



# Unlimited Committee Guide



Traveling Oklahoma Route 66

**Unlimited IE/EC Committees  
Independent Judicial Retention Committees**

## 2019-2020

**Oklahoma Ethics Commission  
FAIR RULES. FIRM ENFORCEMENT.**

“This publication is issued by the Oklahoma Ethics Commission as authorized by Executive Director, Ashley Kemp, pursuant to Ethics [Rule 1.8](#), and is located at the following website: <http://www.ethics.ok.gov>. This publication has been submitted in compliance with [Section 3-114 of Title 65 of the Oklahoma Statutes](#).” Guides are updated annually as needed. This guide was updated **August 30, 2019**.

## I. Table of Contents

<b>Commissioners</b> .....	<b>1</b>
<b>What’s New to This Guide?</b> .....	<b>1</b>
<b>I. Introduction</b> .....	<b>1</b>
What Is the Oklahoma Ethics Commission? .....	1
How to Use This Guide.....	1
Limited Scope .....	2
This Guide Is Limited to Oklahoma Campaigns for State Offices .....	2
Advisory Opinions .....	2
Registration Fees and Compliance Orders.....	2
Training and Education Fees .....	2
The Guardian System.....	2
a. Guardian System Training .....	3
Commission Website .....	3
GovDelivery Notification System.....	3
Ethics Commission Is On Social Media .....	3
Contacting the Commission.....	3
<b>II. What a Political Action Committee (PAC) Is</b> .....	<b>4</b>
A Political Action Committee May Be Formed Intentionally or by Operation of Law .....	4
Types of Political Action Committees .....	4
a. Limited Political Action Committees .....	4
b. Unlimited Political Action Committees.....	4
Section Summary .....	5
<b>III. Political Action Committee Structure</b> .....	<b>5</b>
PAC Structure Requirements .....	5
a. PAC Purpose.....	6
b. Campaign Depository .....	6
Committee Officers and Other Committee Personnel .....	7
a. Required Officers: Chair and Treasurer.....	7
b. Optional Officer: Deputy Treasurer.....	7
c. Other Officers .....	7
d. Candidates Prohibited from Serving as PAC Officers.....	7

Duties of the Officers.....	7
a. Maintain Committee Records for Four Years.....	7
b. Accurate and Timely Filing of Reports .....	8
Officer Vacancies.....	8
a. Vacancy in Both the Treasurer and Deputy Treasurer Offices.....	8
Add Non-Officers to Assist with Reporting in The Guardian System .....	8
a. Designated Filing Agent (DFA).....	8
b. Data Entry User (DEU).....	9
Section Summary .....	9
<b>IV. Political Action Committee Registration and Renewal Requirements.....</b>	<b>9</b>
Register with the Ethics Commission by Filing a Statement of Organization .....	9
When to File a Statement of Organization.....	10
a. First-Time Registration.....	10
b. Annual Renewal.....	10
Statement of Organization Contents .....	10
Each Officer Must Have His or Her Own Contact Information .....	11
Where to File the Statement of Organization .....	11
Amending the Statement of Organization.....	11
a. Maintain Current Officer Information .....	11
Section Summary .....	12
<b>V. Understanding Contributions.....</b>	<b>12</b>
What a Contribution Is.....	12
a. All Contributions Are Aggregated.....	12
b. Contributions Must Be Voluntary.....	13
c. Contributions Cannot Be Reported in the Name of Another Person .....	13
d. Volunteer Services Are Not Contributions .....	13
Deadlines for Accepting and Depositing Contributions .....	14
Maintain Required Contributor Information.....	14
a. Individuals.....	14
b. Non-Individuals .....	14
Section Summary .....	15
<b>VI. Unlimited IE/EC Committee Contributors and Contribution Limits .....</b>	<b>15</b>
Who May Contribute to Unlimited IE/EC Committee .....	15

a. Individuals – Unlimited Contributions .....	16
b. Other Unlimited IE/EC Committees with the Same Purpose – Unlimited Contributions.....	17
c. Corporations, Labor Unions and Associations .....	17
Cash Contributions – Limited to \$50 in the Aggregate per Contributor .....	17
Anonymous Contributions – Limited to \$50 in the Aggregate per Contributor.....	18
Who Is Prohibited from Making Contributions to an Unlimited IE/EC Committee .....	18
a. PAC Purpose.....	18
b. Contributions from Foreign Nationals Are Prohibited .....	18
c. Political Parties and Candidate Committees .....	19
d. Limited Committees.....	19
e. Unlimited State Question Committees.....	19
f. Independent Judicial Retention Committees .....	19
g. Unlimited IE/EC Committees with a Different Purpose.....	19
Section Summary: .....	20
<b>VII. Independent Judicial Retention Committee Contributors and Contribution Limits . 20</b>	
Who May Contribute to an Independent Judicial Retention Committee.....	20
a. Individuals – Unlimited Contributions .....	21
b. Other Independent Judicial Retention Committees with the Same Purpose – Unlimited Contributions .....	22
c. Corporations, Labor Unions and Associations – Unlimited Contributions .....	22
Cash Contributions – Limited to \$50 in the Aggregate per Contributor .....	22
Anonymous Contributions – Limited to \$50 in the Aggregate per Contributor.....	23
Who Is Prohibited from Making Contributions to an Independent Judicial Retention Committee.....	23
a. PAC Purpose.....	23
b. Contributions from Foreign Nationals Are Prohibited .....	23
c. Political Parties and Candidate Committees .....	23
d. Limited Committees.....	24
e. Unlimited IE/EC Committees .....	24
f. Unlimited State Question Committees.....	24
g. Independent Judicial Retention Committees with a Different Purpose .....	24
Section Summary: .....	25

**VIII. Special Fund-Raising Events ..... 25**

- Residence Used for Fund-Raiser ..... 25
- Non-Residence Used for Fund-Raiser ..... 26
- Golf Fund-Raising Events..... 26
- Fund-Raising Auctions and Sales ..... 27
- Section Summary ..... 27

**IX. Loans ..... 27**

- Loans by Commercial Financial Institutions ..... 27
- Loans by Non-Financial Institutions Are Contributions..... 27
- PACs May Not Make or Receive Loans to or from Other PACs or Candidates ..... 27
- Section Summary ..... 28

**X. Understanding Expenditures ..... 28**

- What Expenditures Are..... 28
- Personal Use of PAC Funds Is Prohibited ..... 28
- Types of Expenditures for Unlimited IE/EC and Independent Judicial Retention Committees ..... 28

  - a. Operating Expenses ..... 29
  - b. Contributions from Unlimited IE/EC or Independent Judicial Retention Committees to Other Committees ..... 29
  - c. Modest Campaign-Related Items to Recognize Contributors and Volunteers ..... 30
  - d. Expenditures for “Other Purposes” Must be for Purposes of the PAC..... 31

- Transfers Between Associated PACs Are Neither Contributions Nor Expenditures ..... 31
- Section Summary ..... 31

**XI. Understanding Independent Expenditures and Electioneering Communications ..... 31**

- Independent Expenditures..... 31

  - a. What an Independent Expenditure Is Not..... 32
  - b. Who May Make Independent Expenditures ..... 32
  - c. No Limits on Independent Expenditures ..... 32

- Electioneering Communications ..... 32

  - a. Electioneering Communication Is Not..... 32
  - b. Who May Make Electioneering Communications..... 33
  - c. No Limits on Electioneering Communications..... 33

- What Constitutes Coordination, Cooperation, Consultation or “Acting In Concert” ..... 33

Disclosure Requirements for Independent Expenditures and Electioneering Communications ..... 33

    a. Disclosure Not Required for Some Advertising ..... 34

How Independent Expenditures and Electioneering Communications Are Reported..... 34

Section Summary ..... 35

**XII. Reports of Contributions and Expenditures ..... 35**

    Reports of Contributions and Expenditures Are Made Quarterly ..... 35

        a. Filing the First Report of Contributions and Expenditures..... 35

        b. Reports of Contributions and Expenditures Are Made Quarterly ..... 35

        c. Reporting Calendars Found Online ..... 36

    Contents of Reports of Contributions and Expenditures ..... 36

    Independent Expenditure or Electioneering Communication (IE/EC) Reports..... 37

        d. IE/EC Report Contents ..... 37

        e. Pre-Election IE/EC Reporting Period– 15 Days Prior to Any Election..... 37

        f. Next Business Day Reporting Period – 14 Days Prior to Any Election..... 38

    Reporting Calendars Found Online ..... 39

    Compliance Orders and Other Enforcement..... 39

    Records Must be Maintained for Four Years..... 39

    Resources for Filing Reports in The Guardian System ..... 39

    Section Summary ..... 39

**XIII. Enforcement, Late Filing Fees and Compliance Orders ..... 39**

**XIV. Dissolving a PAC ..... 40**

    PAC May Dissolve at Any Time ..... 40

        a. Disposition of Assets ..... 40

        b. Resolution of Debt ..... 40

        c. Surplus Funds..... 41

    Final Report of Contributions and Expenditures ..... 41

    All Records Must be Maintained for Four Years..... 41

    Section Summary ..... 41

**XV. APPENDIX I: Contribution Limits Chart ..... 42**

**XVI. APPENDIX II: Example of How Reporting Contributions from Individuals..... 43**

**XVII. APPENDIX III: Example of How to Report Contributions from a LLC or Partnership ..... 44**

## Commissioners

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

## What's New to This Guide?

- The registration and administration fee was lowered from \$250 to \$100 at the Commission meeting held June 14, 2019; this fee change became effective July 1, 2019.
- The Commission added two new Commissioners in July of 2019.
- This guide also contains modifications to some examples and clerical errors.

## I. Introduction

### What Is the Oklahoma Ethics Commission?

The Oklahoma Ethics Commission (“Commission”) is a state agency created by a vote of the people of Oklahoma in 1990 by adding Article 29 to the Oklahoma Constitution. The Constitution requires the Commission to promulgate Rules of ethical conduct for campaigns for state office, campaigns for initiative and referenda, and state officers and employees. The Commission has limited statutory jurisdiction for campaigns at the local levels, such as counties, independent school and technology center districts, and certain municipalities with both a population over 10,000 in the 2010 census and a general revenue fund expenditure budget in excess of Ten Million Dollars.

### How to Use This Guide

This guide summarizes the Rules of the Oklahoma Ethics Commission as applied to unlimited political action committees (“PAC”), specifically (1) unlimited committees formed to make independent expenditures (“IE”) and/or electioneering communications (“EC”) to support or oppose a candidate for state office and (2) unlimited committees created to make IE and/or EC communications supporting or opposing a candidate for judicial retention, effective July 1, 2019.

This guide is written by the Commission staff to assist in compliance with the Ethics Rules, as authorized by [Rule 1.8](#). This guide is not a substitute for the law. If there is a conflict between this guide and the Constitution, statutes or Ethics Rules, then the Constitution, statutes or Ethics Rules prevail.



For information on unlimited committees created exclusively to advocate the approval or defeat of a state question, see the “Unlimited Political Action Committee Guide: State Question Committees,” located on the Ethics Commission website at [www.ethics.ok.gov](http://www.ethics.ok.gov). Also, information on local political organizations is provided on the Ethics Commission website.

### **Limited Scope**

This guide is not intended to provide comprehensive information about all Ethics Rules and other relevant law concerning political action committees. Individuals who are considering forming political organizations should become familiar with the relevant Constitutional and statutory provisions as well as with the Ethics Rules.

### **This Guide Is Limited to Oklahoma Campaigns for State Offices**

This guide addresses only Oklahoma law, specifically the Rules of the Oklahoma Ethics Commission, and is limited to unlimited IE/EC political action committees (“PAC”) engaged in campaigns for state offices.

For information on local political organizations, see the appropriate tab on the Ethics website, [www.ethics.ok.gov](http://www.ethics.ok.gov).

### **Advisory Opinions**

[Rule 1.7](#) authorizes the Commission to issue official advisory opinions interpreting its rules. Such advisory opinions are binding on the Commission. The Commission will consider an advisory opinion only as it applies to the person requesting the opinion, rather than third parties. Send requests for advisory opinions to the Oklahoma Ethics Commission. See the “Contacting the Commission” section in this guide.

