# State Candidate Guide





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# The Commissioners

Five Commissioners serve on the Commission for the Oklahoma Ethics Commission, with a term of five years and no more than two successive 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.

Information on the current commissioners may be accessed on the Ethics Commission website at Oklahoma Ethics Commission - Commissioners.

# What's New in This Guide?

• **2024** Contribution limits increased. This increase does not apply to any candidate committee formed for a different election cycle (2022, 2020, 2018) as those contribution limits remain in effect. For the 2023 & 2024 elections only, the Commission increased the contribution limit from \$2,900 to \$3,300 for individuals and 2024 candidate committees contributing to 2024 candidate committees.

# Introduction and Ethics Commission Resources

# 1. WHAT IS THE OKLAHOMA ETHICS COMMISSION?

The Oklahoma Ethics Commission ("Commission") is a Commission created by a vote of the people of Oklahoma in 1990 by adding Article 29 to the Oklahoma Constitution. The Constitution requires the Commission to promulgate Rules of ethical conduct for campaigns for state office, campaigns for initiative and referenda, and state officers and employees. The Commission has limited statutory jurisdiction for campaigns at the local levels, such as counties, independent school and technology center districts, and certain municipalities.

# 2. <u>How to Use This Guide</u>

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 <u>Rule 1.8</u>. 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. This Guide is written as though the committee meets or will meet the requirements to register and file reports with the Commission.

# 3. <u>LIMITED SCOPE</u>

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.

# 4. 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 <u>www.ethics.ok.gov</u> under "Campaigns/Local Campaigns."

# 5. <u>ETHICS ONLINE REPORTING SYSTEM: THE GUARDIAN SYSTEM</u>

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 <u>www.ethics.ok.gov</u> or at <u>https://guardian.ok.gov</u>. Guardian System Overview information can be found on the website <u>www.ethics.ok.gov</u>, under the "Checklists & Information" tab. The Guardian System is accessible 24 hours a day, 7 days a week.

# 6. **GUARDIAN SYSTEM TRAINING**

The Guardian System easily guides users through reporting transactions and filing reports. The Guardian System Overview information can be found on the website <u>www.ethics.ok.gov</u>, under the Checklists & Information tab. However, one on one training is available by contacting the Ethics Commission staff at (405) 521-3451 or <u>ethics@ethics.ok.gov</u> to make an appointment.

## 7. <u>CONTACTING THE COMMISSION</u>

The Commission's hours are Monday through Friday from 8:30 a.m. to 4:30 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
- Website: <u>www.ethics.ok.gov</u>

# 8. <u>ETHICS WEBSITE, CANDIDATE PAGE, & ONLINE RESOURCES</u>

The Commission's website <u>www.ethics.ok.gov</u> was redesigned in 2020 to include a page dedicated to state candidate committees and where all resources may be accessed from the same page. The website also includes Guides other than this one, checklists, charts, the Ethics Rules including an annotated version of the Rules, and any interpretations of the Rules that have been issued. Meeting dates, minutes of meetings, proposed amendments, and information on the Commission, Commissioners, and staff are also available.

# 9. ETHICS CONTINUING EDUCATION PROGRAMS

The Ethics Commission holds continuing education programs to assist in the understanding and compliance with the Ethics Rules. During candidate filing for elective state office, candidate programs are offered daily to ensure candidates traveling from outside the metro area have the ability to attend in-person programs. Notifications for additional programs will be provided when programs are scheduled.

# **10. GOVDELIVERY NOTIFICATION SYSTEM**

Sign up on the Ethics Commission website (<u>www.ethics.ok.gov</u>) 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 messaging: To receive election specific text message notifications from the Ethics Commission regarding candidate committees, text "OKETHICS + Election Year" to GOV311 or 468311. For example, for 2024 committee election information you would text "OKETHICS2024".

# 11. ETHICS COMMISSION ON SOCIAL MEDIA

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

- Twitter: @EthicsOKgov
- Facebook: <u>https://www.facebook.com/EthicsOKgov/</u>

# **Elections in Oklahoma**

Candidates seeking to be elected to a state office utilize candidate committees formed for a specific election cycle. A regular election cycle consists of three separate elections: (1) Primary Election; (2) Run-off Primary Election; and (3) the General Election.

A political race for a single elective office may not have any elections if a candidate is unopposed. Or, a political race for a single elective office may have multiple candidates which may not participate in the same number of elections. The number of elections a candidate participates in during that cycle depends on how many candidates from each political party participate or whether a candidate is independent of a political party.

**Political Race for District A has 4 candidates:** Candidates 1, 2, and 3 are part of Political Party A. Candidate 4 is an independent candidate. Candidates 1, 2, and 3 all participate in the primary election. Candidates 1 and 2 go to a runoff primary election which Candidate 1 wins.

In District A's race:

Candidate 1 has 3 elections (Primary, Runoff Primary, and General);

Candidate 2 has 2 elections (Primary and Runoff Primary); and

Candidates 3 and 4 each only have 1 election (Candidate 3 has only a primary; Candidate 4 has only a general).

# **Judicial Candidates: Special Requirements**

Candidates for elective judicial offices, including judicial offices subject to retention, are subject to the Ethics Rules as are all other candidates for state office. Special restrictions apply to judicial candidates under various Ethics Rules to be consistent with the non-partisan nature of the office.

Judicial candidates are also subject to the Code of Judicial Conduct. 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. Where the CJC and Ethics Rules both apply the candidate is required to abide by the most restrictive Rule or policy. Commission staff does not interpret the Code of Judicial Conduct.

This Guide is written for all candidates. Where a Rule addresses judicial candidate conduct differently from other candidates look for red box like this one.

# Lifecycle of a Candidate Committee

Generally, the candidate committee "life cycle" has three separate phases: a beginning, a middle, and an end. For the purposes of this Guide the phases are described as an organizational phase, operational phase, and dissolution phase.

Organize	Operate	Dissolve
Name Committee, ID officers,	Set policies, Maintain records,	Sell assets, Dispose of funds,
get EIN number, & Open	Campaign, & Complete required	Close committee depository
Committee Depository Account	filings with Ethics Commission.	account, & File final report

# **Organizing a Candidate Committee**

Every candidate committee is required to have at least the following:

- Committee Name: A name that includes the candidate's first, middle, or last name, <u>and</u> the year of the election:
- **Committee Officers:** A Chair and Treasurer (a deputy treasurer is strongly recommended but not required).
- **Committee Depository Account:** Such as a Bank, Credit Union, or similar account that operates in Oklahoma, is opened in the Committee's name, and is used <u>only</u> for committee business.

# **Candidates and their Committees**

Every candidate for elective office has 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).

1. <u>CANDIDATES</u>

Under the Ethics Rules, a candidate is an individual who has, or should have filed a *Statement of Organization* ["**SO**"] for a candidate committee with the Ethics Commission.

• When must a SO be filed? Within 10 days of *exceeding* \$1,000 in funds, goods, or services received or expended for the campaign. This includes the candidate's own funds and loans for the campaign.

A candidate may file an SO voluntarily, without meeting the threshold amount, but must file reports until the account is closed/dissolved according to the rules. They will be subject to the same requirements and consequences as committees required to file. <u>Rules 2.2(2)</u> and 2.70.

• What if the \$1,000 threshold to file is not exceeded? If more than \$1,000 is not spent or received for a campaign, then the committee is <u>not</u> required to register and file reports.

**Registration Fee is Required.** Candidate committees are required to pay a registration and administration fee when filing an SO. The registration fee is set annually and is currently \$125 per committee. <u>Rule 6.19</u>. The registration and administration fee may be paid online in The Guardian System via credit card or paid by check to the Oklahoma Ethics Commission. A small service fee will be charged for those using a credit card. <u>Rule 2.70</u>. This fee is a campaign expense and must be treated as one for purposes of contributions and expenditures.

# 2. <u>REGISTERING A COMMITTEE AND FILING REPORTS IN THE GUARDIAN SYSTEM</u>

Committees required to register and file reports use the Commission's online reporting and public disclosure system, The Guardian System. The Guardian may be accessed from <u>www.ethics.ok.gov</u> or at <u>http://guardian.ok.gov</u>. Once registered, a committee must follow the reporting schedule found at <u>www.ethics.ok.gov</u>, which include quarterly reports and pre/post-election reports. <u>Rule 2.100</u> and <u>2.101</u>. The report types are explained on <u>pages 37 & 38</u>.

**Compliance Officers**: Each candidate committee is assigned a Compliance Officer to assist in the mechanics of reporting and may review and provide feedback on the reports. They are available for quick consultation by phone or email, or, for longer consultation through an appointment.

Reporting information for The Guardian System is indicated throughout this Guide with blue boxes like this one.

A committee files an SO by clicking the "Registration" tab on the home page and select the option for a "Candidate Committee" which will show the data fields to enter information. Required information is indicated by red asterisks\*. Once the form is submitted, the approval process involves review by Commission staff prior to approval.



Once Commission staff approves a registration, usernames and temporary passwords are emailed to the separate email addresses of the candidate, committee officers, and others the committee identifies to have account access. The account credentials are sent to the email addresses reported by the committee on the Statement of Organization.

Users must login using the "Filer Login" tab within 7 days to replace the temporary password. All transactions for the Committee will be entered and reports filed using this tab. The Guardian is designed to be used with multiple browsers, tablets, and mobile devices.

## 3. <u>NAMING THE CANDIDATE COMMITTEE</u>

A candidate committee must have a name that at a minimum includes (1) the first, middle or last name of the candidate; and (2) the year of the election in which the candidate intends to participate.

Smith for House 2024, Friends of John Doe 2024, Jane for Senate District 42 2024, or Doe 2024 would all be acceptable names.

## 4. <u>COMMITTEE OFFICERS AND PERSONNEL</u>

Candidate committees are required to have certain officers under the Ethics Rules. All officers and committee personnel serve at the pleasure of the candidate, who may replace an officer or personnel at any time. The duties of officers and personnel may be determined by the candidate but will not relieve the candidate and officers of their legal obligations and responsibilities.

## A. Officers: Chair (Required), Treasurer (Required), Deputy Treasurer (Best Practice)

A candidate committee must have both a Chair and a Treasurer and may have a Deputy Treasurer. The same person, including candidates (so long as they are not judicial candidates), may serve as both the Chair and Treasurer of the candidate committee.

Candidates cannot be officers of other candidate's committees or political action committees. <u>Rule</u> <u>2.71</u>.

Judicial candidates should review the Code of Judicial Conduct regarding requirements of who may or should serve as treasurers of their judicial candidate committees.

#### **B.** Responsibilities of Committee Officers

Candidate and the committee officers serve in a fiduciary capacity to ensure the contributions and other funds received by the committee are lawfully expended. The Rules specify the **treasurer** is required to maintain the committee's records including the records that are used to file documents with the Ethics Commission, and, to ensure filings are accurate and timely. <u>Rule 2.73</u>. However, all officers and the candidate must adhere to the Rules and are generally legally responsible for the activities of the committee. <u>Rule 6.15</u>. The candidate and committee officers must:

- Ensure all records and documents of committee activity are required to be maintained for at least four years.
- Make records available to the Commission upon request.
- File Reports on time and with all required information.
- Ensure contributions and campaign resources are only used for legitimate committee purposes.

An individual <u>may not</u> be treasurer "in name only" where they are listed as the "treasurer" but someone else maintains the records. The individual actually performing the treasurer activities must be identified as the committee's treasurer.

When acting in place of the Treasurer, the Deputy Treasurer may perform similar duties to the Treasurer. <u>Rule 2.106</u>.

