

Ariel Koerner

From: Patrick O'Keefe <patrick.okeefe3@gmail.com>
Sent: Friday, August 23, 2019 1:50 PM
To: ethics
Subject: Advisory Opinion Needed - Oklahoma Campaign Finance Law

Categories: RESPONDED, Forwarded to Stephanie



Hello,

I am reaching out to you to ensure legal compliance on an issue. [Right.us](#) has launched in Virginia at the state level and would like to do the same in Oklahoma. [See the Virginia page as an example of what this looks like.](#)

I am looking for guidance to some assertions and questions listed below.

Background

[Right.us](#) is a service for donors to find and donate to like-minded candidates.

Right.us provides a convenient way for donors to go to a single website and browse or search for campaigns and causes. Once a donor finds a campaign or cause they'd like to support, the donor has the ability to then make a donation. When a donor makes a donation, they pay a 3.75% fee to Right.us which goes directly to the payment service provider to cover applicable platform and processing fees. As an example, when a donor makes a \$100 donation, they are charged \$103.90 and then \$100 is sent to the intended recipient(s).

Recipients cannot sign-up for Right.us. Recipients are added as a convenience for donors. Recipients do not pay fees to be included. Recipients do not pay fees to receive donations. Recipients receive 100% of a donation sent by donor(s).

Right.us partners with a payment service provider utilized by most campaigns in each state. Because of this relationship directly with the payment service provider, Right.us has the ability to allow donors to contribute directly into the accounts of those campaigns. At the federal level, Right.us also allows donors to donate to candidates not using the payment service provider and in those cases writes checks directly to the candidates from trust accounts not used for any other operation or use.

Assertions/Questions (Advisory Opinion is Needed)

1. Recipients do not incur any costs associated with Right.us and do not have any relationship with Right.us. Recipients should report total donation from each donor (e.g. a donor donates \$100 as described above, the recipient reports \$100). The FEC has said that there are no fees to report as this is similar to receiving a check by mail or bill-pay service at the federal level. We believe that Right.us should be treated similarly at the state level too. Do you agree with this assertion?
2. Because pages are not paid for by any candidate or committee, the only disclaimers necessary are those detailing the general reporting requirements for committees in the given state. No paid for by

disclaimers are necessary because it would be misleading to state that a candidate or committee paid for a page that they did not pay for. Do you agree with this assertion?

3. Because Right.us does not advocate for or against any campaign and does not participate in any form of electioneering, Right.us is a technology and not a political committee. Right.us does not have any reporting requirements at the federal level. Right.us should also not have any reporting requirements at the state level. Do you agree with this assertion?

4. Are conduit PAC contributions and earmarking by those PAC's legal in your state? Right.us is not a conduit PAC, but questions have been asked regarding conduit PACs and I want to ensure I understand the laws in your state.

I appreciate any clarity you may be able to give.

Thank you,

Patrick