### **Registration Fees and Compliance Orders**

The Commission publishes registration and administration fees for political action committees on its website.

The Executive Director is authorized to issue compliance orders to obtain compliance with these Rules, including late filing fees. See [section XIII](#) for more information on enforcement and compliance. [Rule 6.19](#).

### **Training and Education Fees**

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

### **The Guardian System**

The Guardian System is the Ethics Commission filing system in which all reports for state campaigns are filed. Access the Guardian System on the Commission website at [www.ethics.ok.gov](http://www.ethics.ok.gov) or directly at <https://guardian.ok.gov/>.

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



For more information on how to use The Guardian System, see the documents and YouTube videos with step-by-step instructions. Access this information in The Guardian System by clicking on the “Resources” tab and then clicking on “Publications” from the drop-down menu. [Rule 2.122](#).

#### **a. Guardian System Training**

One-on-one Guardian System training is available upon request. Contact the Ethics Commission staff at (405) 521-3451 or [ethics@ethics.ok.gov](mailto:ethics@ethics.ok.gov) to make an appointment. One-on-one training is unavailable during the last 5 days of a filing period.

#### **Commission Website**

Additional information on compliance with the Ethics Rules is available on the Ethics Commission’s website at [www.ethics.ok.gov](http://www.ethics.ok.gov).

#### **GovDelivery Notification System**

Sign up on the Ethics Commission website ([www.ethics.ok.gov](http://www.ethics.ok.gov)) to receive Ethics Commission notifications via text message or email. Users may subscribe to receive information from the Commission on specific topics, such as PAC information, rule updates, continuing education programs, commission meetings, etc.

#### **Ethics Commission Is On Social Media**

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

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

#### **Contacting the Commission**

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

The Ethics Commission contact information is as follows:

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

Information regarding the Commissioners, the Ethics Commission staff, and the Commission meeting agendas and minutes is located on the Ethics Commission’s website at [www.ethics.ok.gov](http://www.ethics.ok.gov).

## II. What a Political Action Committee (PAC) Is

### **A Political Action Committee May Be Formed Intentionally or by Operation of Law**

A Political Action Committee (“PAC”) is any group of two or more persons that receives contributions or makes expenditures for any of these purposes in Oklahoma: (1) to make contributions to candidates or candidate committees; (2) to make contributions to other PACs; (3) to make independent expenditures; (4) to make electioneering communications; or (5) to advocate the approval or defeat of a state question.

Ordinarily, a PAC is formed intentionally by individuals who wish to pool their financial resources to participate in the political process. However, a PAC may also be formed by operation of law when two or more persons engage in any of the above listed activities, regardless of whether the persons forming the PAC intend to do so.

A PAC is required to register with the Ethics Commission by filing a Statement of Organization and paying a registration fee when its contributions or expenditures exceed \$1,000.00. See [section IV](#) for more information on registration and renewal requirements. [Rules 2.2](#), [2.79](#) and [2.80](#).

### **Types of Political Action Committees**

There are different types of PACs with distinct legal requirements. For instance, PACs may be formed to participate in federal campaigns, state campaigns, or county, municipal or school district campaigns. This guide exists to assist in compliance with the law for PACs formed for the purpose of participating in Oklahoma state campaigns.

The two major types of PACs involved in state campaigns under the Oklahoma Ethics Rules are (1) limited committees and (2) unlimited committees. [Rules 2.2\(15\)](#) and [2.79](#).

#### **a. Limited Political Action Committees**

A limited committee is a Political Action Committee (“PAC”) organized to make contributions to candidates in Oklahoma state campaigns. A limited committee may also make independent expenditures or electioneering communications. However, a limited committee may not accept contributions in excess of the limits prescribed by the Ethics Rules, nor may it accept contributions from corporations or labor unions. A committee organized to make contributions to candidates may be an Oklahoma limited committee, out-of-state PAC, an affiliated limited committee that is affiliated with a corporation or a labor union, or a federal PAC. [Rules 2.2\(13\)](#), [2.23](#), [2.86](#), [2.92](#), and [2.96](#).

For more information on limited committees, see the “Limited Committee Guide” on the Ethics Commission website at [www.ethics.ok.gov](http://www.ethics.ok.gov).

#### **b. Unlimited Political Action Committees**

There are three types of unlimited committees in Oklahoma. The type of unlimited committee coincides with the purpose and associated activities of that committee. Specifically, an unlimited committee is a PAC organized exclusively to perform one of the following activities in Oklahoma: (1) make independent expenditures or electioneering communications for state campaigns; (2) advocate the approval or defeat of an Oklahoma state question; or (3) make independent

expenditures or electioneering communications supporting or opposing a candidate for judicial retention.

All unlimited committees may receive unlimited contributions and may make unlimited expenditures that further the purpose of the committee. These committees can receive contributions from corporations and labor unions; however, they are prohibited from contributing to candidates. See sections [V](#), [VI](#) and [VII](#) for more information on contributions. [Rules 2.2\(20\), 2.35, 2.36, 2.42 and 2.79](#).

For more information on unlimited committees formed to make state question communications, see the “Unlimited Political Action Committee Guide: State Question Committees” on the Ethics Commission website ([www.ethics.ok.gov](http://www.ethics.ok.gov)).

### **Section Summary**

- A PAC is any group of two or more persons that receives contributions or makes expenditures for any of these purposes in Oklahoma: (1) to make contributions to candidates or candidate committees for state office; (2) to make contributions to other PACs; (3) to make independent expenditures; (4) to make electioneering communications; or (5) to advocate the approval or defeat of a state question.
- The two major types of Oklahoma PACs are limited and unlimited committees.
- The three types of unlimited committees are the following:
  1. **Unlimited IE/EC Committees**: This type of unlimited committee is organized exclusively to make independent expenditures (“IE”) or electioneering communications (“EC”) in Oklahoma state campaigns.
  2. **Unlimited State Question Committees**: This type of unlimited committee is organized exclusively to advocate the approval or defeat of an Oklahoma state question.
  3. **Independent Judicial Retention Committees**: This type of unlimited committee is organized exclusively to make independent expenditures or electioneering communications supporting or opposing an Oklahoma candidate for judicial retention.
- Unlimited committees may receive unlimited contributions, including from corporations and labor unions, and they may make unlimited expenditures to further the specific purpose of the committee.

## **III. Political Action Committee Structure**

### **PAC Structure Requirements**

Every political action committee (“PAC”) is required to have a purpose, campaign depository, Chair, and Treasurer. [Rules 2.2\(20\), 2.42, 2.81, 2.85 and 2.94](#)

### a. PAC Purpose

Every PAC must have a purpose, which is established by determining which activities the committee engages/will engage. Specifically, a PAC needs to establish whether it is a limited or unlimited committee. If it is an unlimited committee, it must establish whether it is an unlimited committee that is created exclusively (1) to make independent expenditures or electioneering communications in Oklahoma state campaigns, (2) to make independent expenditures or electioneering communications supporting or opposing an Oklahoma candidate for judicial retention, or (3) to advocate the approval or defeat of an Oklahoma state question.

PAC purposes may be more specific or narrow than the purposes listed above. However, the PAC may only receive contributions and make expenditures that coincide with its purpose. [Rules 2.2\(20\)](#) and [2.42](#).

### b. Campaign Depository

Every PAC must establish at least one campaign depository in a financial institution that ordinarily conducts business in the State of Oklahoma. This account must be an independent account that is separate from funds of any other person or entity to prevent commingling of funds. The account must be maintained in the name of the PAC as it is registered with the Ethics Commission. See [section IV](#) for more information on PAC name requirements.

All contributions to the PAC, except in-kind contributions, must be deposited in the campaign depository. All expenditures made by the PAC must come out of the campaign depository by **check** or **debit card**, signed by the Treasurer or Deputy Treasurer of the PAC. [Rules 2.94](#) and [2.95](#).

#### i. PAC Checks Must Include PAC Identification Number

PACs may use checks to make expenditures. In addition to the PAC name (as registered with the Ethics Commission), any checks used by a PAC are required to include the unique identification number assigned to the PAC by the Ethics Commission. The Ethics number assigned to each PAC is available on the committee's workspace in The Guardian System upon logging into the system.

PAC checks are required to include the PAC name and Ethics ID number to enable those receiving funds from PACs to (1) know that the funds are from the PAC as opposed to another entity and (2) appropriately report the funds in The Guardian System. [Rule 2.95](#).

**Example:** Somewhere PAC registers with the Ethics Commission and includes the acronym SOPAC. The committee opens a bank account under Somewhere PAC. When the committee orders checks, may it have SOPAC, rather than the PAC's full name printed on the checks? **No.** The full name of the PAC must be printed on the PAC checks, along with the Ethics identification number. The PAC may include the acronym on checks only if the checks also include the full name of the committee.

**ii. Campaign Depositories May Earn Interest**

The campaign depository may earn interest paid by the financial institution, but PAC funds shall not be invested in any other way. [Rule 2.95.](#)

**Committee Officers and Other Committee Personnel**

**a. Required Officers: Chair and Treasurer**

A PAC is required to have a Chair and Treasurer. The same person may be both the Chair and Treasurer. The Treasurer must be a resident of Oklahoma. A candidate is prohibited from holding any office for a PAC. [Rule 2.81.](#)

**b. Optional Officer: Deputy Treasurer**

A Deputy Treasurer is not a required officer but is recommended. This officer is the person designated to fulfill the responsibilities of the Treasurer in the event the Treasurer is unavailable. The Deputy Treasurer performs similar duties to the Treasurer and can sign committee checks or debit cards upon making expenditures. If a Deputy Treasurer is retained, the individual must be a resident of Oklahoma.

It is important to note that a committee that does not have a Treasurer or Deputy Treasurer, due to vacancies or otherwise, is prohibited from receiving or spending funds until one of those seats is filled. [Rules 2.81](#) and [2.82.](#)

**c. Other Officers**

In addition to the Chair and Treasurer, a PAC may have other officers to assist the committee with its activities and filing requirements. However, the additional officers do not relieve the Chair or Treasurer of their legal responsibilities under these rules. Candidates cannot be PAC officers. [Rule 2.81.](#)

**d. Candidates Prohibited from Serving as PAC Officers**

A candidate is prohibited from holding an office for a PAC. [Rule 2.81.](#)

**Duties of the Officers**

All officers must adhere to the Ethics Commission Rules. The PAC may determine the duties of PAC officers; however, the PAC cannot change the legal responsibilities of the Chair and Treasurer as established by the Ethics Rules. [Rule 2.81](#) and [2.83.](#)

**a. Maintain Committee Records for Four Years**

The Treasurer is required to keep the committee's financial records, accounts, and other documents, including but not limited to, PAC Bylaws or similar document, all contributions accepted, all deposit slips or other evidence of acceptance of contributions, all expenditures made, all receipts, canceled checks or other evidence of payment of expenditures, bank statements, and all other documents necessary to file Reports of Contributions and Expenditures. Dissolution of the PAC does not change the requirement to maintain records for four years.

When acting in place of the Treasurer, the Deputy Treasurer should perform similar duties. [Rules 2.81](#) and [2.83](#).

#### **b. Accurate and Timely Filing of Reports**

The Treasurer is also responsible for filing timely and accurate Reports of Contributions and Expenditures for the committee, as well as filing any amendments, including amendments in the Statement of Organization, within the requisite time periods. If a PAC uses a Designated Filing Agent (“DFA”) to file reports, the Treasurer, not the DFA is responsible for the timeliness and accuracy of reports. See the section titled “Add Non-Officers to Assist with Reporting in The Guardian System.”

When acting in place of the Treasurer, the Deputy Treasurer should perform similar duties. [Rules 2.81](#) and [2.83](#).

#### **Officer Vacancies**

Any vacancy in the office of Chair, Treasurer or Deputy Treasurer must be filled within 30 days from the time the vacancy occurs. Once the vacancy is filled, an Amended Statement of Organization must be filed in The Guardian System within 5 days of that vacancy being filled. See [section IV](#) for more information on the Statement of Organization. [Rule 2.84](#).

#### **a. Vacancy in Both the Treasurer and Deputy Treasurer Offices**

A PAC may neither accept nor expend funds when there is a vacancy in the offices of both the Treasurer and Deputy Treasurer.