Judicial candidates are specifically designated as the individual exclusively responsible for the candidate committee's compliance with the Ethics Rules. <u>Rule 2.77</u>.

# C. Vacancies in Candidate Committee Offices and Other Committee Information changes

Any vacancy in the office of Chair or Treasurer must be filled within 30 days. A candidate committee that has filed a Statement of Organization must file an amended Statement of Organization within 5 days after the officer vacancy is filled and within 10 days of any other change in information on the Statement of Organization. <u>Rules 2.74</u> and <u>Rule 2.75</u>.

Committees are prohibited from expending funds when both Treasurer and Deputy Treasurer offices are vacant. <u>Rule 2.72</u>.

# 5. <u>COMMITTEE PERSONNEL, DESIGNATED FILING AGENTS, DATA ENTRY USERS.</u>

Candidate committees may hire personnel for the campaign to manage, fundraise, or perform other necessary committee activities. This includes persons who file reports on behalf of the Committee. A candidate and officers of a committee registered in The Guardian System may approve other individuals to have access to their committee account in order to assist with reporting requirements. These individuals, called Designated Filing Agents ("DFA"), provide support for the committee to ensure data is entered and reports are filed. The committee may also authorize individuals to enter data but are unable to file reports. These individuals called Data Entry Users ("DEU) must be added by Commission staff upon written request of the Treasurer of the Committee.

Whoever files documents with the Commission is submitting a record to a state entity and the candidate, officer, or DFA filing the document must acknowledge the information is true and accurate.

# 6. IRS INFORMATION AND EMPLOYER IDENTIFICATION NUMBER

Candidate committees are organizations that may be subject to filing and taxation requirements with the Internal Revenue Service ("IRS"). Committees are strongly encouraged to review the information on the IRS website at <u>www.irs.gov</u> for political committees. The Ethics Commission does not interpret IRS requirements or provide advice on the requirements but provides the following information to provide limited assistance and insight on the Ethics Rules.

The Ethics Rules establish registration and reporting requirements for committees to file publicly accessible reports. When the requirements are complied with a committee may be exempt from some reporting requirements with the IRS.

Employer Identification Numbers (EINs) are required by the IRS to be obtained by a candidate committee as a political organization even if it does not have employees. EINs may be applied for and received online immediately. The EIN must use the committee's name.

# 7. <u>COMMITTEE DEPOSITORY ACCOUNT REQUIREMENTS</u>

Every candidate committee must establish at least one campaign depository (e.g., an account in a bank, credit union, or other financial institution) that ordinarily conducts business within the State of Oklahoma. <u>Rule 2.94</u>. More than one committee depository may be used but must be listed on the Statement of Organization filed with the Ethics Commission. The committee depository must:

- be maintained in the name of the candidate committee (see B below);
- be accessible by the treasurer or statements and other records timely provided to the treasurer;
- be independent from the accounts of any other individual or entity and used solely by the committee for committee activity;
- be the account candidate committee funds are deposited into and spent out of during the life of the committee;
- only have funds withdrawn by check or debit card signed by the Candidate, Chair, Treasurer, Deputy Treasurer, or other person the candidate has approved; and
- never be used to withdraw cash.

## <u>Rule 2.95</u>.

A candidate may authorize a non-officer to be a signatory on the account but this will not remove any responsibilities of the officers under the Rules.

## A. Interest Accrual Allowed; Investment is Not

The campaign depository may earn interest paid by the depository in which the account is maintained, but the funds cannot be otherwise invested. <u>Rule 2.95.</u>

## **B.** Committee Name and Ethics Commission Number

Candidate Committees must ensure the <u>full</u> committee name is on all checks and debit cards and, if possible, should include the Committee's Ethics Number if a committee has been registered with the Ethics Commission.

The committee *John Doe for House 2024* must have a depository that has the name *John Doe for House 2024*, and <u>not</u> "John Doe", "John Doe for House" or anything other than the actual committee name. Many problems, especially those where the committee balance and depository balance, may be avoided by simply ensuring the committee depository is in the committee name.

# **Operating a Candidate Committee**

Candidate committee operation is straightforward. Records of committee activity for contributions such as amount, date, contributor information, deposit records, and records of committee activity for expenditures such as amount, date, vendor name, receipts, invoices, contracts, and other committee activity must be maintained and used to file documents with the Ethics Commission. Documents filed with the Ethics Commission must be accurate, supported by committee records, and filed timely. To ensure compliance with the law, candidates should set policies and procedures to ensure information is maintained and reported by the committee as required by law.

**Candidate Committee Assets.** A candidate committee may purchase assets for exclusive use by the committee. Records of the purchase, maintenance, and disposal of assets must be maintained by the Committee and reported to the Commission. Just like committee funds, committee assets must be kept and disposed of in accordance with the Ethics Rules. If assets are sold, the funds must be deposited in the Committee's depository.

# **Policies, Procedures, and Records**

The candidate determines the duties of each officer and person involved with the candidate committee. The candidate, officers, and others associated with the running the committee must understand the Rules of the Commission and ensure at least basic processes and procedures are in place to comply with the requirements of the Ethics Rules.

# 1. POLICIES AND PROCEDURES.

The committee should consider written policies and procedures such as, but not limited to:

- when deposits should be made (same day or within 10 days of receiving a contribution or other funds) and what records must be kept;
- expenditure limits for each signatory,
- providing timely transaction information to the treasurer, and if necessary, to the deputy treasurer, and person filing reports if it is someone other than the treasurer; and
- routinely saving and/or printing depository documents.

# 2. <u>All Records Must be Maintained for at Least 4 Years</u>

All records and documents must be maintained for at least a four-year period. The requirement of "at least 4 years" is because the Commission has a four year statute of limitations but that time does not start if activity is concealed and/or not reported as required under the Rules.

# A. Record Keeping

The records required to be kept are all of those that document committee activity and filings with the Commission. This includes, but is not limited to, contributor information, contracts, loan documents, bank statements, receipts, canceled checks, and any other financial documents.

# **B.** Records must be provided to the Commission upon Request.

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.

# **Contributions, Expenditures, and Other Funds General Information**

Generally, **contributions** are anything of value, including money, services, goods, discounts, and loans voluntarily provided to a candidate committee. **Expenditures** generally include activity that uses funds, services, or assets of the committee either permanently or temporarily and includes purchases by or on behalf of the committee. **Other funds** are funds that are not contributions such as allowable interest from the depository or refunds of expenditures.

Contributions to candidate committees are generally made for the specific purpose of supporting the campaign of a candidate seeking a specific office. Candidate committees may only spend contributions and other committee funds to further the purpose of the committee; and, for other expenses established within the Ethics Rules.

# 1. <u>Personal Use of Campaign Funds Prohibited</u>

The candidate and committee officers must ensure campaign contributions are used only for legitimate committee activity. Expenditure of campaign funds to fulfill an obligation that would exist irrespective of a candidate's campaign or responsibilities as a holder of a state elective office is absolutely prohibited.

The following list is intended to be an illustrative, not exhaustive, list of examples of personal use of campaign funds:

- Personal household expenses such as food, household goods or services, mortgage, rent, or utility payments for a personal residence or private business, even when part of the space is used for the campaign;
- Personal clothing and care of personal clothing, shoes, accessories, etc. (excluding campaign clothing of low monetary value such as T-shirts or caps);
- Vacations or trips not related to the campaign or officeholder expenses;
- Personal entertainment such as admission to athletic events, concerts, theater, or similar events;
- Dues in country clubs, health clubs, recreational facilities, or other nonpolitical organizations;
- Earnings from investments of contributions other than as permitted by the Ethics Rules; and
- "Lifelong" memberships in any organization.

<u>Rule 2.39</u>.

# 2. MONETARY AND IN-KIND TRANSACTIONS

Transactions may be either "**monetary**" or "**in-kind**". "**Monetary**" transactions are those where funds or their equivalent are transmitted through cash, personal check, electronic fund transfers, credit card authorizations, or similar methods. "In kind" contributions are goods or services provided to the candidate committee and include discounts to the committee when the discount is not available to the general public. <u>Rule 2.2(6)</u>. "In kind" expenditures are expenditures made by a candidate or  $3^{rd}$  party on behalf of the committee for which the candidate or  $3^{rd}$  party intends to be reimbursed.

# 3. <u>ALL CONTRIBUTIONS AND EXPENDITURES ARE AGGREGATED BY SOURCE</u>

All contributions and expenditures, including monetary and in-kind transactions are aggregated together by source or vendor. Committees filing reports in The Guardian System are required to report all activity, but transactions are only itemized once \$50 in contributions from a single source or \$200 in expenditures to the same vendor are exceeded, or the committee has opted to itemize all expenditures. The one exception is reimbursements of committee funds to candidates for personal funds used for campaign purposes which are itemized regardless of amount.

Paul gives *Friends of Jana 2024* a check for \$200 and a chair valued at \$300 chair. Paul has given \$500 worth of contributions to *Friends of Jana 2024*.

## 4. CASH TRANSACTIONS DURING CAMPAIGNS

# A. Contributions: Cash and Anonymous contributions from Individuals Capped at \$50

Oklahoma is one of few states that permit anonymous and cash contributions but the maximum amount of either a cash or anonymous contribution is \$50 in the aggregate per contributor. <u>Rules</u> 2.19 and <u>Rule 2.20</u>. Anonymous contributions do not include contributors who are known but do not want to be listed as a contributor and does not include those contributors capable of being identified. Candidates must make best efforts to identify all contributors to identify the contributor and report the contribution in accordance with these Rules.

Candidate committees may accept up to \$50 in total in cash contributions from a single contributor only. Cash contributions <u>do</u> count toward that individual's contribution limit.

If a candidate or candidate committee receives a contribution over \$50 in cash or from an anonymous source, 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.

Candidate Smith received anonymous mail with a \$100 bill for his campaign. Fifty dollars (\$50) may be kept as an anonymous cash contribution, but the other Fifty dollars (\$50) must be forfeited to the General Revenue Fund of Oklahoma.

# **B.** Expenditures from the Committee Depository: Cash Expenditures are Prohibited, Check or Debit Card Transactions Only

Withdrawal of cash from a campaign account is not permitted. Ethics Rules require **all** expenditures by a committee be by <u>check</u> or <u>debit card</u> signed by the candidate, treasurer, or deputy treasurer.

Provided, however, a candidate may authorize other individuals to sign checks or debit cards for the candidate's committee. The candidate must ensure any authorized signers understand the requirements for timely providing information to the Treasurer timely for transactions to be included on the appropriate report. The candidate may want to establish parameters for non-officer signatories such as spending limits, pre-approval of the expenditure, etc. <u>Rule 2.95</u>.

# Loans

Generally, loans are considered contributions to candidate committees and are subject to contribution limits unless the loan is from a commercial financial institution issuing the loan in the regular course of business. Loan proceeds must be deposited into the committee's depository account. All loans and loan payments are reported as described in page 14. Reporting Transactions.

Candidates may receive loans from three sources: (1) the Candidate so long as certain conditions are met; (2) a  $3^{rd}$  party, other than another political committee, who is not a financial institution up to the applicable contribution limit; or (3) a commercial financial institution issuing a loan in the normal course of business. <u>Rules 2.38</u>, <u>2.65</u>, <u>2.66</u>, and <u>2.67</u>.

# 1. <u>CANDIDATES MAY MAKE UNLIMITED LOANS TO THEIR OWN CANDIDATE</u> <u>COMMITTEES</u>

Candidates may make loans for unlimited amounts 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 do the following:

- a. Execute a loan document with the committee that includes repayment terms and is signed by the committee treasurer and the candidate (even when those are the same individual);
- b. Deposit the funds into the committee depository; and
- c. Report loan in The Guardian System

## <u>Rule 2.67</u>.

A candidate is prohibited from charging interest on a loan to his/her committee.

