#) and [2.52](#).

A candidate cannot make an IE for his or her own campaign and is prohibited from making an IE for the campaign of another candidate. [Rule 2.49](#). However, a candidate may make an EC only for his or her own campaign. Such communications by a candidate are reported as an expenditure, not an electioneering communication. [Rule 2.51](#).

No Limits on Funds Spent for Independent Expenditures and Electioneering Communications

There are no limits to the amount of funds that may be spent on IEs or ECs. [Rule 2.50](#) and [2.52](#).

How Independent Expenditures or Electioneering Communications Are Reported**a. IE or EC Made at Least 15 Days Before an Election**

If an IE or EC of \$5,000 or more is made by a PAC or any other person at least 15 days prior to any primary, runoff primary or general election, that expenditure must be reported at the same time that candidates file pre-election reports. [Rules 2.107\(A\)](#) and [2.108\(A\)](#).

b. IE or EC Made No More Than 14 Days (Two Weeks Before the Election): Next Business Day Filing Period

If an IE or EC of \$5,000 or more is made by a PAC or any other person no more than 14 days prior to a primary, runoff primary or general election, but no later than the day of the election, that expenditure must be reported no later than the business day following the day the expenditure is made. [Rule 2.107\(B\)](#) and [2.108\(B\)](#).