A PAC also cannot accept or spend funds if the committee fails to properly file reports and/or pay fees by the PAC registration and renewal deadline. See [section IV](#) for more information on PAC registration and renewal requirements. [Rules 2.82](#) and [2.80](#).

#### **Add Non-Officers to Assist with Reporting in The Guardian System**

Officers of a PAC can add individuals to assist with reporting in The Guardian System. These individuals can provide support for the committee to ensure reports are filed on time and data is entered appropriately.

#### **a. Designated Filing Agent (DFA)**

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

Although DFAs can file reports on behalf of the committee officers, a DFA does not relieve the Chair or Treasurer of their responsibilities and legal obligations under the Ethics Rules.

DFAs may be added in The Guardian System during the initial registration process or later by filing an amended Statement of Organization. Once added to the system, the DFA will receive login credentials via email.

### **b. Data Entry User (DEU)**

A data entry user (“DEU”) is an individual, other than an officer or DFA, who can access the committee’s account in The Guardian System to input contributions and expenditures on behalf of the committee; however, **he or she cannot file reports**. This allows a committee to have an individual to input contributions and expenditures, and those entries can be reviewed and filed by an officer or DFA. A DEU does not relieve a committee Chair or Treasurer from their responsibilities and legal obligations under the Ethics Rules.

DEUs can only be added by Ethics Commission staff. Call the Ethics Commission to add a DEU to the committee’s workspace.

### **Section Summary**

- All PACs are required to have a purpose, depository (i.e., bank account) that ordinarily conducts business in the state of Oklahoma, a Chair and a Treasurer.
- A PAC’s purpose determines what contributions it can receive and expenditures it can make.
- Candidates are prohibited from serving as PAC officers.
- The committee may have other officers, but these officers do not relieve the Chair or Treasurer of his or her duties.
- All officers must adhere to the Ethics Commission Rules. The Treasurer is primarily responsible for maintaining all records and documents, as well as filing timely and accurate reports and amendments with the Ethics Commission.
- All records must be maintained for a period of 4 years.
- A committee can utilize one or more Designated Filing Agents (“DFA”) to assist with filing reports. However, a DFA does not relieve the Chair or Treasurer of their responsibilities and legal obligations under the Ethics Rules.

## **IV. Political Action Committee Registration and Renewal Requirements**

### **Register with the Ethics Commission by Filing a Statement of Organization**

In order to register with the Ethics Commission, a PAC is required to (1) file a Statement of Organization and (2) pay an annual registration and administration fee with the Commission.

Although some PACs have bylaws or articles of organization, there is no requirement in the Ethics Rules for these or similar documents.

The PAC registration and administration fee for July 1, 2019 through June 30, 2020 is \$100.00 per committee. The registration and administration fee may be paid online via credit card or mailed to or dropped off at the Ethics Commission office. There is an additional fee for using a credit card. [Rules 2.80](#) and [6.19](#).



## **When to File a Statement of Organization**

### **a. First-Time Registration**

A PAC is required to file a Statement of Organization in The Guardian System no later than 10 calendar days after it receives contributions in excess of \$1,000.00 or makes expenditures in excess of \$1,000.00 in the aggregate. A PAC may register earlier than when the Rules require registration. A PAC that does not receive contributions or make expenditures in excess of one thousand dollars (\$1,000.00) in the aggregate is not required to file a Statement of Organization with the Ethics Commission. Once a PAC is registered, it is subject to reporting requirements with the Ethics Commission until the committee is dissolved and a final report is filed in The Guardian System. [Rule 2.80.](#)

### **b. Annual Renewal**

**A PAC that has filed a Statement of Organization has until December 31<sup>st</sup> to properly dissolve and file a final report. Any PAC that has not filed a final report and dissolved by December 31<sup>st</sup> must renew its registration during January of each year by (1) filing another Statement of Organization and (2) paying the registration and renewal fee.** The renewal of the Statement of Organization will not be accepted unless the PAC has filed all Reports of Contributions and Expenditures and paid any fees required during the preceding calendar year. In the event a PAC has not filed all reports and paid the required fees, the PAC is prohibited from accepting contributions or making expenditures, except for paying fees, until it is current in filing reports and paying fees. [Rule 2.80.](#)

## **Statement of Organization Contents**

The following information is required to file a Statement of Organization:

1. The name and contact information of the PAC Chair, Treasurer, and, if applicable, Deputy Treasurer. The contact information for each officer is required, including the mailing address, residence address, electronic mailing address (email), telephone numbers, and, if applicable, Internet website of the committee officers. Each officer must have his or her own email address listed in order to receive credentials to use the system and receive important notifications from the Commission.
2. The name of the PAC. *The name cannot be an acronym and cannot be the same as any other PAC or sufficiently similar to the name of any other PAC* so that the two could be easily confused. In addition to its name, the PAC may list an acronym, as long as the acronym is not the same as that of any other PAC or sufficiently similar so that the two could be confused.
3. The purpose or purposes of the PAC. This requirement includes an indication of the PAC as an unlimited committee and the type of unlimited committee.
4. The full name and address of each financial institution in which the PAC will maintain a campaign depository doing business in Oklahoma. [Rules 2.85.](#)

## **Each Officer Must Have His or Her Own Contact Information**

The contact information for each officer must be the officer's individual contact information. This ensures each officer receives his or her own credentials to log in to The Guardian System, and it enables the Ethics Commission to retain proper officer contact information. Individual login information must not be shared. [Rule 2.85.](#)

## **Where to File the Statement of Organization**

All Statements of Organization must be filed electronically in The Guardian System unless otherwise ordered by the Commission or the Executive Director of the Commission. The Guardian System may be accessed at <http://guardian.ok.gov> or on the Commission website at [www.ethics.ok.gov](http://www.ethics.ok.gov). [Rule 2.122.](#)

## **Amending the Statement of Organization**

Any vacancy in the office of Chair, Treasurer or Deputy Treasurer must be filled within 30 days from the time the vacancy occurs. Once the vacancy is filled, an Amended Statement of Organization must be filed in The Guardian System within 5 days of that vacancy being filled. [Rule 2.84.](#)

It is important to fill vacancies as quickly as possible because a PAC may neither accept nor expend funds when there is a vacancy in the offices of both the Treasurer and Deputy Treasurer. [Rule 2.82.](#)

For any other change in the information on the Statement of Organization, the Treasurer is responsible for filing an Amended Statement of Organization in The Guardian System within 10 days of the change. [Rule 2.85.](#)

### **a. Maintain Current Officer Information**

When a currently registered committee elects new officers or when any of the officer information on the most recent Statement of Organization has changed, the committee is required to amend its current committee registration (i.e., Statement of Organization) with the new officer information within 10 days of the change. [Rule 2.85.](#)

#### ***i. Adding or Removing Officers***

When a committee needs to change the officers associated with the account, the committee must add new officers to the list of officers and delete any former officers from this list. This is done either through renewing a Statement of Organization or amending a Statement of Organization, whichever is appropriate for the committee. Once new officers have been added to the list, The Guardian System will send a username and password to the email address listed for that officer. Once an officer is deleted, his or her ability to access the committee's account will be terminated. If a former officer is not deleted, he or she will continue to have the ability to access the account.

#### ***ii. Updating Officer Information***

When the contact information for a current officer changes, the committee will need to amend the most recent Statement of Organization and update the officer information by

clicking “Amend” next to the most current Statement of Organization (Registration doc.) under the “Filings” tab, clicking “Update” next to the officer whose information needs to be modified, and submitting the amended report.

### **Section Summary**

- A PAC may register with the Ethics Commission at any time earlier than is required; however, a PAC is required to register with the Commission within 10 calendar days of spending or receiving in excess of \$1,000 in the aggregate.
- To register with the Ethics Commission, a committee must (1) file a Statement of Organization in The Guardian System and (2) pay the registration and administration fee.
- The Statement of Organization includes information, including but not limited to, the contact information of the PAC, the contact information of each officer, and the type and purpose of the PAC.
- PACs that register with the Ethics Commission are required to maintain reporting requirements until the PAC appropriately dissolves its committee in accordance with the Ethics Commission Rules.
- PAC renewal occurs annually. A PAC that does not file a final report and properly dissolve by December 31<sup>st</sup> **must** renew its registration in January of each year by filing an updated Statement of Organization and paying the registration and administration fee.
- A PAC cannot accept contributions or make expenditures if it has vacancies in both the Treasurer and Deputy Treasurer offices.
- A PAC cannot accept contributions or make expenditures if it has not filed all Reports of Contributions and Expenditures and paid any fees required during the preceding calendar year.
- Amendments to the Statement of Organization must be made within 5 calendar days of a filled vacancy for a PAC officer and within 10 calendar days of any other change.

## **V. Understanding Contributions**

### **What a Contribution Is**

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

#### **a. All Contributions Are Aggregated**

All contributions—monetary and in-kind—that each individual or entity contributes to a PAC are aggregated to ensure that the individual or entity does not exceed the contribution limits. [Rule 2.2\(6\)](#).

**Example:** Jana, the Chair of PAC X, received a check for \$200 and a desk for her PAC office (valued at \$300) from Paul. Paul has given \$500 worth of contributions to PAC X (\$200 in monetary contributions + \$300 in in-kind contributions = \$500 in contributions in the aggregate).

#### **b. Contributions Must Be Voluntary**

When soliciting contributions, a PAC must make it clear that the contribution is voluntary and the person being solicited will not be given any advantage or disadvantage based on whether or not a contribution is made or the amount of a contribution. [Rule 2.91](#).

#### **c. Contributions Cannot Be Reported in the Name of Another Person**

A contribution must be reported in the name of the person who made the contribution. To report a contribution in the name of someone other than the person who made the contribution is called “money laundering” and is prohibited. [Rule 2.18](#).

**Example:** Jane is the Treasurer for ABC PAC. Tom wants to give her a contribution but does not want anyone to know his identity. Tom speaks with Jane about his concern. He gives Jane \$200 to the PAC but asks Jane to report the contribution as coming from someone else. Jane may not accept this contribution and report the \$200 as coming from anyone other than Tom. If Jane accepted such a contribution, she would be in violation of the Ethics Rules and may also be subject to criminal violations for intentionally reporting false information.

#### **d. Volunteer Services Are Not Contributions**

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

When an individual volunteers the use of a personal telephone, electronic mail, Internet social media or similar electronic devices or services for campaign communications, such use is not considered a contribution but is considered a volunteer service. [Rule 2.111](#). However, use of other personal resources by a volunteer may be considered an in-kind contribution.

Use by a commercial entity of telephone, electronic mail, social media or similar devices or services is considered an in-kind contribution by the commercial entity unless the political party committee, PAC or candidate committee pays for the use. [Rule 2.112](#).

**Example 1:** Sean stuffed envelopes for PAC X. Sean does not receive payment for doing so. This is a volunteer service from an individual. The volunteer service is not considered a contribution and therefore, is not reported.

**Example 2:** ABC, LLC is owned by Sally and Jan. ABC, LLC employees stuffed envelopes for PAC X. The LLC does not receive any compensation for these services. This service is coming from an LLC. Consequently, the service is an in-kind contribution that must be reported as coming from Sally and Jan as individuals, based upon their percentage of ownership in the LLC.

**Example 3:** XYZ, Inc. employees stuffed envelopes for PAC X without compensation. This service is coming from a corporation, not an individual. The value of the employees' services is an in-kind contribution from the corporation to the PAC.

### **Deadlines for Accepting and Depositing Contributions**

A PAC has up to 10 business days to deposit or return a contribution. A "business day" generally excludes Saturdays, Sundays and holidays. A contribution is deemed to have been accepted by a PAC if it is not returned within 10 business days after it has been received.

A contribution that is not deposited within 10 business days after it has been received by the PAC must be returned to the contributor and reported to the Commission as having been accepted and refunded.

Generally, for all funds received and deposited within 10 business days, the date a contribution is deposited in the committee's depository (i.e., bank account) accepted is the date used for reporting purposes. [Rules 2.21](#) and [2.22](#).

### **Maintain Required Contributor Information**

PACs are required to use best efforts to gather and maintain certain contributor information regardless of the amount or value of the contribution. [Rules 2.17](#), [2.24](#), and [2.25](#).