# 2. LOANS BY 3<sup>RD</sup> PARTIES WHO ARE NOT FINANCIAL INSTITUTIONS

A loan by a person or entity, other than a commercial financial institution or a political committee, to a candidate committee is a contribution from the lender, guarantor, or endorser. <u>Contribution limits apply.</u>

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. <u>Rule 2.67</u>.

Mike is a candidate for state office. Mike's brother, Aaron, wants to support Mike's campaign by providing the committee 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 \$3,300 before the primary and another loan of up to \$3,300 before the general election. Aaron is unable to provide any other contribution to Mike's committee as he has met the maximum contribution limits for both elections.

# 3. 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. <u>Rule 2.65</u>.

## A. Reporting Transactions

Contributions, other funds, expenditures and loans are reported in The Guardian System using the appropriate option under the "**Financial**" tab. Information is entered by selecting options from drop down boxes and filling in data fields.



**First Entries:** For those providing contributions or other funds, and for those receiving expenditures, certain information must be entered for that entity for

the first transaction, such as name, address, etc. As the committee enters entities, those entities will populate into a dropdown list for subsequent transactions.

**For second and subsequent contributions:** The candidate committee must select the entity from a dropdown list which will permit The System to calculate aggregate amounts and itemize transactions on reports as required.

**Changing entity information:** If any entity (contributor, vendor or other who receives funds from or to whom funds are expended) information should change since it was entered previously, there is an easy way to update the information of the entity. Use the Contributor/Recipient Maintenance sections at the bottom of their respective pages. Do not enter the entity a second time as the

	ish to view or update prior contributions, click the FIND button.
	te a specific contribution use the links in the ACTION column. te a Specific Loan or Loan Forgiveness (Contribution) please go to the Loan Work F
Click h	ere for information about Offset Records
<b>T</b> 1	
mere	are currently no contributions
Contr	ibutor Maintenance
	ibutor Maintenance ring the Contributor Maintenance area, you will have the ability to search for a contr

information will not aggregate with the prior amounts. Contact the Ethics Commission staff if needed.

**Loans and loan payments:** All loans and loan payments are entered in The Guardian System using the "**Loans**" option to ensure loan balance information is accurate.

Additional reporting information is available throughout this Guide for reporting certain information.

# **Campaign Contributions General Rules**

# 1. 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. <u>Rule 2.91</u>.

# 2. <u>VOLUNTEER SERVICES</u>

# A. Individuals

The value of volunteer services by an individual using personal resources is not considered a contribution by an <u>individual</u> who volunteers his or her services. However, no individual or entity may "volunteer" the services of another individual. <u>Rule 2.2(6)</u>. An employer, for example, cannot "volunteer" the services of an employee.

## B. Non-Individuals (Businesses, labor unions, not for profits, etc.)

- 1. Non-Individuals are unable to volunteer services or resources to candidate committees. This includes, among other things, office space, use of business equipment, email addresses, employees, or free or discounted services not available to the public. Providing these resources are contributions to the candidate committee at fair market value unless fair market value is paid for the services or resources by the candidate committee.
- 2. Certain *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. <u>Rule 2.29</u>.

Corporation XYZ emails its employees an endorsement of a particular candidate. The endorsement and business resources used to make the endorsement would not be considered a contribution to the candidate's campaign.

# 3. <u>CONTRIBUTIONS: ACTUAL SOURCE, EARMARKING, AND THROUGH A 3<sup>RD</sup> PARTY</u>

A contribution must be reported in the name of the person or entity that actually funds the contribution. Reporting a contribution in the name of someone other than the source of the

contribution is a circumvention of the law and this includes any reimbursement for the contribution after the contribution is made. A contribution earmarked, either directly or indirectly, for the benefit of a particular candidate but given to a committee other than the candidate's committee is considered a contribution by the contributor to the candidate for which it is earmarked. <u>Rules 2.31</u> and <u>2.33(A)</u>.

A person who cannot lawfully make contributions to candidates is unable to give funds to a third party to give the money to the candidate so it appears it is from a lawful source. This is called a strawman donation due to the use of a conduit or intermediary to legitimize a contribution. This activity is "money-laundering". Both circumvention, use of strawmen, and money laundering are prohibited by <u>Rule 2.18</u>. Such activity may also implicate criminal laws at the state and federal level outside of the Commission's jurisdiction. Committees are required to use best efforts to identify the proper contributor for each contribution to the committee.

Jane is running for a seat in the Legislature. Tom wants to give her a contribution but does not want anyone to know it's from him. Tom gives \$2,000 to PAC X and specifies that the \$2,000 is for Jane's campaign. This is an earmarked contribution from Tom to Jane's committee through PAC X.

# 4. <u>Required Contributor Information</u>

Candidate committees must get, maintain records of, and report contributions in accordance with the Rules. Different information may be required depending on whether the contributor is an individual, political committee, tribe, limited liability company, or partnership. The information required is included within the section for the entity under the section "Contributions Limits and Sources."

# 5. <u>Depositing Contributions: 10 Day Grace Period</u>

The Rules provide a grace period of ten (10) business days for a committee to determine if it will accept the contribution and to deposit the contribution. A "business day" generally excludes Saturdays, Sundays, and official state holidays. Contributions are not required to be accepted if offered and may be rejected for any reason. Some reasons for rejection may be that the contribution would exceed limits, be from a prohibited source, or from a source the candidate committee has determined not to accept contributions from. Generally, so long as the contribution is deposited within the 10 days, the date of deposit is the date used on reports.

However, any contribution that is not rejected and returned within the ten (10) business day grace period, is <u>deemed</u> to have been accepted by a candidate committee. <u>Rule 2.21</u>. A contribution that is not deposited within 10 business days after it has been received by the candidate committee must be (1) returned to the contributor; and (2) reported to the Commission in a Report of Contributions and Expenditures as having been accepted and refunded. <u>Rule 2.22</u> and <u>2.95</u>.

Jane is a candidate who has made a choice not to accept PAC contributions and received a \$2,000 check in the mail from PAC Q on June 1, 2024. Jane has until June 14, 2024, to reject and return the contribution without needing to report the contribution. On June 17, 2024, if Jane had not yet returned the contribution, the contribution must be reported on the next Contributions and Expenditures Reports as having been received and returned.

# **Contribution Limits and Sources**

Oklahoma's constitution prohibits political contributions from corporations, associations, labor unions and similar entities. Accordingly, the Ethics Rules likewise prohibit contributions from those constitutionally prohibited sources including contributions that may include funds from a prohibited source. The Ethics Rules specifically identify the entities that may contribute to candidate committees and establish the limits that apply to those entities. Contributions in excess of those limits are prohibited. <u>Okla. Const. art. IX, § 40; 21 O.S. § 187.2;</u> and <u>Rule 2.23</u>.

Contributor and contributions information is required to be maintained by the committee. This information must be sufficient to file campaign finance reports, copies of checks, deposits, online contributions, etc. must be maintained as must any additional information required under the Rules, or that involve that contribution.

# 1. <u>CONTRIBUTION LIMITS MAY BE "PER ELECTION" OR "PER CAMPAIGN"</u>

Contributions to candidate committees are generally **per election limits** that are specific to each election. <u>Rules 2.37</u>, <u>2.33</u>, and <u>2.34</u>. If a candidate participates in more than one election, the contribution limits will reset on the day following the election and the committee may accept additional contributions up to the maximum per election limit. There are circumstances where contributions may be **per campaign limits** meaning they are limits that apply to the committee during its existence and are not limited to the per election limits.

The following scenarios illustrate how per election limits work in practice.

# A. Pre-Payments: Contributions cannot be pre-paid for future elections.

Candidate 1 <u>may</u> be in both the primary and general election. John Smith is a contributor and plans to max out to Candidate 1 for both elections and would like to write one \$6,600 check before the primary for the committee to allocate between the primary and general election. John Smith and the committee must follow the \$3,300 per election limit and Candidate 1 must win the primary before any additional contributions may be provided.

**B.** Retroactive Payments: Contributions cannot be retroactively assigned to an election.

Sally Doe contributed \$1,000 to Candidate X before the primary election. Sally sends Candidate X \$5,600 after the primary election to reach the maximum limit before the general election and to "makeup" the difference *not* contributed before the primary election. Candidate X's campaign must return \$2,300 to Sally as the contribution exceeds the \$3,300 per election contribution limit because the limit reset after the primary election. Sally may not "make up" the amount not contributed during the primary election and add it to the general election contributions.

C. Post General Election Payments: Contributions may be made after the general election when per election limits apply if the contributor has not exceeded the per

election amount that applies to single election. Then the contributor may contribute additional funds until the one election limit is reached.

Jimmy Smith contributes \$100 on the first of the month every month during 2024 to Candidate 1. By November Jimmy has contributed \$1,100. After the general election Jimmy may continue to contribute until his aggregate contributions reach the single per-election limit of \$3,300.

# 2. <u>CONTRIBUTORS AND THEIR LIMITS</u>

The following chart summarizes the sources from which candidate committees may or are prohibited from accepting contributions. Allowable Sources	Prohibited Sources	
Candidate's own personal funds	Corporations	
Individuals - except foreign nationals	Foreign Nationals	
Limited Liability Companies or Partnerships with individuals as members or partners (Special requirements)	Limited Liability Companies or Partnerships whose members are not individuals	
Another State Candidate Committee	County, Municipal, & other non-state level candidate committee	
State and Federal PACs that may contribute to candidates	State & Federal PACs that could legally accept corporate contributions	
Political Party Committees – Non-Judicial Offices Only	Political Party Committees - Judicial Offices Only	
Out-of-State PACs (Special Requirements)	Out-of-State PACs that legally could accept corporate contributions	

## 3. <u>CONTRIBUTORS: CANDIDATE TO THEIR OWN CANDIDATE COMMITTEE</u>

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. 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.

- **Contributions from Spouse Funds.** 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. <u>Rules 2.38</u> and <u>2.95</u>.
- **Contributions from a candidate are not refundable.** A candidate that makes a contribution to his or her committee can not be refunded the contribution at a later date.

A candidate who uses personal funds for committee activity and wants the option to be repaid must either make and report a **loan** following the loan process, or, follow the reimbursement process explained in this section by making and reporting each in kind expenditure as required in the Rules and be reimbursed within ninety days of the expenditure of personal funds. • Nontaxable Gifts under the Internal Revenue Code. 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. <u>Rule 2.38</u>.

Contributions made using a Candidate's <u>personal</u> funds from a <u>personal account</u> must use the "**Candidate (self)**" option in The Guardian System. Contributions from a spouse's funds that do not include the candidate's funds are reported using the "individual" option.

See <u>loans</u> section and the <u>reporting reimbursements</u> section.

4. <u>CONTRIBUTORS: INDIVIDUAL(S)</u>

The contribution limit from an individual to a candidate committee is a per election limit. This limit resets if the candidate's name will be on another election ballot. <u>Rule 2.37</u>. Generally, any individual, other than a foreign national, may make contributions to a candidate committee. 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. <u>Rule 2.17</u>.

The Ethics Commission adjusts the individual contribution limit during odd numbered years upward to the nearest \$100 increment, based on the Consumer Price Index. These limits apply to the upcoming election cycle and do not change the limits that apply to previous election cycles. Rule 2.37(H). The limits for 2016 through 2024 are summarized below.