#### **a. Individuals**

A PAC must use best efforts obtain the name, address, occupation and employer from individual contributors, regardless of the value of the contribution. An occupation is the principal business activity the contributor engages in or engaged in, regardless of employment status. Examples include occupations of teacher, attorney, accountant, lawyer, doctor, lobbyist, etc. It does not include "self," "consultant," or "none."

An employer is the name of the entity by which the contributor is employed. An individual is only self-employed when he or she operates as a sole proprietor. A contributor who is the sole employee, owner, member, or partner of a corporation or other business is not self-employed. The name of the business must be used as the employer name. [Rules 2.17](#), [2.24](#), [2.25](#), [2.93](#) and [2.105](#).

#### **b. Non-Individuals**

For PACs that contribute to an unlimited committee, the unlimited committee must attain and maintain the name, address, and registration number (assigned by the Commission, the FEC, or other entity).

For corporations, labor unions or associations, the unlimited committee must attain and maintain the name, address and principal business activity of the contributor. [Rules 2.93](#), [2.105](#), [2.107-2.109](#).

Recall that all documents must be maintained for a period of four years and must be made available upon request by the Ethics Commission. [Rule 2.83](#).

There are restrictions for PACs receiving contributions from other PACs. See [section VI](#) for more information.

**Section Summary**

- Contributions are either monetary or in-kind (i.e., goods or services) given to the committee. All contributions received—monetary and in-kind—from a contributor are aggregated.
- Contributions must be given voluntarily.
- Contributions shall not be reported in a name other than the actual contributor.
- Voluntary services provided free of charge from an individual are volunteer services, not contributions.
- Goods or services provided free of charge from an organization or using organization resources are in-kind contributions.
- Contributions must be deposited within 10 business days. Contributions not deposited within 10 business days are deemed accepted, must be returned to the contributor, and must be reported to the Ethics Commission as received and returned.
- PACs must maintain proper records of all contributions and applicable contributor information—such as each contributor’s name, address, occupation, employer, and principal business activity—for a period of four years.

**VI. Unlimited IE/EC Committee Contributors and Contribution Limits**

**Who May Contribute to Unlimited IE/EC Committee**

Recall that an unlimited committee is a PAC organized exclusively to perform one of the following activities in Oklahoma: (1) make independent expenditures or electioneering communications; (2) advocate the approval or defeat of a state question; or (3) make independent expenditures or electioneering communications supporting or opposing a candidate for judicial retention.

This section discusses who can contribute to and the relevant contribution limits for unlimited committees that are organized exclusively to make independent expenditures and electioneering communications in Oklahoma state campaigns. For information on what an electioneering communication or independent expenditure is, see [section XI](#).

Unlimited committees created exclusively to make independent expenditures or electioneering communications in state campaigns may receive contributions from the following:

Individuals -LLCs -Partnerships - Indian Tribes	Other Unlimited IE/EC PACs Whose Purpose(s) Align w/the Contributing PAC*	Corporations	Labor Unions	Associations
--	---	--------------	--------------	--------------

\*A listed purpose for an IE/EC PAC may prohibit contributions to another IE/EC PAC in some cases.

All of the individuals or entities that may contribute to an unlimited IE/EC committee may do so in an unlimited amount. See [Appendix I](#) to review the contribution limits chart. [Rules 2.2 \(20\), 2.35](#) and [2.42](#).

**a. Individuals – Unlimited Contributions**

Generally, any individual may make contributions to an unlimited committee that is exclusively created to make independent expenditures or electioneering communications. 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. Federal law prohibits contributions by a foreign national.

Unlike limited committees, unlimited IE/EC committees do not have contribution limits. Consequently, individuals may make contributions in any amount to unlimited IE/EC committees. [Rules 2.17](#) and [2.35](#). See [Appendix II](#) for information on how to report contributions from individuals.

**i. Married Couples – Unlimited Contributions per Individual**

A contribution may be made from a joint account of a married couple, but the contribution must be reported as a contribution from either or both spouses on an individual basis. The PAC should verify how the contribution should be reported to ensure the contribution is voluntary and attributed toward the correct individual's contribution limits. This is important because the contribution may only be from one spouse or may be from both spouses. See [Appendix II](#) for information on how to report contributions from individuals. [Rules 2.35](#) and [2.105](#).

**Example:** PAC X receives a check from the joint checking account of Jane and John Doe for \$2,000, and the check is signed by Jane Doe. The PAC should contact Jane Doe to determine if the contribution is only from Jane or from both John and Jane. If the contribution is from both John and Jane, the committee needs to also inquire as to what amount should be attributed to John individually and Jane individually. After speaking with Jane Doe, PAC X will report a \$1,500 contribution from Jane Doe and a \$500 contribution from John Doe. See [Appendix II](#) for information on how to report contributions from individuals.

**ii. Limited Liability Company and Partnership Contributions – Unlimited Contributions per Individual**

Unlimited committees may accept a contribution or contributions from a limited liability company (“LLC”) or a partnership in an unlimited amount. The owners of an LLC are called “members.” The owners of a partnership are called “partners.” Contributions by a LLC are reported as contributions from each member of the LLC in proportion to the member's ownership interest. Contributions by a partnership are reported as contributions from each partner in proportion to the partner's ownership interest. See [Appendix III](#) for information on how to report LLC or partnership contributions. [Rules 2.24, 2.25](#) and [2.105](#).

**Example:** XYZ, LLC is owned equally by two members: Jane Doe and John Smith. The LLC made a \$1,000 contribution to XYZ PAC, an unlimited IE/EC committee.



XYZ PAC may accept the check from the LLC, but it would report the contribution as \$500 from Jane Doe and \$500 from John Smith because both Jane and John own the LLC equally.

**iii. Indian Tribes – Unlimited Contributions per Tribe**

Indian tribes are treated as individuals under the Ethics Rules. Unlimited committees may receive an unlimited amount of contributions from a tribe. Contributions from tribes are reported under the contributor type “Indian Tribe” in The Guardian System.

If the tribe is incorporated, the contribution is treated as coming from a corporation.

If the contribution received from a tribe is actually a contribution from the tribe’s political action committee (“PAC”), then the contribution must be reported as coming from the PAC. [Rules 2.35](#), [2.41](#), and [2.42](#).

**b. Other Unlimited IE/EC Committees with the Same Purpose – Unlimited Contributions**

An unlimited committee created exclusively to make electioneering communications (“EC”) or independent expenditures (“IE”) may contribute, in any amount, to another unlimited committee that is exclusively created to make IEs or ECs as long as the contribution coincides with the purposes of both unlimited committees. Unlimited committees cannot receive contributions from limited committees because the purpose of the PACs are not similar: a limited committee may make contributions to candidates but unlimited committees cannot. [Rules 2.2\(20\)](#), [2.35](#) and [2.42](#).

**c. Corporations, Labor Unions and Associations**

Unlimited committees created to make IEs or ECs may accept contributions from corporations, labor unions and associations. The principal business activity of the contributor must be reported. [Rule 2.35](#) and [2.93](#).

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

The maximum amount of cash contributions is \$50 in the aggregate per contributor per calendar year. This is an aggregate amount, i.e., all cash contributions from a single contributor added together may not exceed \$50 in a calendar year.

If a contributor meets the \$50 cash contribution limit, that individual can still contribute to the PAC through another method of payment other than cash, such as a check, credit card, or in-kind contribution.

If a PAC receives a cash contribution of over \$50, the committee must (1) return the amount over \$50 to the contributor if the contributor is known or (2) forfeit that contribution to the State Treasurer for the General Revenue Fund of Oklahoma if the recipient cannot identify the donor.

The committee must retain the name, address, occupation and employer of each contributor. PACs must make “best efforts” to identify all contributors. If a contributor can be identified by using best efforts, the committee must make such efforts to identify the contributor and report the

contribution in accordance with these rules, which includes the contributor’s name, address, occupation and employer. [Rules 2.19](#) and [2.105](#).

**Example:** In 2020, Paula gave a \$50 cash contribution to Todd, the Treasurer of PAC Y. Paula can no longer give contributions in the form of cash to PAC Y in 2020. However, she may give contributions to PAC Y via check, credit card, or goods or services (in-kind).

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

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

PACs must make “best efforts” to identify all contributors. If a contributor can be identified by using best efforts, the candidate must identify the contributor and report the contribution in accordance with these rules, which includes the contributor’s name, address, occupation and employer.

If an anonymous contribution in excess of \$50 is received, the amount of the contribution in excess of \$50 must be deposited with the State Treasurer for the General Revenue Fund of Oklahoma. [Rules 2.20](#) and [2.105](#).

**Who Is Prohibited from Making Contributions to an Unlimited IE/EC Committee**

The following are the individuals or entities that are prohibited from making contributions to an Unlimited IE/EC Committee:

Foreign Nationals	Political Party Committees	Candidate Committees
Limited Committees	Unlimited State Question Committees	Independent Judicial Retention Committees
Unlimited IE/EC Committees with a Different Purpose		

[Rules 2.2\(20\)](#), [2.35](#) and [2.42](#).

**a. PAC Purpose**

All PACs have a specific purpose for its existence and may only make expenditures that further that purpose. [Rules 2.2\(20\)](#), [2.35](#) and [2.42](#).

**b. Contributions from Foreign Nationals Are Prohibited**

Federal law prohibits contributions from a foreign national. For more information, visit [www.fec.gov](http://www.fec.gov).

### c. Political Parties and Candidate Committees

Candidate committees and party committees directly support candidates to office and are prohibited from making contributions to political action committees of any kind—limited or unlimited. [Rules 2.2\(3\) & \(17\), 2.43](#) and [2.40](#).

### d. Limited Committees

Limited committees are political action committees (“PACs”) created specifically to provide contributions to candidates. Limited committees, therefore, are prohibited from providing contributions to unlimited IE/EC committees because such a contribution is not within the purpose of a limited committee. [Rules 2.2\(13\)](#) and [2.41](#).

### e. Unlimited State Question Committees

Unlimited state question committees are formed to exclusively to advocate the approval or defeat of a state question, not to make expenditures specific to the election or defeat of candidates. These committees are prohibited from contributing to an unlimited IE/EC committee because the purpose of these committees is not broad enough to permit such contributions. [Rules 2.2\(20\), 2.35, 2.36](#) and [2.42](#).

### f. Independent Judicial Retention Committees

Independent judicial retention committees may not contribute to unlimited IE/EC PACs because such committees are created exclusively to make independent expenditures (“IE”) or electioneering communications (“EC”) that advocate for or against a candidate subject to judicial retention. Contributing to an unlimited committee created solely to make IEs or ECs in state campaigns is outside the scope of the purpose of an independent judicial retention committee. [Rules 2.2\(11\) & \(20\), 2.35](#) and [2.42](#).

### g. Unlimited IE/EC Committees with a Different Purpose

An unlimited IE/EC committee is prohibited from contributing to another unlimited IE/EC committee that has a different purpose. The purposes of both committees must align in order for either to be able to contribute to one another. [Rules 2.2\(20\), 2.35](#) and [2.42](#). This restriction may seem unusual, but remember, the funds PACs have to make expenditures are contributions received by the PAC. Those contributors made the contribution to support that PACs purpose, not any other purpose.

**Example:** PAC X is an unlimited IE/EC committee created to support the election of women to the state senate. PAC Y is an unlimited IE/EC committee created to support the election of women to the state House of Representatives. Although these committees are the same type of PAC, neither committee may contribute to one another because the purposes of the committees are different.

**Section Summary:**

- All of the individuals or entities that may contribute to an unlimited committee may contribute in an unlimited amount.
- Cash and anonymous contributions are limited to \$50 per contributor per calendar year and count toward the aggregate amount.
- Unlimited committees may receive contributions from individuals, corporations, labor unions, associations, and other unlimited committees of the same type and with the same purpose.
- Unlimited committees are prohibited from receiving contributions from foreign nationals, political party committees, candidate committees, limited committees, and unlimited committees that are a different type and have a different purpose.
- Contributions from spouses are reported on an individual basis.
- LLC and Partnership contributors are reported on an individual basis based on each member’s or partner’s percentage of ownership.
- See [Appendix I](#) to review the contribution limits chart

**VII. Independent Judicial Retention Committee Contributors and Contribution Limits**

**Who May Contribute to an Independent Judicial Retention Committee**

Recall that an unlimited committee is a PAC organized exclusively to perform one of the following activities in Oklahoma: (1) make independent expenditures or electioneering communications; (2) advocate the approval or defeat of a state question; or (3) make independent expenditures or electioneering communications supporting or opposing a candidate for judicial retention.