2018	2020	2022	2023-2024
\$2,700/election	\$2,800/election	\$2,900/election	\$3,300/election

## Maximum Contributions from an Individual: 2024 Election Cycle

Up to \$6,600 total	th 3	Candidates with 3 Elections: • Primary, • Run-Off,	Candidates with 2 Elections: • Primary & Run-Off; • Primary & General	Candidates with 1 Election or Unopposed Up to \$3,300 total
		• General Up to \$9,900 total	Up to \$6,600 total	

• <u>Contributions from Joint Checking Accounts</u>. Candidate committees that receive contributions from a joint account must remember each individual has their own contribution limit. Joint account contributions must be allocated and reported to the individual account holder(s) making the contribution. When the contributor has not specified how to distribute the funds, the committee should ask the contributors how to allocate the contribution between the two account holders. There are various reasons why the contributions should not be presumed to be equally from the account holders such as

they may support different candidates, one account holder may have already made contributions separate from a spouse or be in a position where the account holder is unable to make a contribution. <u>Rule 2.37</u>.

If the contributor specifies the contribution is only from one of the individuals listed on the check, then the entire contribution should be attributed to the designated contributor.

Susan, a 2024 state candidate, receives a \$2,000 check from the joint bank account of "John and Jane Smith" in June before the primary election. Committee records show Jane Smith has previously contributed \$2,000. The Committee contacts the Smiths and determines the \$2,000 should be allocated with \$900 to Jane, and \$1,100 to John.

# A. Foreign Nationals Prohibited from Contributing

Individuals who are foreign nationals are prohibited by Federal law from making contributions to political committees in any amount. For more information on this prohibition go to <u>www.fec.gov</u>.

# **B.** Individual Contributions Records and Reporting

Candidate committees must maintain records of contributors including getting, maintaining, and reporting the following information from individual contributors:

- Name (Single individual names, not couples);
- Address;
- Occupation; and

Occupations exist even if the individual is retired or not employed, the individual's occupation should be reported: teacher, lawyer, accountant, etc.

## • Employer.

Self-employed and retired contributors. "Self" is not a business name even when the contributor is the sole employee or owner. Rather the business name used is the appropriate employer name, such as, "Jane Doe, Inc."; "Jane Doe d/b/a Jane Doe Enterprises". For retired or unemployed individuals it is appropriate to use "Retired", "Unemployed", or last employer's name with "(retired)" after the employer's name.

# 5. <u>CONTRIBUTORS: LIMITED LIABILITY COMPANY (LLC) OR PARTNERSHIP (LP)</u> <u>FUNDS</u>

Under certain conditions candidate committees *may* accept contributions from limited liability companies (LLC) and partnerships (LP). There is not an LLC or LP contribution limit. The contribution is considered a contribution from the individual members or partners of the entity and count toward the contribution limits of each individual member or partner. <u>Rules 2.37, 2.24, 2.25</u>, and <u>2.106</u>. To avoid exceeding individual contribution limits and ensure each contributor may lawfully contribute, certain additional information must be ascertained to ensure the contribution may be accepted and is reported correctly.

The Ethics Rules do not include *Professional* LLCs (PLLCs) or *Professional* Partnerships (PLPs) in its Rules. Laws other than the Ethics Rules govern activities of PLLCs and PLPs.

# A. LLC and LP Threshold Requirements

Candidate committees may accept an LLC or LP contribution provided the following are all true:

- 1. All members or partners are individuals (and not foreign nationals);
- 2. No member or partner may be incorporated; and
- 3. All members or partners must agree to the contribution.

Mayra and LMNO, Inc. are equal members of ABC, LLC. A candidate committee cannot accept a contribution from ABC, LLC. because LMNO, Inc. is a corporation.

## **B.** Information required from LLC or LP

Provided the above criteria are met, the candidate committee may accept an LLC or LP contribution but the committee is required to maintain the following information on contributions from LLCs and partnerships:

- (1) LLC/LP Name;
- (2) Each member's/partner's percentage of ownership; and
- (3) Each member's/partner's name, address, occupation, and employer.

LLCs and LPs who regularly contribute to committees will typically provide this information to the candidate committee with the contribution. If not, the committee will need to get the information and document it.

Reporting LLC/LP Contributions.

The amounts contributed through the LLC or LP count toward the individual contribution limits of each individual member or partner. <u>Rules 2.37, 2.24, 2.25</u>, and <u>2.106</u>. The candidate committee will report LLC/LP contributions according to each member as an individual (name, address, occupation, employer) according to their ownership interest.

XYZ, LLC is owned by three members—Jane Doe owns 50%, John Smith owns 25%, and Sally Jones owns 25%. XYZ, LLC made a \$1,000 contribution via check to candidate committee *Bobbie John 2024*. The candidate committee may accept the check but will report the contribution as \$500 from Jane Doe, \$250 from John Smith and \$250 from Sally Jones.

# 6. <u>CONTRIBUTORS: INDIAN TRIBES—NON-INCORPORATED ONLY</u>

Indian tribes that are **not incorporated** utilize the individual contribution limit. 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. <u>Rules 2.23</u>, <u>2.33</u>, and <u>2.37</u>.

Contributions from Indian Tribes are reported using the option of "Indian Tribe."

#### 7. <u>CONTRIBUTORS: POLITICAL COMMITTEES</u>

Certain political committees may make contributions to candidates: (1) other state candidate committees; (2) some, but not all, types of political action committees; and (3) political party committees. Below the sections discuss the different types of political committee and contribution limits and requirements. The last section describes reporting contributions from political committees in The Guardian System.

#### A. State Candidate Committee

A state candidate committee may accept a contribution from another state candidate committee but not from a federal, county, municipal, or school board candidate committee. Rules 2.30 and 2.37.

## i. Per campaign contribution limits apply.

Candidate committees who contribute to other candidate committees follow a per campaign election limit that is equal to the contribution limit that would apply to an unopposed candidate (or the amount for single election) and not per election limits where the limits reset after the election if the candidate's name appears on another ballot.

## ii. Contributions between committees formed for different election cycles.

When the giving and receiving candidate committees were formed for different election cycles, the committees may be subject to different contribution limits. The lower 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			
2018	2020	2022	2023-2024
\$2,700	\$2,800	\$2,900	\$3,300

Candidate committee A is a 2018 candidate committee subject to a \$2,700 limit. Candidate committee B is a 2024 candidate committee subject to a \$3,300 limit. Candidate committee A may give a contribution to Candidate committee B up to a maximum of \$2,700 for the entire campaign.

## **B.** Political Action Committees (PACs)

Candidate committees may not accept contributions from all PACs but is limited to receiving contributions from PACs legally able to make direct contributions to candidates. PACs that are

able to make contributions to candidates are subject to the same per election concepts that apply to individuals making contributions to candidates, but the per election amount is different.

The following chart summarizes the various PAC Types and whether they can make contributions to candidate committees. The different types are described in the following sections.

Limited (OK & Federal Equivalent)	Unlimited (OK & Federal Equivalent)	Out of State	1/25
YES	NO	Conditions apply	YES, at ½ amount of Limited Committees

To verify the committee type or get the assigned identification number for committees registered in Oklahoma, the candidate committee may either ask the committee directly or go to The Guardian System. The committee's public page and Statement of Organization clearly indicates whether the Committee is a Limited or Unlimited Committee. Committees registered with the FEC may be looked up at <u>www.FEC.gov</u>.

# i. Oklahoma Limited Committees and Equivalent Committees

A limited committee is organized to make contributions to candidates and is subject to per election contribution limits. 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. <u>Rules 2.2(13)</u>, <u>2.33</u> and <u>2.106</u>. Per election limits are explained on <u>page 17</u>.

FEC and out of state committees that are equivalent to a limited committee may make contributions to candidate committees subject to the same limits as Oklahoma limited committees.

# ii. Oklahoma Unlimited Committees and Equivalent Committees: No Contributions to Candidates

<u>Candidate committees are prohibited from receiving contributions from unlimited and equivalent</u> <u>committees</u>. An "unlimited committee," often referred to as a Super PAC, is organized for the purpose of making independent expenditures, electioneering communications, or state question communications but is not legally able to contribute to candidate committees. These committees may accept contributions in unlimited amounts from corporations and labor unions.

Caution: Candidate committees and others connected to the candidate committee that coordinate with other Committees, such as sharing polling information, campaign strategy, staff, etc. are accepting in-kind contributions. Contribution limits and reporting requirements apply. Coordinated activity with unlimited committees, corporations, or other entities prohibited from contributing to candidate committees is prohibited.

<u>Rules 2.2(19)</u>, <u>2.35</u>, <u>2.37</u> and <u>2.106</u>.

# iii. Out-of-State PACs

Candidate committees may accept contributions from Out-of-State PACs but only if the PAC is (1) formed to make contributions to candidates; (2) is legally prohibited from accepting corporate funds; and (3) submits proof of registration to the Ethics Commission prior to contributing to the candidate committee.

# iv. 1/25 PACs and Equivalents

A "1/25 Committee" is an abbreviation for a type of PAC that registered less than 1 year prior to the primary election of the committee receiving the contribution <u>or</u> that has fewer than 25 contributors. Candidate committees may accept contributions from 1/25 committees that are exactly half of what limited committees may contribute.

# C. Political Party Committees

Judicial candidate committees are unable to accept contributions from political party committees.

A political party committee is a committee that is the official federal or state party committee or a committee officially recognized by the state party as part of its party committee structure: State, Congressional District, County, Precinct, and other party committees. A candidate committee may receive contributions from political party committees <u>prior to the general election</u>, subject to contribution limits. All contributions by the various party committees are added together for purposes of contribution limits. <u>Rule 2.32</u>.

The maximum amount that a candidate committee may receive from all political party committees combined is: \$25,000 for a candidate for statewide office prior to the general election; or \$10,000 to candidates for all other offices prior to the general election.

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 already contributed the maximum on contributions from the political party.

# **D.** Reporting Contributions from Political Committees

Reporting contributions from political committees in The Guardian System utilizes the information already in The Guardian System to the extent possible. However, not all political committees that contribute to Oklahoma Candidate Committee are registered in Oklahoma. Political committees that may contribute to Oklahoma candidates may be registered with the FEC, in another state, or not yet have registered in The Guardian System. The information below describes how candidates utilize The Guardian System to report contributions from political committees.

"Committee Registered" and "Committee Unregistered" designations. The registration designation means whether or not the committee is registered in The Guardian System.

**Registered committees**: Committees registered in The Guardian System must be selected from a drop-down list of registered committees and certain information will automatically populate on reports: name, address, committee number, so data already in The Guardian does not need to be re-entered. It also ensures multiple contributions aggregate together and display correctly on reports.

**Unregistered Committees**: The committee will enter the required information in the data fields. The candidate committee must get, maintain, and report the following information: Committee name; committee number assigned by an entity other than the Ethics Commission (if any) such as the FEC or another State; and address including city, state, and zip code.

# 8. <u>Excessive Contributions And Contributions from Prohibited</u> <u>Sources</u>

All contributions, including those that are excessive or from prohibited sources are required to have records kept of the contribution in the same manner as any other contribution, including any corrective actions, and must be reported in The Guardian System.

# A. Reporting Excessive Contributions, Contributions from Prohibited Sources, and Refunds

**Business Contributions:** Contributions from corporations, labor unions, associations and similar entities must be reported using the contributor type "business". If a contribution is reported as coming from a business a warning will be generated.

**Excessive Contributions:** Contributions entered that may exceed contribution limits individually or when aggregated with other contributions from the same contributor will receive a warning with a link to access the contribution charts on the Ethics Commission website.