This section discusses independent judicial retention committees, which are unlimited committees that are organized exclusively to make independent expenditures or electioneering communications to support or oppose the retention of a candidate for judicial office. [Rules 2.2\(11\)](#) and [2.79](#).

Independent judicial retention committees may receive contributions from the following:

Individuals -LLCs -Partnerships - Indian Tribes	Other Independent Judicial Retention Committees with the Same Purpose*	Corporations	Labor Unions	Associations
--	---	--------------	--------------	--------------

\*A listed purpose for an independent judicial retention committee may prohibit contributions to another independent judicial retention committee in some cases.

All of the individuals or entities that may contribute to such unlimited committee may contribute in an unlimited amount. See [Appendix I](#) to review the contribution limits chart. [Rules 2.2\(20\)](#), [2.35](#) and [2.42](#).

### **a. Individuals – Unlimited Contributions**

Generally, any individual may make contributions to an unlimited 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. Federal law prohibits contributions by a foreign national.

Unlimited committees do not have contribution limits. Individuals may make contributions in any amount to unlimited committees. See [Appendix II](#) for information on how to report contributions from individuals. [Rules 2.17](#) and [2.35](#).

#### ***i. Married Couples – Unlimited Contributions per Individual***

A contribution may be made from a joint account of a married couple, but the contribution must be reported as a contribution from either or both spouses on an individual basis. The PAC should verify how the contribution should be reported to ensure the contribution is voluntary and attributed toward the correct individual's contribution limits. This is important because the contribution may only be from one spouse or may be from both spouses. See [Appendix II](#) for information on how to report contributions from individuals. [Rules 2.35](#) and [2.105](#).

**Example:** PAC X, an independent judicial retention committee, receives a check from the joint checking account of Jane and John Doe for \$2,000, and the check is signed by Jane Doe. PAC X should contact Jane Doe to determine if the contribution is only from Jane or from both John and Jane. If the contribution is from both John and Jane, the committee needs to also inquire as to what amount should be attributed to John individually and Jane individually. After speaking with Jane Doe, PAC X will report a \$1,500 contribution from Jane Doe and a \$500 contribution from John Doe. See [Appendix II](#) for information on how to report contributions from individuals.

#### ***ii. Limited Liability Company and Partnership Contributions – Unlimited Contributions per Individual***

Unlimited committees may accept a contribution or contributions from a limited liability company ("LLC") or a partnership in an unlimited amount. The owners of a LLC are called "members," and the owners of a partnership are called "partners." Contributions by a LLC are reported as contributions from each member of the LLC in proportion to the member's ownership interest. Contributions by a partnership are reported as contributions from each partner in proportion to the partner's ownership interest. See [Appendix III](#) for information on how to report contributions from LLCs and partnerships. [Rules 2.24](#), [2.25](#) and [2.105](#).

**Example:** XYZ LLC is owned equally by two members—Jane Doe and John Smith. The LLC made a \$1,000 contribution to XYZ PAC. XYZ PAC may accept the check from the LLC, but it would report the contribution as \$500 from Jane Doe and \$500 from John Smith because Jane and John own the LLC equally. See [Appendix III](#) for information on how to report contributions from LLCs.

**iii. *Indian Tribes – Unlimited Contributions per Tribe***

Indian tribes are treated as individuals under the Ethics Rules. Unlimited committees may receive an unlimited amount of contributions from a tribe. Contributions from tribes are reported under the contributor type “Indian Tribe” in The Guardian System.

If the tribe is incorporated, the contribution is treated as coming from a corporation.

If the contribution received from a tribe is actually a contribution from the tribe’s political action committee (“PAC”), then the contribution must be reported as coming from the PAC. [Rules 2.35, 2.41, and 2.42.](#)

**b. Other Independent Judicial Retention Committees with the Same Purpose – Unlimited Contributions**

An unlimited committee created exclusively to make electioneering communications (“EC”) or independent expenditures (“IE”) to support the election or defeat of a judicial candidate subject to retention (i.e., an independent judicial retention committee) may contribute in an unlimited amount to another unlimited committee that is exclusively created to make IEs or ECs for a judicial candidate subject to retention (i.e., an independent judicial retention committee) that shares the same purpose. [Rules 2.2\(11\), 2.35 and 2.42.](#)

**c. Corporations, Labor Unions and Associations – Unlimited Contributions**

Unlimited committees created to make IEs or ECs to support the election or defeat of a judicial candidate subject to retention may accept contributions from corporations, labor unions and associations. The principal business activity of the contributor is required to be reported. [Rules 2.35 and 2.93.](#)

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

The maximum amount of cash contributions is \$50 in the aggregate per contributor per calendar year. This is an aggregate amount, i.e., all cash contributions from a single contributor added together may not exceed \$50 in a calendar year.

If a contributor meets the \$50 cash contribution limit, that individual can still contribute to the PAC through another method of payment other than cash, such as a check, credit card, or in-kind contribution.

If a PAC receives a cash contribution of over \$50, the committee must (1) return the amount over \$50 to the contributor if the contributor is known or (2) forfeit that contribution to the State Treasurer for the General Revenue Fund of Oklahoma if the recipient cannot identify the donor.

The committee must retain the name, address, occupation and employer of each contributor. PACs must make “best efforts” to identify all contributors. If a contributor can be identified by using best efforts, the committee must make such efforts to identify the contributor and report the contribution in accordance with these rules, which includes the contributor’s name, address, occupation and employer. [Rules 2.19 and 2.105.](#)

**Example:** In 2020, Paula gave a \$50 cash contribution to Todd, the Treasurer of PAC (an independent judicial retention committee). Paula can no longer give contributions in the form of cash to PAC Y in 2020. However, she may give contributions to PAC Y via check, credit card, or goods or services (in-kind).

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

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

PACs must make “best efforts” to identify all contributors. If a contributor can be identified by using best efforts, the candidate must make such efforts to identify the contributor and report the contribution in accordance with these Rules, which includes the contributor’s name, address, occupation and employer.

If an anonymous contribution in excess of \$50 is received, the amount of the contribution in excess of \$50 must be deposited with the State Treasurer for the General Revenue Fund of Oklahoma. [Rules 2.20](#), and [2.105](#).

**Who Is Prohibited from Making Contributions to an Independent Judicial Retention Committee**

The following are the individuals or entities that are prohibited from making contributions to independent judicial retention committees:

Foreign Nationals	Political Party Committees	Candidate Committees
Limited Committees	Unlimited IE/EC Committees	Unlimited State Question Committees
Independent Judicial Retention Committee with a Different Purpose		

[Rules 2.2](#), [2.35](#) and [2.42](#).

**a. PAC Purpose**

All PACs have a specific purpose for its existence for which it may raise funds and make expenditures. [Rules 2.2\(20\)](#), [2.35](#) and [2.42](#).

**b. Contributions from Foreign Nationals Are Prohibited**

Federal law prohibits contributions from a foreign national. For more information, visit [www.fec.gov](http://www.fec.gov).

**c. Political Parties and Candidate Committees**

Candidate committees and party committees directly support candidates to office and are prohibited from making contributions to political action committees of any kind—limited or unlimited. [Rules 2.2\(3\) & \(17\)](#), [2.43](#) and [2.40](#).



#### **d. Limited Committees**

Limited committees are political action committees (“PACs”) created specifically to provide contributions to candidates. Limited committees, therefore, are prohibited from providing contributions to independent judicial retention committees because such a contribution is not within the purpose of the committee. [Rules 2.2\(13\)](#) and [2.41](#).

#### **e. Unlimited IE/EC Committees**

Unlimited IE/EC committees that are created exclusively to make independent expenditures (“IE”) or electioneering communications (“EC”) in state campaigns, not for the retention of candidates subject to judicial retention, are prohibited from contributing to independent judicial retention committees because such a contribution is outside of the purpose of unlimited IE/EC committees. [Rules 2.2\(11\) & \(20\)](#), [2.35](#) and [2.42](#).

#### **f. Unlimited State Question Committees**

State question committees are unlimited committees formed exclusively to advocate the approval or defeat of a state question, not to make expenditures for or against the retention of judicial candidates. These committees are prohibited from contributing to independent judicial retention committees because the purpose of state question committees is not broad enough to permit such contributions. [Rules 2.2\(11\) & \(20\)](#), [2.35](#), [2.36](#) and [2.42](#).

#### **g. Independent Judicial Retention Committees with a Different Purpose**

An independent judicial retention committee is prohibited from contributing to another independent judicial retention committee that has a different purpose. The purposes of both committees must align in order for either to be able to contribute to one another. [Rules 2.2\(11\) & \(20\)](#), [2.35](#) and [2.42](#).

**Example:** Support Jane Doe is an unlimited independent judicial retention committee created to support the retention of Judge Jane Doe. PAC X is an unlimited independent judicial retention committee created to support the retention of Judge John Smith. Although these committees are the same type of PAC, neither committee may contribute to one another because the purposes of the committees are different.

**Section Summary:**

- All of the individuals or entities that may contribute to an unlimited committee may contribute in an unlimited amount.
- Cash and anonymous contributions are limited to \$50 per contributor per calendar year and count toward the aggregate amount.
- Unlimited committees may receive contributions from individuals, corporations, labor unions, associations, and other unlimited committees of the same type and with the same purpose.
- Unlimited committees are prohibited from receiving contributions from foreign nationals, political party committees, candidate committees, limited committees, and unlimited committees that are a different type and have a different purpose.
- Contributions from spouses are reported on an individual basis.
- LLC and Partnership contributors are reported on an individual basis based on each member's or partner's percentage of ownership.
- See [Appendix I](#) to review the contribution limits chart

**VIII. Special Fund-Raising Events**

The following provisions for fund-raising are typically utilized by committees where contributions are subject to limits and contributions from corporations are prohibited, such as candidate committees, party committees, and limited political action committees. These provisions may also be used for unlimited committees, such as IE/EC committees, even though contribution limits are not applicable and contributions by corporations are permitted.

**Residence Used for Fund-Raiser**

An individual who hosts a fund-raising event to benefit an unlimited IE/EC committee or independent judicial retention committee in his or her residence and uses personal funds in doing so may spend up to \$1,000 without making a contribution to the committee. The exclusion may be used one time per year, per individual and may not exceed \$1,000. In other words, an individual could host such an event in his or her home and spend \$1,000 on refreshments without making a contribution to the committee. Any personal funds spent above the \$1,000 limit are considered in-kind contributions.

If a husband and wife each spend personal funds (even if those are combined personal funds of the two), then each spouse has a \$1,000 exemption. The rule requires the fund-raiser to take place in the residence of the host, and the funds expended must be personal funds. If those conditions are met, then a husband and wife could each spend up to \$1,000 on a fund-raiser in their residence without it being a contribution to the committee. This exemption will apply for one fund-raiser for the husband and one fund-raiser for the wife. That exemption can be applied to the same fund-raiser or two separate fund-raisers; however, if both the husband and wife are identified as hosts of the fund-raiser and joint funds are used to pay for the fund-raiser, then they have each used their single event exemption. [Rule 2.60.](#)

**Example:** Betty hosted a fund-raiser in her residence for PAC X, an independent judicial retention committee. She spent \$1,500 of her personal funds on decorations, food, and refreshments. The first \$1,000 is excluded and not reported as a contribution to PAC X. The \$500, which is in excess of \$1,000, is considered an in-kind contribution to PAC X.

### **Non-Residence Used for Fund-Raiser**

There is a contribution exclusion for an individual who hosts a fund-raising event to benefit an unlimited IE/EC committee or independent judicial retention committee in an office or other nonresidential building owned or leased by the individual and uses personal funds in doing so. The exclusion may be used one time per year and may not exceed \$1,000. Any personal funds expended above the \$1,000 limit are considered in-kind contributions to the committee.

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

**Example 1:** Y PAC, an independent judicial retention committee, has a member, John Smith, who wants to host a fund-raiser at his commercial office space that he owns personally. In this case, John Smith could host the fund-raiser for Y PAC at his commercial office space and spend up to \$1,000 of his personal funds for this fund-raising event without it being considered a contribution. However, any amount over the \$1,000 would be considered an in-kind contribution to Y PAC.

### **Golf Fund-Raising Events**

Sometimes committees use golf events for fund-raising purposes. Any goods or services donated to a golf fund-raising event are considered contributions based on the fair market value of the goods or services. Any fee paid to participate in the event is a contribution. [Rule 2.62.](#)

The committee must acquire the appropriate contributor information for each contributor, which may include name, address, occupation and employer of each individual contributor and principal business activity for contributors that are not individuals or other unlimited committees. This includes those who contribute goods or services and those who pay a fee to the PAC. [Rule 2.105](#) and [2.93.](#)

**Example:** Y PAC, an unlimited committee, is hosting a golf tournament. Individual green fees are \$100 each or \$350 for a foursome. XYZ, LLC sends in a check for \$350 so four of its five members may participate in the tournament. This is a monetary contribution from each of the five individual members based on his or her percentage of ownership in the LLC to Y PAC. See [Appendix III](#) for an example on how to report contributions to a committee from a LLC.

## **Fund-Raising Auctions and Sales**

Sometimes committees use auctions or other sales to raise funds. Any goods or services donated to such an event are in-kind contributions to the committee based on their fair market value. Any money paid for goods or services at such an event are monetary contributions.

The committee must acquire the name, address, occupation and employer of each individual contributor, which includes those who contribute goods or services and those who purchase an item from the committee auction or sale.

When a committee sells goods or services, such activities are subject to applicable licenses and taxes provided by law. [Rules 2.63, 2.64, 2.93](#) and [2.105](#).

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

### **Section Summary**

- Any monetary donations at unlimited committee fund-raising events are considered monetary contributions from the contributor to the unlimited committee.
- Participation fees and funds used to purchase goods or services are monetary contributions from the payor to the unlimited committee.
- Items donated to any fundraising event, including auctions and golf events, are considered in-kind contributions from the contributor to the unlimited committee.
- Unlimited committees may receive contributions, monetary or in kind, from corporations and labor unions at fundraising events.

## **IX. Loans**

### **Loans by Commercial Financial Institutions**

A loan to a PAC by a commercial financial institution that normally engages in the business of making loans is not considered a contribution if the loan is made in the regular course of business and on the same terms ordinarily available to the public. [Rule 2.65](#).

### **Loans by Non-Financial Institutions Are Contributions**

A loan to a PAC by a person, other than a commercial financial institution, is a contribution from the lender, guarantor or endorser in the amount that has not been repaid. [Rule 2.66](#).

### **PACs May Not Make or Receive Loans to or from Other PACs or Candidates**

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

## Section Summary

- Unlimited committees may receive loans from commercial financial institutions; but not from other PACs or candidates.
- Loans by a person, other than a commercial financial institution, that are not repaid are considered contributions from the person to the unlimited committee.

## X. Understanding Expenditures

### What Expenditures Are

Expenditures are the funds that the PAC spends, or the goods or services it donates. Specifically, an “expenditure” is defined as a purchase, payment, distribution, loan, advance, compensation, fee, deposit or gift made by a committee. [Rule 2.2\(8\)](#).

### Personal Use of PAC Funds Is Prohibited

No person may convert PAC funds to personal use. “Personal use” includes any use of funds to fulfill a commitment, obligation or expense of an individual or other person that would exist irrespective of the PAC’s activities. [Rule 2.39](#).

### Types of Expenditures for Unlimited IE/EC and Independent Judicial Retention Committees

All committee expenditures must be made to further the purpose of the PAC. The following are the types of expenditures that (1) unlimited committees that are created to make independent expenditures or electioneering communications in state campaigns (IE/EC committees) and (2) unlimited committees that are created to support or oppose candidates for judicial retention (independent judicial retention committees) may make:

- Operating Expenses
- Independent Expenditures (see [section XI](#))
- Electioneering Communications (see [section XI](#))
- Contributions to Another Unlimited Committee Formed for the Same Purpose
- Modest Campaign-Related Items to Recognize Contributors and Volunteers
- Other Purposes of the Committee Not Otherwise Prohibited by Law That **Further the Purpose of the Committee**

[Rules 2.2\(11\) & \(20\)](#), [2.42](#) and [2.79](#).

The key as to whether an expenditure is permissible for an unlimited committee is to determine whether the expenditure is allowable under the Ethics Rules, and if so, whether the expenditure falls within the committee’s purpose and is permitted by the committee’s own organizational documents.

A PAC is unable to expand its purpose to include activities inconsistent with the structure of the PAC. For example, an independent judicial retention committee and an unlimited IE/EC

committee could not have bylaws permitting expenditures for an Oklahoma state question. [Rules 2.2\(20\), 2.42](#) and [2.79](#).

**a. Operating Expenses**

Operating expenses are those expenses incurred by IE/EC committee that result from the activities required for the committee’s operation. Costs of Ethics Commission registration fees, staff compensation, and attorney’s fees are some examples of operating expenses.

**b. Contributions from Unlimited IE/EC or Independent Judicial Retention Committees to Other Committees**

Unlimited IE/EC committees and independent judicial retention committees are prohibited from making expenditures to contribute to the following entities:

Candidate Committees	Political Party Committees
Limited Committees	Unlimited Committees Formed for a Different Purpose

Unlimited committees are prohibited from contributing to other unlimited committees if the contributing committee’s purpose does not align with the recipient committee’s purpose. [Rules 2.2\(11\) & \(20\), 2.42](#) and [2.79](#).

***i. Contributions from an Unlimited IE/EC Committee or an Independent Judicial Retention Committee to a Candidate Committee, a Limited Committee or a Political Party Committee Are Prohibited***

Unlimited IE/EC committees and independent judicial retention committees are created to make independent expenditures or electioneering communications, not to make contributions to candidates. Candidate committees, limited committees, and political party committees are created to provide contributions to candidates, which is outside the scope of unlimited IE/EC committee and independent judicial retention committee purposes. [Rules 2.2, 2.42](#) and [2.79](#).

***ii. Contributions from an Unlimited IE/EC Committee to an Independent Judicial Retention Committee, and Vice Versa, Are Prohibited***

An independent judicial retention committee is an unlimited committee organized exclusively to make Independent Expenditures (“IE”) or Electioneering Communications (“EC”) supporting or opposing the retention of a candidate for judicial retention. Whereas, an unlimited IE/EC committee is created to make IEs or ECs in state campaigns, not to support or oppose judicial retention of a candidate.

An independent judicial retention committee may not contribute to an unlimited IE/EC committee, and an unlimited IE/EC committee may not contribute to an independent judicial retention committee. Although both of these types of PACs are created to make IEs or ECs, the purposes of the PACs differ because of the types of candidates for which the committees are formed to support or oppose. [Rules 2.2\(11\) & \(20\), 2.42](#) and [2.79](#).

**iii. *An Unlimited IE/EC Committee May Contribute to Another Unlimited IE/EC Committee Formed for the Same Purpose***

An unlimited committee created exclusively to make independent expenditures (“IE”) or electioneering communications (“EC”) in Oklahoma state campaigns may contribute to another unlimited IE/EC committee in an unlimited amount if the expenditure furthers the purpose of the contributing committee. All committee expenditures must coincide with the purpose of the committee. [Rules 2.2\(11\) & \(20\), 2.42](#) and [2.79](#).

**Example:** ABC PAC is an unlimited IE/EC committee that is formed with the purpose of making IEs and ECs advocating for candidates who support a four-day work week. XYZ PAC is an unlimited IE/EC committee that also is created to make IEs and ECs to support candidates in favor of four-day work weeks. Both of these PACs may contribute to one another because the committee purposes align.

**iv. *An Independent Judicial Retention Committee May Contribute to Another Independent Judicial Retention Committee Formed for the Same Purpose***

An independent judicial retention committee may only contribute to another independent judicial retention committee if both committees share the same purpose. [Rules 2.2\(11\) & \(20\), 2.42](#) and [2.79](#).

**Example:** XYZ PAC is an independent judicial retention committee created specifically to support Judge Jane Doe’s retention. Y PAC is also an independent judicial retention PAC; however, it was created specifically to support Judge John Smith’s retention to office. Neither committee in this scenario will be able to contribute to the other because, even though they are both independent judicial retention committees, they were formed to support different candidates.

**v. *Contributions from an Unlimited IE/EC Committee or Independent Judicial Retention Committee to an Unlimited State Question Committee Are Prohibited***

An IE/EC committee is created to make independent expenditures (“IE”) or electioneering communications (“EC”) in state campaigns. Independent judicial retention committees are created to make IEs or ECs supporting or opposing candidates for judicial retention. Unlimited state question committees are created to advocate the approval or defeat of a state question.

Neither an unlimited IE/EC committee nor an independent judicial retention committee may contribute to an unlimited state question committee because the purposes of each committee do not align. [Rules 2.2, 2.42](#) and [2.79](#).

**c. *Modest Campaign-Related Items to Recognize Contributors and Volunteers***

A PAC may provide campaign-related goods, such as coffee mugs, t-shirts, caps and similar items of modest value, free-of-charge, to volunteers or contributors to the committee. These items must be (1) campaign related (e.g., item with the PAC’s logo, PAC name, etc.), (2) of modest value, and



(3) provided to a volunteer or contributor. Items purchased by the PAC for such purpose are considered expenditures by the committee. [Rule 2.64.](#)

**Example:** PAC X, an unlimited committee, wants to provide high-end coolers to volunteers and contributors with the committee name on them that cost \$200 each. PAC X may not provide these coolers because they are not of modest value.

#### **d. Expenditures for “Other Purposes” Must be for Purposes of the PAC**

PACs may make expenditures for any lawful purpose, provided the expenditure furthers the purpose of the PAC. The PAC’s purpose may be expressed by the type of the PAC, the PAC’s bylaws, articles of organization or similar document or, if there is no such document, in the PAC’s statement of organization filed with the Ethics Commission. [Rules 2.41](#) and [2.42.](#)

#### **Transfers Between Associated PACs Are Neither Contributions Nor Expenditures**

An associated PAC is a PAC registered with the FEC that shares a formal business relationship with an Oklahoma State PAC. For example, the national organization for a professional or business organization or a labor union would be an associated PAC to the applicable Oklahoma state PAC. Because the federal and Oklahoma State PAC are associated, transfers of funds between the entities are neither contributions nor expenditures. [Rule 2.105.](#)

#### **Section Summary**

- Personal use of committee funds is prohibited.
- The following are the types of expenditures that an unlimited IE/EC or independent judicial retention committee may make:
  - Operating Expenses
  - Independent Expenditures (see [section XI](#))
  - Electioneering Communications (see [section XI](#))
  - Modest Campaign-Related Items to Recognize Contributors and Volunteers
  - Contributions to Other Unlimited Committees Formed for the Same Purpose
  - Other Purposes Not Otherwise Prohibited by Law That **Further the Purpose of the PAC**
- Transfers between associated PACs are neither contributions nor expenditures.

## **XI. Understanding Independent Expenditures and Electioneering Communications**

### **Independent Expenditures**

An independent expenditure (“IE”) is an expenditure for a communication that expressly advocates (1) the election or defeat of a clearly identified candidate for state office or (2) a vote for or against the retention of a candidate for judicial retention.

An expenditure is not an IE if it is made in coordination with, cooperation with, consultation with, or concert with, or at the request or suggestion of, a candidate, a candidate committee or their agents or a political party committee or its agents. [Rule 2.2\(10\)](#). In such case, coordination turns the expenditure into a contribution for the entity with which the PAC coordinates.

**a. What an Independent Expenditure Is Not**

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

**b. Who May Make Independent Expenditures**

Any limited committee or unlimited committee may make independent expenditures if the expenditure is consistent with the purpose of the committee. Consequently, unlimited committees that are created to make IEs may make IEs.

IEs also may be made by other persons, such as individuals, partnerships, limited liability companies, and corporations. [Rules 2.42](#) and [2.50](#).