**Guardian System Contribution Warnings:** The Guardian System warns if the contribution entered could exceed the limits for that contributor. These warnings will <u>not</u> prevent the contribution from being reported but does provide the committee the opportunity to verify the information was entered correctly and have the opportunity to take corrective action as necessary. The warning screen provides the option to "Make Changes" or "**Continue**". The committee must ensure the information is accurate (even if the contribution is excessive or otherwise prohibited by law) prior to clicking "**Continue**".

**Refunds:** A committee that has received an excessive or prohibited contribution that will be refunded may want to use the "Make Changes" button to indicate a full or partial refund will be issued for the excessive amount. The Committee must actually issue the refund and report the refund on the committee's report during the reporting period the refund was made. The Committee

will show a refund by clicking "refund" next to the transaction in the list of transactions in The Guardian System, or, by showing an expenditure to the contributor.

## 9. <u>CERTAIN CONTRIBUTIONS TO LEGISLATORS OR LEGISLATIVE CANDIDATES</u> <u>ARE PROHIBITED DURING LEGISLATIVE SESSION: BLACKOUT PERIOD</u>

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 and does not prevent a political action committee from making a contribution unless the committee is a lobbyist principal.

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

# **Fund-Raising**

Raising funds is key to campaigning. There are certain scenarios that routinely arise during fundraising. The Ethics Rules work to provide clarity and facilitate fundraising so candidates can maximize fundraising opportunities and avoid potential or actual violation of the Ethics Rules and other applicable laws.

# 1. FUNDRAISING EVENTS: GOLF TOURNAMENTS, AUCTIONS, & SALES

A candidate committee may use golf events, auctions, and sales for fund-raising purposes but there are some special considerations. <u>Rule 2.62</u>, <u>Rule 2.63</u>, and <u>Rule 2.64</u>.

- Any goods or services donated to the event are considered in-kind contributions to the committee.
- Any fee paid to participate in the event or to purchase an item at the event is a monetary contribution.
- Any discount on use of the event location or other items will be a contribution to the committee unless the same discount is available to the public generally.

- Goods, services, event tickets, or discounts may neither be donated by or purchased by a corporation or labor union.
- Contributor information for each donation and each person must be maintained by the Committee in the same manner as all other contributions.
- Candidate committees who sell goods or services are subject to applicable licenses and taxes provided by law.

**Golf Tournaments:** John's state candidate committee hosts a golf tournament to fund-raise for his campaign and offers the opportunity to "sponsor" a hole which includes posting a sign at the sponsored hole. Entry fees for the golf tournament are set at \$100 per individual or \$400 per team. XYZ Corporation sends a \$1,400 check to sponsor the 18<sup>th</sup> hole; and to pay the entry fees for a team of four of its employees. John's candidate committee must return the check because XYX Corporation may neither sponsor a hole or pay for a team to participate in the tournament.

**Auctions:** 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.

**Sales:** 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.

# 2. JOINT CANDIDATE FUND-RAISING EVENTS

Judicial candidates are unable to participate in joint fundraising events.

Two or more candidates for state office, except a judicial office, may participate in a joint fundraising event. Each participating candidate must be given approximately equal status in any formal solicitation of contributions. Candidate committees participating in the fundraiser will pay expenses and receive contributions separately from all other participants. <u>Rule 2.59</u>.

Candidates A, B, and C have a fundraiser and the food is \$300. Candidates A, B, and C must each pay the food vendor \$100 directly from their own committee funds. Sally Smith supports Candidates A, B, and C and wants to contribute \$1,000 to each committee. Sally Smith is unable to write one check for \$3,000 to be split by Candidates A, B, and C, but must write separate checks to each Candidate A, B, and C.

# 3. <u>CONTRIBUTION EXEMPTION FOR HOSTS OF CERTAIN FUNDRAISERS</u>

An <u>individual</u> who hosts a fund-raising event for a candidate:

1. <u>In his or her residence</u> or <u>his or her non-residential building owned or leased individually;</u> and 2. uses <u>personal funds</u>

has a \$1,000 exemption that applies to that fundraiser before the costs of the fundraiser are considered a contribution to the candidate's campaign. This \$1,000 exclusion applies no more than once per individual per <u>campaign</u> for a candidate committee, regardless of the number of elections a candidate's name appears on the ballot. <u>Rule 2.60</u> and <u>Rule 2.61</u>.

# A. Residential Fundraisers

Just as each adult member of a family has his or her own contribution limit as an individual contributor, so too does each resident host have the opportunity to utilize the exemption above. Spouses may sponsor a singular event, and each use their exemption at the same fundraiser. Alternatively, each spouse may host a separate fundraiser at the residence and use the exemption separately.

- 1. Betty and Leo support Taran's campaign. Betty and Leo host a fundraiser in their residence and spend \$2,500 of joint personal funds on invitations, decorations, food, and refreshments. Up to \$1,000 is excluded for each Betty and Leo (\$2000 total) and not reported as a contribution to Taran's candidate committee. The \$500 in excess of \$1,000 is considered an in-kind contribution to Taran's candidate committee and must be reported.
- 2. Alternatively, from 1, Betty and Leo host separate fundraisers for Taran, one hosted by Betty, and one hosted by Leo, and each qualify for the \$1,000 exemption. If Betty spends \$1,500 on invitations, decorations, and refreshments, the amount spent over \$1,000, or \$500, would be reported as a contribution to Taran's campaign. If Leo spends \$500 on the fundraiser he hosts on a later date, Taran's campaign would not report a contribution from Leo. Taran's committee would maintain records on each fundraiser.
- 3. John supports Kiera's campaign and hosts a fundraiser in his residence for Kiera and spends \$800 for food and refreshments. Kiera's committee will not report the \$800 as a contribution. John hosts another fundraiser at his residence for Kiera's campaign and spends \$1,000 for food and refreshments. Kiera's campaign must maintain records for each fundraiser and will report the entire \$1,000 spent on the 2<sup>nd</sup> fundraiser as a contribution. The exemption only applies to one residential fundraiser per contributor per campaign regardless of the amount of funds spent.

# **B.** Non-Residential Business

This provision specifically applies to individuals and their contributions only and does not apply to any other entity including LLCs and partnerships. The exemption for non-residential buildings does not apply if the property is not owned or leased by an individual, even if an individual is the exclusive shareholder, member, or partner of a business entity.

John Smith is a "self-employed" realtor and wants to host a fund-raiser for Jane, a candidate for state office, at his commercial office space. However, the office space is owned by "John Smith, Inc." not by John Smith personally. The \$1,000 exemption would not apply. Because the office space is owned by a corporation it could not provide the office space for the fundraiser at no cost

to the candidate committee as it would be a prohibited corporate contribution. However, Jane's committee pays fair market value for the space. John Smith uses personal funds and pays \$1,000 for the costs of food, beverages, and decorations. Jane's committee would report a \$1,000 in-kind contribution from John Smith and report the fair market value it paid for the use of the space for the fundraiser.

# **Campaign Expenditure Specifics**

Committees make expenditures of campaign funds mostly derived from contributions. An expenditure is defined as a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee, deposit, or gift made by the candidate committee. <u>Rule 2.2(8)</u>. Expenditure of campaign funds, assets, or services is governed by the Rules to ensure campaign funds are used as intended by contributors generally. Contributions and campaign assets must not ever be used other than as provided by law.

Expenditures from the Committee depository must be made using checks or a committee debit card. To the extent possible expenditures for the committee should always be made directly from the Committee's depository. There is a specific and time sensitive process to reimburse others who make expenditures on behalf of the committee, but committees should strive to avoid needing to reimburse the candidate or others from the committee depository.

# 1. <u>Personal Use of Campaign Funds Prohibited</u>

The candidate and committee officers must ensure campaign expenditures are made for legitimate committee activity only. Expenditure of campaign funds to fulfill an obligation that would exist irrespective of a candidate's campaign or responsibilities as a holder of a state elective office is absolutely prohibited. The following list includes examples of personal use of campaign funds as those expenses would exist independently of campaigning for or holding elective state office. This list is intended to be an illustrative, not exhaustive, list of examples of personal use of campaign funds:

- Personal household expenses such as food, household goods or services, mortgage, rent, or utility payments for a personal residence or private business, *even when part of the space is used for the campaign*;
- Personal clothing and care of personal clothing, shoes, accessories, etc. (excluding campaign clothing of low monetary value such as T-shirts or caps);
- Vacations;
- Personal entertainment such as admission to athletic events, concerts, theater, or similar events;
- Dues in country clubs, health clubs, recreational facilities, or other nonpolitical organizations;
- Earnings from investments of contributions other than as permitted by the Ethics Rules; and
- "Lifelong" memberships in any organization.

<u>Rule 2.39</u>.

#### 2. <u>Summary of Expenditures from Committee Funds</u>

#### A. Expenditures by Check or Debit Card Only: Cash Transactions Prohibited

Expenditures from the committee depository are only permissible through <u>check</u> or <u>debit card</u>. Withdrawal of cash from a campaign account is not permitted.

Rules require all expenditures by a committee be by check or debit card signed by the candidate, treasurer, or deputy treasurer. Provided, however, a candidate may authorize other individuals to sign checks or debit cards for the candidate's committee. The candidate must ensure any authorized signers understand the requirements for providing information to the Treasurer timely for transactions to be included on the appropriate report. The candidate may want to establish parameters for non-officer signatories such as spending limits, pre-approval of the expenditure, etc. <u>Rule 2.95</u>.

#### **B.** Permissible Expenditure Categories

Contributions to a state candidate committee may be used to make expenditures for the following categories within the Ethics Rules:

- 1. Ordinary and necessary campaign expenses;
- 2. Contributions to another candidate committee (state office only);
- 3. <u>Ordinary</u> and <u>necessary</u> Officeholder expenses (for elected candidates during their term of office);
- 4. Payments on loans and committee debt
- 5. Reimbursements for campaign expenditures that were not initially paid for using committee funds;
- 6. Surplus Funds and Debt from a prior committee;
- 7. Other purposes not otherwise prohibited by law or the Ethics Rules.

#### 3. ORDINARY AND NECESSARY CAMPAIGN EXPENSES

"Ordinary and necessary campaign expenses" are expenses that are both ordinary and necessary expenses that would not exist but for campaigning for elective state office. Ordinary and necessary campaign expenses are generally straightforward. There are a few expenditures that have specific requirements or additional information as is explained below.

These expenses include, but are not limited to, the following types of <u>campaign</u> expenses:

- filing fees with the State Election Board and Ethics Commission,
- staff salaries,
- campaign consulting fees,
- campaign office rent other than at a personal residence,
- travel,
- advertising,

- supplies and equipment,
- fundraising,
- individual memberships in political organizations, civic, or charitable organizations,
- professional services such as legal fees, accounting, bookkeeping, or reporting services.

## <u>Rules 2.39</u> and <u>Rule 2.43</u>

John Smith is not a member of organization ABC, Inc. However, John Smith forms a committee to be elected to Office 123 and membership of organization ABC, Inc. will assist him in his campaign. ABC, Inc. offers annual and lifetime memberships options. John Smith's committee could purchase an annual membership but could not purchase a lifetime membership as the membership would provide benefits to John Smith beyond campaigning for office.

# A. Campaign Advertising

Candidate committees may only make communications to support the candidate for which the committee was formed or to make communications opposing the candidate's opponent(s). A candidate committee specifically is unable to make "independent expenditures" or "electioneering communications" which are communications advocating for or against a candidate that are made independently of a candidate. <u>Rule 2.49</u> and <u>Rule 2.51</u>.