**c. No Limits on Independent Expenditures**

There are no limits to the amount of funds that a PAC may spend on independent expenditures. [Rule 2.50](#).

**Electioneering Communications**

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

To qualify as an EC, the communication must be sent by Internet advertising or direct mail, radio, television, cable or satellite broadcast or appear in a newspaper or magazine.

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

An EC is distinguishable from an independent expenditure (“IE”). An EC does not explicitly advocate the election or defeat of a candidate, or support or oppose the judicial retention of a judicial candidate like an IE does. [Rule 2.2\(7\) & \(10\)](#).

**a. Electioneering Communication Is Not**

An electioneering communication (“EC”) is not “issue advocacy,” although the two terms often are very similar in substance. A communication that references a candidate that is made outside the relevant time period or that is made through a different means of communication than listed above is not an EC.

However, such a communication, if made through the identified channels, may become an electioneering communication by operation of law if it meets the time, means and relevant

electorate requirements. For example, a communication that mentions a candidate's name and is targeted to the relevant audience through a television broadcast that is made 31 days before a primary election but does not advocate the election or defeat of a candidate is issue advocacy. That same communication, made 30 days before the same primary election becomes an electioneering communication.

Communications by telephone are not electioneering communications regardless of timing, but these communications may qualify as an independent expenditure. [Rule 2.2\(7\)](#).

#### **b. Who May Make Electioneering Communications**

Any limited committee or unlimited committee may make electioneering communications ("EC") consistent with the purposes of the committee. Consequently, unlimited committees that are created to make ECs may make ECs.

ECs also may be made by other persons, such as individuals, partnerships, limited liability companies and corporations. [Rules 2.42](#) and [2.52](#).

#### **c. No Limits on Electioneering Communications**

There are no limits to the amount of funds that may be spent on ECs by a PAC. [Rule 2.52](#).

#### **What Constitutes Coordination, Cooperation, Consultation or "Acting In Concert"**

If an alleged "independent expenditure" or "electioneering communication" is in fact made in coordination with, cooperation with, consultation with, or concert with, or at the request or suggestion of, a candidate, a candidate committee or their agents or a committee or its agents, then the "expenditure" becomes a contribution to the candidate committee. If the amount of the expenditure exceeds the limits for contributions, then it is a violation of the Ethics Rules by both the contributor and the recipient.

Coordination, cooperation, consultation and "acting in concert" are not defined in the Ethics Rules. Common definitions of "coordination," "cooperation," "consultation" and "concert" offer these descriptions, among many others: "to associate with others for mutual benefit," "to act together," "to confer," "formed by mutual communication of opinion and views." Whether there is coordination, cooperation or consultation in any given situation depends upon the facts. [Rules 2.2\(6\)](#), [2.107\(H\)](#) and [2.108\(H\)](#).

#### **Disclosure Requirements for Independent Expenditures and Electioneering Communications**

Whenever an independent expenditure ("IE") or electioneering communication ("EC") is made, the PAC that authorizes and pays for the IE or EC must be identified. The exact language that must be used is as follows: "**Not authorized by any candidate or candidate committee. Authorized and paid for by [the PAC's name, permanent street address and telephone number].**"

If the IE or EC is made by Internet advertising, or by video, radio, television, cable or satellite broadcast, the disclosure may be given either orally or in writing. If the IE or EC is in writing, such as on Internet advertising, direct mail, magazine, newspaper, or any other printed medium,

the disclosure must be of **sufficient size and contrast to be clearly readable** by the person reading the communication. [Rules 2.57](#) and [2.58](#).

**a. Disclosure Not Required for Some Advertising**

No disclosure is required for bumper stickers, campaign buttons, t-shirts, aerial advertising or similar advertisements where such disclosure would be impractical. [Rule 2.58](#).

**How Independent Expenditures and Electioneering Communications Are Reported**

PACs may be required to file an IE/EC report in addition to its quarterly Contributions and Expenditures Reports.

If an IE or EC of \$5,000 or more in the aggregate is made by a PAC at least 15 days prior to any primary, runoff primary or general election, an IE/EC report must be filed by the PAC at the same time candidates file pre-election reports. [Rules 2.107\(A\)](#) and [2.108\(A\)](#). Reports are due during a six day filing period, beginning the 2<sup>nd</sup> Tuesday before the election and ending the following Monday.

If an IE or EC of \$5,000 or more in the aggregate is made by a PAC during the period beginning no more than 14 days prior to a primary, runoff primary or general election, but no later than the day of the election, an IE/EC report must be filed no later than the business day following the day the expenditure is made. [Rule 2.107\(B\)](#) and [2.108\(B\)](#).

See [section XII](#) for more information on Reports of Contributions and Expenditures and IE/EC Reports.

**TIP:** Any PAC that engages in IEs or ECs should enter such expenditures daily during the month prior to an election. This will assist the PAC in filing timely reports and avoiding late fees. Once the PAC has met the requirements to trigger an IE/EC report, The Guardian System will notify the person entering the transaction, add a report to the filing schedule and display a notice on the workspace.

### **Section Summary**

- An independent expenditure is an expenditure made by a person or entity that expressly advocates (1) the election or defeat of a clearly identified candidate or (2) a vote for or against the retention of a candidate for judicial retention.
- An electioneering communication is a single communication or a series of communications through specific types of media that is/are targeted to a relevant electorate and refer to a clearly identified candidate for state office or candidate for judicial retention. These communications are made within 60 days prior to a general election or 30 days prior to a primary or runoff election.
- Most independent expenditures and electioneering communications require the following disclosure: **“Not authorized by any candidate or candidate committee. Authorized and paid for by [PAC’s name, permanent address, and telephone].”**
- Disclosures are not required for bumper stickers, campaign buttons, t-shirts, or other advertisements where the disclosure would be impractical.

## **XII. Reports of Contributions and Expenditures**

### **Reports of Contributions and Expenditures Are Made Quarterly**

Once a PAC registers or is required to register with the Ethics Commission in The Guardian System by filing a Statement of Organization, the PAC must file Reports of Contributions and Expenditures with the Commission on a quarterly basis until a final report is filed and the PAC is dissolved in accordance with the Ethics Rules. Additional IE/EC reports may be required when an unlimited IE/EC committee or independent judicial retention committee makes Independent Expenditures or Electioneering Communications prior to an election (see the section titled “IE/EC Reports”).

#### **a. Filing the First Report of Contributions and Expenditures**

A PAC’s first Report of Contributions and Expenditures must be filed with the Ethics Commission at the same time as required for the next quarterly report after the PAC files a Statement of Organization or should have filed a Statement of Organization, whichever is earlier. The first Report of Contributions and Expenditures covers the time period that begins when the first contribution is received or expenditure is made through the ending date for the period covered of that quarter. All reports must be filed in The Guardian System, located at <https://guardian.ok.gov/>. [Rules 2.103](#) and [2.122](#).

#### **b. Reports of Contributions and Expenditures Are Made Quarterly**

After filing the first Report of Contributions and Expenditures, a committee will file quarterly Reports of Contributions and Expenditures until it dissolves in accordance with the Ethics Rules.

The reporting dates and time periods covered for **quarterly Reports of Contributions and Expenditures** are as follows:

Filing Dates	Period Covered	Type of Report Due
<i>Registration/Renewal Period January 1-31</i>		
April 1 – 30	Jan. 1 – March 31	1 <sup>st</sup> Quarter Contributions and Expenditures Report
July 1 – 31	April 1 – June 30	2 <sup>nd</sup> Quarter Contributions and Expenditures Report
Oct. 1 – 31	July 1 – Sept. 30	3 <sup>rd</sup> Quarter Contributions and Expenditures Report
Jan. 1 – 31	Oct. 1 – Dec. 31	4 <sup>th</sup> Quarter Contributions and Expenditures Report
<b>Dissolution Deadline for Committees Choosing to Dissolve – December 31st</b>		

\*To view the current reporting visit [www.ethics.ok.gov](http://www.ethics.ok.gov) and click the “Reporting Calendars” option under the “Campaign Finance Reporting” tab.

The above chart indicates the “period covered,” which is the time period for which the committee needs to account for funds coming into and leaving the committee in the Report of Contributions and Expenditures. This is different than the “filing period,” which indicates the dates during which the report can be filed in The Guardian System. A report cannot be filed until all dates in the “period covered” timeframe have passed and the “filing period” has begun. Any reports filed after the filing period ends are considered late.

Committees that use The Guardian System regularly will receive email notifications when quarterly reports are due in The Guardian System. [Rules 2.80](#) and [2.100](#). Emailed notifications will go to the email addresses listed on the Statement of Organization.

### c. Reporting Calendars Found Online

All of the reporting calendars for PACs may be found on the Ethics Commission website at [www.ethics.ok.gov](http://www.ethics.ok.gov).

### Contents of Reports of Contributions and Expenditures

Reports of Contributions and Expenditure include, but are not limited to, the following:

- Information on all funds, goods or services received, including monetary contributions, in-kind contributions, refunds and other receipts;
- Information on all expenditures made, including independent expenditures, electioneering communications, refunds made and transfers to associated PACs; and
- Information on all contributions to other PACs. [Rule 2.105](#).

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

**Independent Expenditure or Electioneering Communication (IE/EC) Reports**

In addition to quarterly Reports of Contributions and Expenditures, unlimited IE/EC committees and independent judicial committees may also be required to file IE/EC Reports. IE/EC Reports, if required, are only ever due during the two weeks immediately preceding an election. Whether a report is due during the six day time period when candidates file pre-election reports, or, whether a report is due by the next business day depends upon when the communication is made and the value of the communication(s). [Rules 2.107](#) and [2.108](#).

**d. IE/EC Report Contents**

IE/EC Reports must include the following: (1) the name of the committee making the independent expenditure or electioneering communication; (2) the amount, date and a brief description or statement of each independent expenditure or electioneering communication; (3) the name and office of the candidate supported or opposed; and (4) whether the candidate was supported or opposed ( independent expenditures only). [Rule 2.107\(D\)](#) and [2.108\(D\)](#).

**e. Pre-Election IE/EC Reporting Period– 15 Days Prior to Any Election**

An IE/EC Report is required if an independent expenditure (“IE”) or electioneering communication (“EC”) of \$5,000 or more in the aggregate is made by an unlimited committee at least 15 days before an election.

These pre-election IE/EC Reports are due at the same time that candidate committees are required to file pre-election reports for the applicable election. The Guardian System will trigger the respective report once the transaction is entered into the system. Consequently, IE and EC transactions must be entered in regularly to ensure the proper report is triggered in the system, and the committee is able to file the report in a timely manner. [Rules 2.107\(A\)](#) and [2.108\(A\)](#). The Guardian System is unable to trigger reports until transactions required to be included on an IE/EC report are entered.

**Example:** The 2020 primary election is June 30<sup>th</sup>. X PAC makes a \$5,000 independent expenditure on June 15<sup>th</sup>. Because June 15<sup>th</sup> is *more than 2* weeks before the primary election, the report will be due between June 16<sup>th</sup> (2<sup>nd</sup> Tuesday before the Election) and June 22<sup>nd</sup> (the next Monday).

The yellow highlight in this calendar provides a visual representation of this example. The report may be filed any time within the yellow dates.

June 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 \$	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30 Primary Election				



**f. Next Business Day Reporting Period – 14 Days Prior to Any Election**

An unlimited committee that makes an IE or EC of \$5,000 or more in the aggregate during the two week period immediately before an election (beginning no more than 14 days prior to a primary, runoff primary or general election, and ending on the day of the election) must file an IE/EC report no later than the business day following the day the expenditure is made.

The Guardian System will only trigger an IE/EC Report(s) when the applicable transaction is entered into the system. Consequently, IE and EC transactions must be entered in regularly, preferably daily, to ensure the proper report is triggered in the system and the committee is able to file the report in a timely manner.

The aggregation of the \$5,000 or more threshold which triggers the next business day report, begins no more than 14 days prior to the election, but no later than the day of the election. It does not aggregate with IEs/ECs made prior to the next business day reporting period. **Once the \$5,000 or more in the aggregate threshold is met during the next business day reporting period, the next business day reporting requirement applies to all additional IEs/ECs made thereafter, regardless of the amount.** [Rules 2.107\(B\)](#) and [2.108\(B\)](#).