### i. Campaign Communications Source Disclosure Requirements

Campaigns for elective offices include campaign advertisements that may be made by the candidate committee, another type of political committee, or even a third party that is not a committee. Each communication requires identification of the source of the communication, and require uniform, specific disclosures. This assists the voting public in understanding which communications are from the candidate committee, their opponent, or another entity which may be independent of the candidate committee.

**CANDIDATE COMMITTEE REQUIRED DISCLOSURE:** "Authorized and paid for by [NAME OF COMMITTEE]." <u>Rule 2.55</u>. When written, the disclosure must be of <u>sufficient size</u> and <u>contrast</u> to be clearly readable by the recipient of the communication. <u>Rule 2.56</u>. When spoken the disclosure must be understandable by the recipient of the communication.

When *Jane Doe 2024* candidate committee makes communications, it must use "Authorized and paid for by Jane Doe 2024". The following attributions do not meet the requirement in the Rules: "Paid for and Authorized by Jane Doe 2024", "Paid for by Jane Doe", etc.

### ii. Disclosure: Reusable Items and Impractical Disclosures

**Reusable items:** 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.

**Impracticality:** 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. <u>Rule 2.56</u>.

The disclosure is required for banners, campaign signs larger than 18" X 24", and items designed to be held in order to be read.

### A. Expenditures Made to Family Members as Staff Members of Campaign

Expenditures made by a candidate committee to a family member for services the family member provides to the campaign is allowed so long as the compensation is customary for such services. <u>Rule 2.43</u>.

#### **B.** Expenditures for Consultants and Consulting Services

Candidate committees may make expenditures for consultants and consulting services related to the campaign. These consultants may engage in such services as polling, strategy, social media, or others. Some consultants may provide advice only, while others may advise and also purchase goods or services on behalf of the committee such as coordinating the design, printing, and distribution of campaign materials. Specific requirements for reporting expenditures for consulting services apply <u>Rule 2.106</u> and <u>Staff Memorandum 2017-02</u>.

Consulting services must include a description more than "consulting" to include information sufficient to inform the public as to what service was being provided. Common examples include "social media consulting", "advertising consulting", "strategic consulting: polling". Depending on the services provided by the consultant, the Committee may need to report the recipient of committee funds as the consultant's business or the ultimate recipient of the funds.

One consultant may simply bill on an hourly rate for a specific service, whereas another consultant may bill for hourly services but also hire services and purchases goods on behalf of the committee. These differences must be reflected in the committee's reporting.

In the first example, the committee would report the consultant's business as the recipient. For the second example, the committee may report the consultant's business as the recipient for his or her time, but would also report the recipient of funds from the consultant where the consultant is passing through the costs to the committee.

### 4. <u>CONTRIBUTIONS TO ANOTHER CANDIDATE COMMITTEE</u>

A state candidate committee may expend committee funds for contributions to other state candidate committees. The giving and receiving committees must both be formed for elections held after January 1, 2015 and be candidates for elective <u>state</u> office. State committees are unable to make contributions to county, municipal, or school board candidate committees. <u>Rule 2.37(F)</u>. Candidate committees expending funds to contribute to other candidate committees are subject to applicable contributions limits. Giving and receiving committee formed for a different election

cycle are subject to the lowest limit. Candidate committees in the 2024 election cycle may give other 2024 candidate committees up to \$3,300 in total.

Candidates may always use <u>personal</u> funds to make contributions to any candidate committee so long as it is within the limits allowed by law and reported as coming from the candidate as an individual.

#### 5. <u>Expenditures for Officeholder Expenses</u>

Contributions to a candidate committee of a candidate who is <u>elected to, sworn in, and serving in</u> <u>the office</u> for which the contributions were accepted may be used to make expenditures for officeholder expenses.

# A. Officeholder Expenses are Ordinary and Necessary Expenses that are Unique to the Office Held

Officeholder expenses are expenses incurred as a result of the requirements of elective state office and do not include personal expenses, private business expenses, or expenses paid for or reimbursed by a  $3^{rd}$  party, including the state of Oklahoma. Officeholder expenses are unique to holding an office, not to the person holding the office. <u>Rules 2.44</u> and <u>2.2(14)</u>. Such expenses may be paid until expiration of the term, resignation, or other vacation of the office.

Effective November 1, 2021, officeholder expenses may be used for contributions or dues for a political caucus fund or the cost associated with signage for naming highways and bridges under <u>section 1600 of Title 69</u> of the Oklahoma Statutes. The expense must still be an "ordinary and necessary officeholder expense", must not be for personal use or used to make contributions to a political action committee. <u>Rules 2.44</u> and <u>Staff Memorandum 2021-01</u>.

### **B.** Officeholder Expenses When Running for Office

Candidates holding elective office that intend to either seek re-election to the same office or seek election to a different state office may have officeholder expenses for the remainder of the term to which they were elected but also need to campaign for the next election cycle. Ethics Rules contemplate this situation. Current elected officers may transfer committee funds to a candidate committee for a future election cycle and spend up to the amount transferred to the new committee for officeholder expenses of the current term of office. This activity is permitted using surplus fund only.

Jane Doe is completing a 2-year term of office and has committee *Jane Doe 2022* open with \$10,000 of surplus funds. Jane Doe intends to seek re-election in 2024. *Jane Doe 2022* may transfer \$10,000 to *Jane Doe 2024* which may expend up to \$10,000 in funds for officeholder expenses for the completion of the 2022 term of office.

### 6. LOAN PAYMENTS AND PRIOR COMMITTEE DEBT

#### A. Loan Payments for Loans to Current Committee

Candidate committees may expend funds to repay loans to the committee. This activity is permitted using surplus funds only.

Loan payments for loans issued to the current committee must be reported using the "Loans" option rather than the "Expenditures" option. See <u>page 14</u> Loan Payments and Prior Committee Debt.

#### **B.** Prior Committee Debt.

Committee debt can be carried forward from the immediately prior committee so long as it is an allowable loan or debt issued and reported in accordance with the Ethics Rules. When possible, committees should pay off all debt including loans from prior committees of the same candidate. This is true even if a loan is immediately issued to a new committee.

Debt that has been carried forward is entered at the top of the <u>first report</u> after clicking "View/File" found on the **Filing Page**. Payments are reported using the "**Expenditures**" option and the description should reference the debt from a prior committee. The amount of the debt initially reported will <u>not</u> show reduced in the same manner as loans.

#### 7. <u>CALCULATION OF TRAVEL EXPENSES</u>

Committees may expend funds for the costs of campaign and officeholder related travel for the campaign or office held. Most commonly the travel expenses are by personal motor vehicle, but may also be by a committee owned vehicle, rental vehicle, or air carrier.

#### A. Use of Personal Vehicle for Campaign Purposes—Mileage Reimbursement

Candidate committees who reimburse the candidate or others for travel must reimburse those who use <u>personal funds</u> and <u>privately owned vehicles</u> for allowable campaign or office related activity at <u>no more than</u> the **mileage reimbursement rate** authorized under the State Travel Reimbursement Act. This rate may not be the rate set by the Internal Revenue Service (IRS). Candidate committee funds cannot be used to directly purchase fuel, maintenance, or similar services for a personal vehicle, nor can they be used to reimburse an individual who is reimbursed by the state or other third party for the travel. <u>Rules 2.45(B), 2.43, and 2.106</u>.

#### **B.** 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).

### C. Purchase or Lease of a Motor Vehicle for Campaign Purposes

A candidate committee may expend funds for the purchase, lease, and associated expenses of a motor vehicle when the vehicle is used <u>exclusively</u> for campaign or officeholder activities. <u>Rule</u> 2.45(A).

A candidate committee owned vehicle must be purchased or leased, and later sold or returned to a dealer licensed by the Oklahoma Motor Vehicle Commission or the Oklahoma Used Motor Vehicle and Parts Commission on the same terms available to the public.

#### **D.** Calculating Expenses for Air Travel

Candidate committees may expend funds for the cost of air travel for campaign or officeholder activities. Rule 2.45(D)-(G). Because costs of such travel may vary drastically based on how the aircraft is owned and operated the costs expended by the committee are determined as follows.

- **Commercial air carrier.** This travel is calculated at the actual cost of the fare or, if, the 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.
- Chartered aircraft, public carrier. Air travel on an aircraft operated by a commercial carrier is calculated based on the usual charter fare or rental charge.
- Chartered aircraft, private carrier. Air travel on an aircraft operated by a private carrier or third party. is calculated based on the usual charter fare or rental charge of a commercial carrier.
- **Personally Owned Aircraft.** 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.

# 8. <u>Reimbursements for Payments of Goods & Services for the</u> <u>Committee</u>

Candidate committees should make every effort to use committee funds to purchase goods or services directly. As funds are not in fact leaving the committee depository, these transactions follow specific reporting requirements to ensure the transaction is reported and the cash balance of the committee is accurately reflected on the reports.

When an expenditure for the campaign occurs that is intended to be reimbursed, the committee must ensure records of such purchases are timely and accurately reported to the treasurer as well as a record of the expenditure of committee funds to reimburse for the expense are maintained. The initial purchase that did not use committee funds, and, the expenditure of committee funds to reimburse for the initial purchase must both be reported on the report when the activity occurred. Rule 2.2(8), 2.106(B)(6).

# 9. <u>REIMBURSEMENTS TO CANDIDATES MUST BE MADE WITHIN 90 DAYS</u>

Special requirements apply when candidate committees expend committee funds to reimburse a candidate. The candidate must use personal funds. The initial expenditure must be reported during the time period it was made. The reimbursement <u>must be made</u> within 90 days of the purchase where the candidate used personal funds. <u>This includes mileage and similar travel reimbursements</u>. The expenditure of committee funds must be reported on the date of the expenditure of the committee funds.

If the candidate is not reimbursed <u>within 90 days</u> of the purchase the candidate committee cannot expend funds to reimburse the candidate. The committee would amend the report where the "in kind" expenditure was reported, remove the "In kind expenditure" and report the value of purchase as an "in kind contribution" from the candidate to the committee. <u>Rule 2.43</u>.

Matt, a candidate for state office, spent \$500 of his personal funds for campaign signs to ABC, Inc. The expenditure was made on January 1, 2024. Matt provides the receipt to the Committee Treasurer as it is a committee record and the Treasurer reports an "<u>in-kind expenditure</u>" by Matt. On February 1, 2024 the committee expends \$500 in committee funds to reimburse Matt. The Committee reports the expenditure by the committee as a "candidate reimbursement".

### **10.** <u>Reporting Reimbursements</u>

Report the Initial Expense as an "In Kind" Expense:

The treasurer will report the purchase that used non-committee funds by selecting expenditure type **"in kind"** on the report in which the "in kind" expenditure was made. This shows the transaction as an expense that will be paid with committee funds without altering the committee's available cash balance. The Committee will report the date, amount, description of items purchased on behalf of the committee, and to whom the payment was made.

**Reporting Reimbursement to the Candidate:** When the person being reimbursed is the Candidate, the committee will used expenditure type "**Candidate Reimbursement**". This ensures the reimbursement is fully itemized regardless of the amount. In the description include the date/description of the expenditure that was reported as an "in kind" expense by the committee.

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

A candidate committee may reimburse individuals, other than the candidate and political consultants, who make an expenditure on behalf of the campaign, but the reporting is done differently. The expenditure should be reported on the report covering the time period of the expenditure by the individual, identify the ultimate vendor or recipient of the funds (not the individual being reimbursed), and include a specific description of the reimbursement. Rule 2.2(8) and 2.106(B)(6). The committee must maintain the receipt of the individual claiming reimbursement and record of payment to reimburse the individual.

**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.

# 11. SURPLUS FUNDS SUMMARIZED

Surplus funds exist only once a political race is decided as to the candidate. Surplus funds provide additional options for expenditure of Committee Funds. <u>Rule 2.48</u>.

Expenditures of surplus funds and dissolving a Committee are discussed in the next section.

# **Reports of Contributions and Expenditures**

Committees are required to file reports detailing committee activities that occur within certain periods of time. This includes activity of candidates who self-fund their campaigns, and campaigns where consultants and others purchase goods or services on behalf of the committee.

Transparency in campaigns for elective office would be undermined if reporting requirements of committee activity was not the same for all candidate committee activity occurring during the same time periods regardless of source of contributions or source of expenditures of the committee.

Generally, all reports are filed quarterly. However, during an election year, candidate committees formed for that specific election year file reports *prior to* the election rather than reporting quarterly.

### 1. <u>GUARDIAN SYSTEM NOTIFICATIONS</u>

The Guardian System will assign a reporting schedule when the committee is accepted by Commission staff that can be viewed at any time on the Committee's public or secured access page in The Guardian System. Automatic notices of **Contribution and Expenditure Reports** will be sent 7 days and 1 day prior to deadlines for a committee that has not yet filed a required report. An automatic notice will be emailed the day following a deadline if the committee did not file a report. For reports in 3(B) below notices are unable to be sent due to the nature of the reports, but the committee will receive a notification when contributions are entered that may require reporting.

### 2. <u>QUARTERLY REPORTS: CONTRIBUTION AND EXPENDITURE REPORTS</u>

Generally, filing a Statement of Organization begins the requirements for filing Contributions and Expenditures Reports. The first report will include all activity from day one through the end of the period in which the Statement of Organization was filed and follows the following schedule.

Type of Report Due	For Activity Occurring:	<b>Reports Filed Between</b>
1 <sup>st</sup> Quarter	Jan. 1 – March 31	April 1 – 30
2 <sup>nd</sup> Quarter	April 1 – June 30	July 1 – July 31
3 <sup>rd</sup> Quarter	July 1 – Sept. 30	Oct. 1 – 31
4 <sup>th</sup> Quarter	Oct. 1 – Dec. 31	Jan. 1 – 31

# 3. <u>Election Cycle Reports: Pre-Election, Continuing Reports of</u> <u>Contributions (24 Hour Reports), And/or Post Election</u>

In the year of the election for which the committee was formed, candidate committees will follow a filing schedule that may include a quarterly report, pre-election reports, and post-election reports.

Pre-election reporting begins on the Tuesday exactly 2 weeks before the election.

## A. Pre-Election Reporting: Contributions and Expenditures Reports Required of ALL Candidate Committees Formed for that Election Year.

Pre-election <u>Contributions and Expenditures Reports</u> are required of every candidate committee regardless of whether the candidate's name is on the ballot. <u>Rule 2.101</u>.

- 1. Elections always occur on Tuesdays.
- 2. The 2<sup>nd</sup> Tuesday <u>prior</u> <u>to</u> the election will start the pre-election filing period.



The committee has from the  $2^{nd}$  Tuesday before the election through the following Monday to file the Pre-Election Contributions and Expenditures Report. See Calendar Example for Pre-Primary Election. The green dates are for the Contributions and Expenditure Reports for activity that occurs *prior to* the  $2^{nd}$  Tuesday before the election.

## **B.** Pre-Election Reporting: 24-Hour Continuing Report of Contributions (24 hr/CRC)

These reports are <u>only required of candidates whose name appears on that election's ballot.</u> A candidate committee is required to file 24 hr/CRC reports when a **single source** contributes through one or more **contributions** totaling over \$1,000 during the two weeks before the election.

- **Single Source**: Includes a candidate or 3<sup>rd</sup> party
- **Contributions** include: Loans (including <u>loans from the candidate, family member,</u> <u>or any other entity</u>), monetary contributions, and in-kind contributions.

These Reports are due <u>within 24 hours after the contribution is "accepted"</u>. "Accepted" means that the monetary contribution has been <u>placed in the campaign depository</u> or that an <u>in-kind</u> contribution has been used in the campaign. <u>Rule 2.102</u>.

### 24 Hour Reporting Timing:

Beginning the 2<sup>nd</sup> Tuesday before the election <u>24 hour reports</u> are due <u>only</u> from candidates in that election for contributions from a single source totaling over \$1,000. See Calendar Example for Pre-Primary Election Reporting. The red dates are the time frame for 24 hour reports.

**The Guardian System:** It is <u>highly recommended</u> that candidate committees enter all accepted contributions daily into The Guardian System during the two weeks before an election. If contributions require a Continuing Report of Contributions due within 24 hours, the committee will receive a notice upon entry of the transaction, and a report is added to the list of required reports.

The Guardian System has no mechanism to determine whether a candidate is participating in a particular election, so it uniformly notifies candidates that a report may be required if the contributions appear to meet the requirements for a time sensitive report. If a Continuing Report of Contributions is triggered for a candidate not participating in the election, an email should be sent to ethics@ethics.ok.gov.

# **Dissolving a Candidate Committee**

A candidate committee is obligated to file all required reports until the committee is dissolved in accordance with the Ethics Rules. A candidate committee that does not dissolve, but stops filing required reports, may be subject to compliance orders and other enforcement actions. <u>Rule 6.19</u>.

Dissolving a candidate committee means the candidate committee is disposing of all of its assets, funds, and resolving any debt. A candidate committee may transfer debt, assets, and funds from one state campaign to another campaign for future state office. When 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.

Checklists for dissolving a committee or both dissolving and transitioning to a New committee are available at <u>www.ethics.ok.gov</u>.

# 1. SURPLUS FUNDS

Surplus funds provide committees additional options for expenditures to assist the committee in dissolving. These funds may only be expended for the following specific purposes. <u>Rule 2.48</u>. Surplus funds may be:

- 1. Retained in any amount for use in a future campaign for the next succeeding term of the same office, or, for a different state office so long as it is not a judicial office;
- 2. Donated to a charitable organization as described in Section 501(c)(3) of Title 26 of the United States Code;
- 3. 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;
- 4. Contributed in an amount not to exceed <u>\$25,000 total</u> to a political party through its various committees;
- 5. 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 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
- 6. Donated in accordance with the provisions of <u>Title 60 O.S. § 381</u>, et seq., to the State of Oklahoma, or to any county, city, town or school district within the State of Oklahoma.

### 2. MANDATORY DISSOLUTION DATES

The mandatory dissolution date is tied to the General Election for which the committee was formed. A committee for a candidate who is not elected has two (2) years to dissolve. The dissolution deadline for a committee for a candidate that is elected is equal to the number of years in the term of office. That date is either two (2), four (4), or six (6) years following the general election date. <u>Rule 2.116</u>.

2024 Election Mandato	ry Dissolution Dates		
Does not take office	2 year term	4 year term	6 year term
November 5, 2026	November 5, 2026	November 5, 2028	November 5, 2030

#### A. Committees with a Depository Account Balance of \$0 on the Mandatory Dissolution Date.

Candidate committees that do not have funds remaining in its campaign depository on the mandatory dissolution date must file a final report and dissolve by the specified mandatory dissolution date.

# **B.** Committees with Funds Remaining in the Depository Account: 90 Day Grace Period for Certain Expenditures

There is a 90-day grace period for committees with funds remaining in the depository on the dissolution date. After the ninety (90) day period has ended, any remaining funds <u>must</u> be deposited in the state's general revenue fund. <u>Rule 2.48</u> and <u>2019 OK Ethics 01</u>.

Candidate committee activity during the grace period is <u>limited</u> to expenditures of officeholder expenses and surplus funds. Candidate committees are no longer permitted to transact other activity such as receipt of contributions, contributing to other candidate committees, or making campaign expenditures. <u>Rule 2.48</u> and <u>2019 OK Ethics 01</u>.

# 3. <u>How to Dissolve A Committee</u>

In order to dissolve a committee, a candidate committee <u>must</u> perform the following tasks:

- Dispose of committee assets
- Deposit proceeds from the sale of assets into the committee depository
- Pay off or otherwise resolve debt
- Dispose of Surplus Funds
- Close committee depository
- File a Final Contributions and Expenditures Report

### <u>Rules 2.116</u>, <u>2.117</u>, <u>2.118</u>, and <u>2.39</u>.

#### A. Disposition of Assets

The candidate committee must dispose of assets acquired by the candidate committee through the sale or disposition of assets, including but not limited to, furniture, computer equipment and similar items. A candidate or a candidate's family member may purchase such assets, other than a vehicle, from the candidate committee if the candidate or candidate's family member pays fair market value for such purchases.

# **B.** Other Funds

Funds received from selling assets must be deposited in the committee depository and may be used to resolve any debt. Any sale of assets is reported as "other funds" and disposed of with all other remaining funds.

All records for how fair market value was determined must be kept with the other candidate committee records for not less than four years. <u>Rule 2.118</u> and <u>2.73</u>.

### C. Resolution of Debt

Candidate committees can raise funds after an election to assist with paying off debt. <u>Rule 2.117</u>. If a candidate committee has debt at the time of its dissolution, the committee must report how the debt will be resolved. Debt must be resolved in a commercially reasonable manner and 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.

#### **D.** Candidate Running for a Future Election

A candidate committee that intends to run for the same or another state office in a future election may transfer funds, assets, and/or debt from one state candidate committee to another state candidate committee. A candidate may not raise funds for a future election and deposit those funds in a committee formed for a different election.

Generally, a candidate may only have one candidate committee open at a time. The one exception is to facilitate the candidate in transitioning between committees when a candidate may have two committees open for up to 60 days. <u>Rule 2.69</u>. Once the second committee is open the first committee may no longer accept contributions. Checklists are available on the Commission website to assist in transitioning from one committee to another. This checklists contains legal requirements, and the Commission staff's tips and suggested order to transition between committees as efficiently as possible.

### E. Close the Committee Depository

Before closing the committee depository, the committee must save or print off all depository records: opening depository account records, signatory cards, bank statements, and any other records. Closing the depository without saving or printing the records can be costly if the Commission requests depository account records and the committee must request the depository for access to the records. <u>Rule 2.73</u> and <u>Rule 2.95</u>.

### F. File the Final Report of Contributions and Expenditures

A Final Report is filed in The Guardian System by selecting the "Dissolve Committee" button above the grid listing upcoming reports. The Final Report will cover the period that begins after the last day of the immediately preceding reporting period and ending on the day the Final Report is filed. <u>Rule 2.118</u>. The committee must indicate whether it is dissolving with debt, and if it is, how the Committee is resolving the debt.

If you do not file a Final Report in The Guardian System, you may still be subject to compliance orders. <u>Rule 6.19</u>.

Once a candidate committee files the final report of Contributions and Expenditures, Commission staff typically will request bank statements for specific periods and may request additional documents.

# **Special Situations**

### 1. <u>EXPLORATORY ACTIVITIES</u>

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. <u>Rule 2.78</u>.

### 2. <u>Personal Financial Disclosure Statement (PFD)</u>

Effective November 1, 2022, the following state officers file financial disclosures: officers serving in an elective office (even if appointed to fill a partial term), judicial officers subject to retention, and individuals appointed by the Governor to serve in the Governor's cabinet or appointed by the Governor to serve as director of a state agency. Newly elected officers are required to file a PFD within 30 days of the beginning of the term of office, and annually thereafter between January 1 and May 15 for the prior calendar year, unless a PFD has already been filed for that officer for the

required year. For more information on filing a PFD, see the PFD Guide, available on the Ethics Commission website at <u>www.ethics.ok.gov.</u> <u>Rule 3.16</u>.