**Example 1:** The 2020 primary election is June 30<sup>th</sup>. X PAC makes an independent expenditure of \$5,000 on June 19<sup>th</sup>. Because June 19<sup>th</sup> is within the 2 weeks before the election, the IE/EC report is due no later than June 22<sup>nd</sup> (the next business day).

**June 2020**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19 \$	20
21	22	23	24	25	26	27
28	29	30 Primary Election				

The yellow highlight in this calendar shows the 2 weeks before the election that require next business day reporting for IE or EC’s of \$5,000 or more. Calculate the two week next business day reporting period by starting at the Election Day and counting backwards to the 2<sup>nd</sup> Tuesday before the Election.

**Example 2:** Same facts as example 1, but X PAC makes an additional independent expenditure on June 23<sup>rd</sup> for \$500. X PAC must file another IE report no later than June 24<sup>th</sup> (the next business day).

**June 2020**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19 \$	20
21	22	23 \$	24	25	26	27
28	29	30 Primary Election				

### **Reporting Calendars Found Online**

The independent expenditure and electioneering communication (IE/EC) reporting calendars for PACs are available on the Ethics Commission website at [www.ethics.ok.gov](http://www.ethics.ok.gov).

### **Compliance Orders and Other Enforcement**

The Executive Director is authorized to issue compliance orders to obtain compliance with these Rules, including assessing fees of no more than \$1,000. In addition to compliance orders, the Commission may enforce its Rules through a formal complaints and investigations process with potential district court action and penalties, which begin at \$5,000. See [section XIII](#) for more information on compliance orders and enforcement of Ethics Rules. [Rule 6.19](#).

### **Records Must be Maintained for Four Years**

It is imperative that the Treasurer keep detailed and accurate records of all PAC transactions to ensure that the Treasurer has the information necessary to correctly account for all the receipts and expenditures by the PAC. All records must be maintained for a period of four years and made available to the Commission upon request. [Rules 2.83](#) and [2.105](#).

### **Resources for Filing Reports in The Guardian System**

For more information on how to use The Guardian System to file reports, see the documents and YouTube videos with step-by-step instructions available in The Guardian System. This information may be located in The Guardian System by clicking on the Resources tab and then clicking on “Publications.” Training in The Guardian System will be provided periodically; however, one-on-one training can be requested at any time by calling or emailing the Ethics Commission staff and making an appointment.

#### **Section Summary**

- Every PAC that is registered in The Guardian System must file quarterly Reports of Contributions and Expenditures until the committee is dissolved in accordance with the Ethics Rules.
- In addition to quarterly reports, IE/EC Reports may be required if an unlimited committee makes IEs or ECs valued at \$5,000 or more in the aggregate during a certain time period before an election.
- Reporting dates are available on the Ethics Commission website under the “Campaign Finance Reporting” tab.

## **XIII. Enforcement, Late Filing Fees and Compliance Orders**

The Executive Director is authorized to issue compliance orders, including late filing fees, to obtain compliance with the Ethics Rules.

Except for good cause shown, a PAC that files more than one report after the date that it is due shall be deemed to have intentionally failed to file the report in violation of these Rules. A PAC

that repeatedly files reports late or has significant compliance issues may be addressed through the Commission's complaints process, rather than through compliance orders.

In addition to compliance orders, the Commission may enforce its Rules through a formal complaints and investigations process with potential district court action that includes penalties over \$5,000. While Compliance Orders are handled by the Commission staff, formal complaints go before the Commission. If the Commission opens an investigation, the investigation may be resolved through dismissal, a settlement agreement, or a civil action in district court.

For more information on the Complaints and Enforcement processes see the "Enforcement and Compliance Guide" located on the Ethics Commission website ([www.ethics.ok.gov](http://www.ethics.ok.gov)). [Rules 6.10, 6.19](#) and [6.3](#).

## **XIV. Dissolving a PAC**

### **PAC May Dissolve at Any Time**

A PAC may dissolve at any time by disposing of assets, resolving debt, disposing of surplus funds, and filing a Final Report of Contributions and Expenditures in The Guardian System that shows no funds remaining in the PAC.

**If an unlimited committee has not filed a Final Report of Contributions and Expenditures and dissolved by December 31<sup>st</sup> of any given year, the committee is required to renew its registration in January for the upcoming calendar year.** See [section IV](#) on registration and renewal requirements. [Rules 2.80](#) and [2.115](#).

#### **a. Disposition of Assets**

The committee must dispose of assets it acquired through purchase or in-kind contributions, including but not limited to, furniture, computer equipment and similar items. If an individual retains those assets, this would amount to converting contributions to personal use in violation of the Ethics Rules.

An individual may purchase such assets from the committee at fair market value for such purchases. If assets are sold for fair market value, the proceeds of the sale should be deposited into the depository (i.e., bank account) of the PAC and reported as "other funds accepted" on the Report of Contributions and Expenditures. These funds coming into the committee as a result of the sale can be used to pay off debt or can be used as surplus funds prior to dissolving the committee. [Rules 2.39](#) and [2.118](#).

#### **b. Resolution of Debt**

If a PAC has debt at the time of its dissolution, that debt must be resolved in a commercially reasonable manner before the PAC may dissolve. Debt may not be resolved for the purpose of evading prohibitions in the Rules. If a debt is not resolved in a commercially reasonable manner, the amount of the debt that is forgiven shall be considered a contribution to the PAC. [Rule 2.117](#).

### c. Surplus Funds

A PAC has surplus funds only when such funds are not otherwise obligated when the PAC dissolves. Any such funds must be deposited with the State Treasurer for the general revenue fund of the State of Oklahoma. [Rule 2.47](#).

#### **Final Report of Contributions and Expenditures**

A PAC must file a Final Report of Contributions and Expenditures to properly dissolve the committee. A Final Report of Contributions and Expenditures is identical to other Reports of Contributions and Expenditures except that it requires information about the resolution of debt and the disposition of tangible assets, if any. A final report may be filed at any time in The Guardian System. It covers a period beginning after the last day of the immediately preceding reporting period and ending on the day before the final report is filed.

To file a final report, any outstanding reports must first be filed. Then, the committee will click the “dissolve committee” button above the “Reports Due” grid in The Guardian System.

If you need to amend a previously filed report please go to the Filing History and select the "Amend" option next to the appropriate report.

Dissolve Committee

PACs that do not properly dissolve and file a Final Report of Contributions and Expenditures by **December 31<sup>st</sup>** will be required to renew their registration and pay the registration and renewal fee in January of the following year. [Rule 2.118](#).

#### **All Records Must be Maintained for Four Years**

All records and documents should be maintained for a period of four years. These records must be made available to the Commission upon request. [Rule 2.83](#).

#### **Section Summary**

- Unlimited committees that do not file a final report and dissolve by **December 31<sup>st</sup>**, **must** renew its registration in January annually, and pay the registration and administration fee.
- In order to dissolve an unlimited committee, the committee must:
  - Dispose of assets
  - Resolve any debt
  - Use any surplus funds
  - File a Final Report of Contributions and Expenditure

## XV. APPENDIX I: Contribution Limits Chart

### 2020 State Elections: Contribution Chart

CONTRIBUTORS	RECEIVING COMMITTEES				
	State Candidate Committee	Limited Committee	1/25 Committee	Party Committee	Unlimited Committee
Individuals** (candidates may give unlimited contributions to their own campaign)	Per Election Limit*: \$2,800	\$5,000 per year	\$5,000 per year	\$10,000 per year (may be split between multiple party committees)	No Limits
	Unopposed Candidates: \$2,800 per campaign				
Limited Committee (other than 1/25 committees)	Per Election Limit*: \$5,000	\$5,000 per year***	Nothing	\$10,000 per year (may be split between multiple party committees)	Nothing
	Unopposed Candidates: \$5,000 per campaign				
1/25 Limited Committee	Per Election Limit*: \$2,500	Nothing	Nothing	\$5,000 per year (may be split between multiple party committees)	Nothing
	Unopposed Candidates: \$2,500 per campaign				
State Candidate Committee	\$2,800 per campaign	Nothing	Nothing	Up to \$25,000, only after the race is decided for that candidate	Nothing
Political Party	Statewide Office: \$25,000 prior to general election	Nothing	Nothing	Unlimited transfers between committees in same party	Nothing
	All Other State Offices: \$10,000 prior to general election				
Unlimited Committee	Nothing	Nothing	Nothing	Nothing	Unlimited***
Corporations	Nothing	Nothing	Nothing	Nothing	Unlimited
<b>*PER ELECTION LIMITS</b>					
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.					
<b>**CASH &amp; ANONYMOUS CONTRIBUTIONS:</b> No more than \$50 of a contributor's contribution may be in cash or from an anonymous source. Cash or anonymous contributions received in excess of \$50 must either be returned to the contributor (if known) or given to the State Treasurer's office to the general revenue fund of the state of Oklahoma.					
<b>**TRIBES:</b> Contributions from tribes are acceptable, as long as the tribe is not incorporated; tribes follow the individual contribution limit of \$2,800 per election.					
<b>***COMMITTEE TYPE &amp; PURPOSE:</b> A PAC may only contribute to another PAC of the same type and with the same purpose.					

State Contribution Chart v.2019.1

## XVI. APPENDIX II: Example of How Reporting Contributions from Individuals

**Example:** PAC X, an unlimited committee, receives a check from the joint checking account of Jane and John Doe for \$2,000, and the check is signed by Jane Doe. The committee should contact Jane Doe to determine if the contribution is only from Jane or from both John and Jane. If the contribution is from both John and Jane, the committee needs to also inquire as to what amount should be attributed to John individually and Jane individually. After speaking with Jane Doe, in this example, PAC X reports that Jane Doe contributed \$1,500 and John Doe contributed \$500.

The following two charts show how X PAC should report these contributions versus how the committee should not report them.

### Reported Correctly:

Date	Contributor Information [Name/Address/Occupation/Employer] [Name of Committee, Committee #]	Type of Contributor	Amount	Reporting Period Total	Aggregate Total
2/1/2017	DOE, JANE 123 STREET, CITY, OK 73111 ENGINEER WIDGETS, INC	Monetary : Individual	\$1,500.00	\$1,500.00	\$1,500.00
2/1/2017	DOE, JOHN 123 STREET, CITY, OK 73073 ATTORNEY JOHN DOE, PC	Monetary : Individual	\$500.00	\$500.00	\$500.00



### Reported Incorrectly:

Date	Contributor Information [Name/Address/Occupation/Employer] [Name of Committee, Committee #]	Type of Contributor	Amount	Reporting Period Total	Aggregate Total
2/1/2017	DOE, JOHN AND JANE 123 STREET, CITY, OK 73111 ENGINEER, ATTORNEY WIDGETS, INC AND JOHN DOE, PC	Monetary : Individual	\$2,000.00	\$2,000.00	\$2,000.00



## XVII. APPENDIX III: Example of How to Report Contributions from a LLC or Partnership

**Example:** Computers LLC, a limited liability company owned equally by John and Jane Doe, made a \$2,000 contribution to X PAC, an unlimited committee. X PAC can accept the check from the LLC, but it would report the contribution as \$1,000 from John Doe and \$1,000 from Jane Doe.

### Reported Correctly:

Date	Contributor Information [Name/Address/Occupation/Employer] [Name of Committee, Committee #]	Type of Contributor	Amount	Reporting Period Total	Aggregate Total
3/1/2017	DOE, JOHN 123 STREET, CITY, OK 73073 ATTORNEY JOHN DOE, PC	Monetary : Individual	\$1,000.00	\$1,500.00	\$1,500.00
3/1/2017	DOE, JANE 123 STREET, CITY, OK 73111 ENGINEER WIDGETS, INC	Monetary : Individual	\$1,000.00	\$2,500.00	\$2,500.00



### Reported Incorrectly:

Date	Contributor Information [Name/Address/Occupation/Employer] [Name of Committee, Committee #]	Type of Contributor	Amount	Reporting Period Total	Aggregate Total
3/1/2017	COMPUTERS LLC 123 STREET, CITY, OK 73073	Monetary : Business	\$2,000.00	\$2,000.00	\$2,000.00