Legislator Smith is serving his final year in office in 2024 and files the annual PFD in May for 2023. Legislator Smith is re-elected to the legislature during the 2024 elections where the term of office begins during 2024. Because Legislator Smith has already filed a PFD that covers calendar year 2023, he is not required to file a 2<sup>nd</sup> one within 30 days.

### 3. <u>Special Elections</u>

Special elections occur to fill a vacancy in an elected office. A special election is legally established when the Governor issues the Proclamation for a Special Election. Candidate committees may not register with the Commission until the Proclamation has been issued. The registration and reporting requirements for a special election are typically the same for special elections as for regularly scheduled elections. Quarterly reports are filed until the election cycle begins at which point election cycle reporting is required. However, a special election cycle unlike a regular election cycle may not have three elections. The number of elections depend on the candidates filing for the special election. <u>Rule 2.101</u>.

Mandatory dissolution dates for candidates in a special election are tied to the general election date of the <u>regularly scheduled election</u> for the office which was vacated and not the general election <u>date for the special election</u>. The term of office is not extended because of a special election.

Jane Doe was elected in 2020 to a 4 year term of office with a mandatory dissolution date in 2024, but resigns in 2023. John Smith files and is elected to fill the vacated office at the special election held in 2023. The mandatory dissolution date for John Smith is in 2024, the same as it was for Jane Doe, and not in 2027.

# **Public Resources and Campaigning**

State funds, property, time, and resources may not be used to advocate for or against candidates or state questions that will be voted on at an election. State resources include the funds of the State of Oklahoma, physical state property that is owned, leased, or otherwise used by the State of Oklahoma for official state business, time such as the use of state officers and employees during work status, and other resources such as computers, telephones, emails, social media, and other resources owned, leased, licensed, or otherwise used for state business.

#### 1. <u>PROHIBITIONS ON SOLICITING CONTRIBUTIONS ON STATE PROPERTY</u>

No person may solicit or accept a contribution, or post materials designed to influence a state election:

- in any area of the state capitol building under any circumstances; 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; or

- using state resources, including social media accounts maintained in the name of a state officer as a state officer <u>Rule 2.14</u> and <u>Rule 2.15</u>, <u>Rule 2.16</u>
- unelected state officers and employees are prohibited from activities designed to influence the results of any election at any time when wearing a uniform or identification that identifies the person as a state officer or employee. <u>Rule 2.9</u>.

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 on the same terms available to the public at large. <u>Rule 2.6.</u> 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. <u>Rule 2.7</u>.

### 2. SOCIAL MEDIA

Candidates who utilize social media accounts for campaign purposes and are elected may turn those accounts into state accounts. However, once the account becomes a "state account", like all other state property it may not be used for campaign purposes.

### 3. <u>Use of Personal Property for State Officer of Employee Campaign</u>

A state officer or employee, who is not otherwise prohibited from doing so, may use his or her <u>personal</u>: 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. <u>Rule 2.111</u>.

### 4. <u>Use of Public Facilities for Voter Registration Activities</u>

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. <u>Rule 2.10</u>.

#### 5. <u>CAMPAIGNING WHEN CURRENTLY SERVING AS AN ELECTED OFFICIAL</u>

# A. Elected State Officers May Use Public Resources to Distribute Non-Campaign 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, <u>provided those</u> <u>materials do not advocate the election or defeat of a clearly identified candidate or candidates for any</u> <u>elective office or offices, or a vote for or against a state question or other question to be voted upon at</u> <u>an election</u>. Permitted uses do not include recognition of holidays, birthdays, births or similar greetings in absence of substantial informational materials related to public issues. <u>Rule 2.11</u>.

#### B. Elected State Officers Post Materials on Opinions or Positions on Non-Campaign 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. <u>Rule 2.12</u>.

### C. Prohibition on Elected Officers Soliciting from State Officers or Employees at Own Agency

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. <u>Rule 2.5.</u>

### D. State Employees Scheduling Political Activities

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. <u>Rule 2.13.</u>

# **Compliance and Enforcement**

**Formal Process.** The Commission uses a formal complaints and investigations process which may result in a civil lawsuit in the District Courts of Oklahoma. Penalties that may be assessed by the district courts <u>begin at \$5,000</u>, and liability will be assigned to officers and the candidate of the committee by the district court. <u>Rules 6.3, 6.12, 6.13</u>, and <u>6.14</u>.

Administrative Process. The Executive Director is authorized to issue compliance orders to assist an entity in getting into compliance with these Rules. This may include the direction of an action or assessment of a fee, but the fee assessed <u>may not exceed \$1,000, per occurrence</u>. This process provides an opportunity for a hearing before an administrative law judge, who may waive or modify the compliance order for good cause shown. The late filing of reports typically results in issuance of a compliance order for late filing of reports according to the late filing fee schedule used since 2015. For <u>Contributions and Expenditures Reports</u> the fees are \$100 a day for the first 6 days, and \$400 for the 7<sup>th</sup> day. A candidate committee that files more than one quarterly report late is deemed to have intentionally failed to file the report in violation of these Rules. For <u>24-Hr/Continuing Reports of Contributions</u> the fees are \$200 a day for up to 5 days.

When Compliance Orders are not effective in bringing the entity in compliance with the Rules, such as in the case of repetitive behavior, the matter may be addressed by the Commission through the Formal Complaints process. <u>Rules 6.19, 2.100</u>, and <u>2.101</u>.

The Compliance and Enforcement process is more thoroughly explained in the Enforcement & Compliance Guide <u>www.ethics.ok.gov</u>.

		RECEIVI	RECEIVING COMMITTEES		
CONTRIBUTORS	State Candidate Committee	Limited Committee	1/25 Committee	Party Committee	Unlimited Committee
Individuals**	Per Election Limit*: \$3,300	000 53		\$10,000 per year	
(canutates may give unlimited contributions to their own campaign)	Unopposed Candidates: \$3,300 per campaign	per year	\$5,000 per year	(may be split between multiple party committees)	No Limits
Limited Committee	Per Election Limit*: \$5,000	\$5,000		\$10,000 per year	
(outer unan 1/2) committees)	Unopposed Candidates: \$5,000 per campaign	per year***	gimnovi	(may oe spur oerw <del>een m</del> uupie party committees)	giiinovi
1/25 Limited	Per Election Limit*: \$2,500		- The second sec	\$5,000 per year	
Committee	Unopposed Candidates: \$2,500 per campaign	Notime	gunnon	(may be split between multiple party committees)	gumon
State Candidate Committee	\$3,300 per campaign (from 2024 committee to 2024 committee)	Nothing	Nothing	Up to \$25,000, only after the race is decided for that candidate	Nothing
	Statewide Office: \$25,000 prior to general election	. 6 44		Unlimited transfers	
Political Party	All Other State Offices: \$10,000 prior to general election	Nothing	Notiming	between committees in same party	luotung
Unlimited Committee	Nothing	Nothing	Nothing	Nothing	Unlimited***
Corporations	Nothing	Nothing	Nothing	Nothing	Unlimited
*PER ELECTION LIMITS Contribution limits are election : cycle. A contributor may not pro contributions so long as the over	*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.	er each election <i>only if</i> cated for multiple elec r does not exceed the a	the candidate's name wil tions. After the general el mount of a single electio	I appear on another ballot durin lection, contributors may make n limit for that contributor type	g the election additional
**CASH & ANONYM contributions received in of Oklahoma.	**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 find of the state of Oklahoma.	50 of a contributor's co e contributor (if known)	ntribution may be in cash o or given to the State Treast	r from an anonymous source. Ca arer's office to the general revenu	sh or anonymous e fund of the state
**TRIBES: Contributions from	ons from tribes are acceptable, as long as the tribe is not incorporated; tribes follow the individual contribution limit of \$3,300 per election.	e tribe is not incorporat	ed; tribes follow the indivi	dual contribution limit of \$3,300	per election.
TT OTT TIMINOO	COMMITTEE TITE WEARANT OSE, AFAC may only controlle to anomer FAC of the same type and with the same purpose.		m mite same type and with a	e sallie purpose.	

# **APPENDIX I: Contribution Chart**

# **APPENDIX II: Reporting Calendar 2024 Elections**

Carl The diama State Carl Hilada	Committee Description			
A Statement of Organization ("SO")				within 10 days of sounding a
<ul> <li>A statement of Organization (SO) receiving in excess of \$1,000. The fidates that cover the date when the SO approved before the end of the "pethics@ethics.ok.gov to have missing</li> <li>Mandatory dissolution dates are found</li> </ul>	rst report of contributions was filed or should have eriod covered," the com reports added to the accor	and expe been filee mittee m unt.	enditures is due dur d, whichever is earl	ing the "Reports Due Between' iest. If an SO is filed late or no
DIRECTIONS: Committees that file or ar			the quarterly report	ng schedule until 2 weeks before
the primary election at which time "Election quarterly reporting schedule unless a report	a Cycle Reporting" begins.	After the	e election cycle repor	ting ends, committees follow the
Q	UARTERLY REPORT	ING SCI	HEDULE	
REPORTS DUE BETWEEN	PERIOD COVERI	ED	TYPE (	OF REPORT DUE
April 1 – April 30, 20XX	January 1 – March 31,	20XX	1st Quarter Contrib	utions and Expenditures Report
July 1 – July 31, 20XX	April 1 – June 30, 20	XX	2nd Quarter Contrib	utions and Expenditures Report
October 1 - October 31, 20XX	July 1 - September 30,	20XX	3rd Quarter Contrib	utions and Expenditures Report
January 1 – January 31, 20XX	October 1 – December 31	, 20XX	4th Quarter Contrib	utions and Expenditures Report
2	024 ELECTION CYCI	E REPO	ORTING	
REPORTS DUE BETWEEN	PERIOD COVERI			OF REPORT DUE
April 1 – April 30, 2024	January 1 – March 31,	2024	1st Quarter Contrib	utions and Expenditures Report
I	RE-PRIMARY ELECTI	ON REP	ORTING	
June 4 – June 10, 2024	April 1 – June 3, 20	24		utions and Expenditures Report of all 2024 candidates
7 Vithin 24 hours of accepting over \$1,000 in the aggregate from a contributor (includes loans)	June 4 – June 16, 20	24		ort of Contributions (CRC) ndidates in the primary election
	JUNE 18, 2024 - PRIMA	RYELE	CTION	
PRE-I	RUNOFF PRIMARY ELI			
August 13 – August 19, 2024	June 4 – August 12, 2	024		Contributions and Expenditures red of all 2024 candidates
Vithin 24 hours of accepting over \$1,000 in the aggregate from a contributor (includes loans)	August 13 – August 25	, 2024	Continuing Report of Contributions (CRC) Required only by candidates in the runoff primary election	
	JST 27, 2024 - RUNOFF I			
P	RE-GENERAL ELECTI			
October 22 - October 28, 2024	August 13 – October 21	, 2024	Required	utions and Expenditures Report of all 2024 candidates
Vithin 24 hours of accepting over \$1,000 in the aggregate from a contributor (includes loans)	October 22 – November		Continuing Report of Contributions (CRC) Required only by candidates in the general election	
	OVEMBER 5, 2024 - GEN			
January 1 – January 31, 2025		-		outions and Expenditures Report
File quarterly reports after the election of (1) a report is filed with the final report		terly Repo	orting Schedule abov	
MANDATORY DISSOLUTION D				
ny funds remaining in the Committee 90 days aft		are forfeite	d to the General Reven	ue Fund of the State of Oklahoma
Does not take office	2-year term		-year term	6-year term