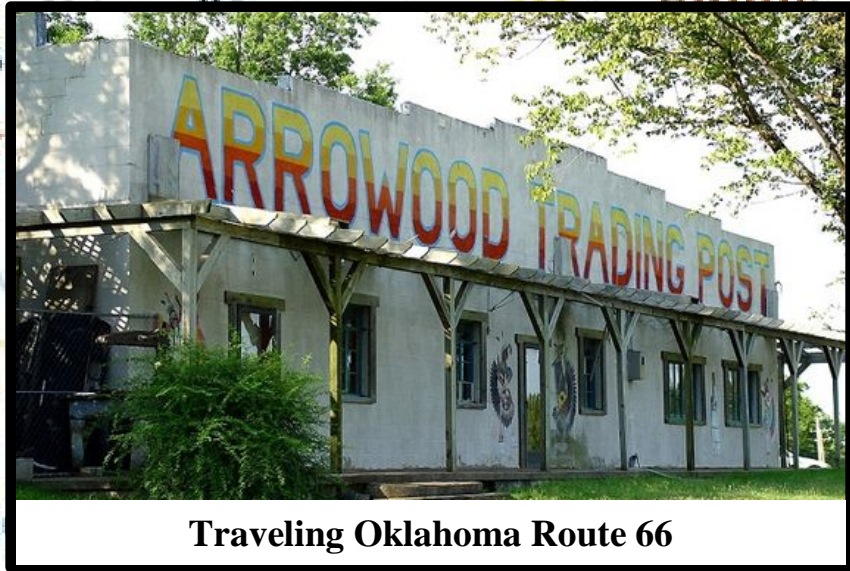
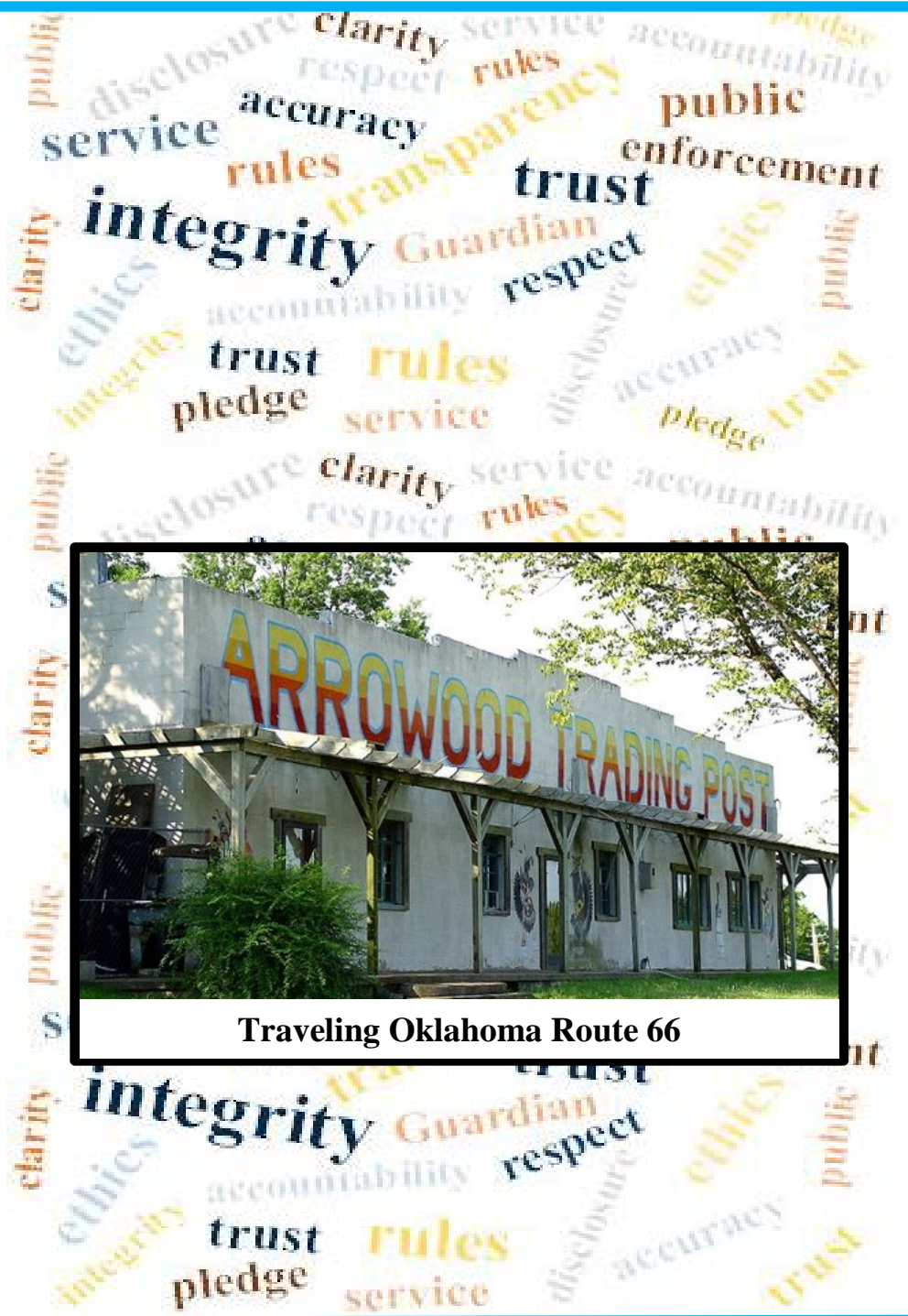




# Officers & Employees Guide



Traveling Oklahoma Route 66

## 2019-2020

Oklahoma Ethics Commission  
FAIR RULES. FIRM ENFORCEMENT.

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

**Table of Contents**

Commissioners ..... 1

What’s New to This Guide? ..... 1

**I. Introduction ..... 1**

    What Is the Oklahoma Ethics Commission? ..... 1

    How to Use This Guide ..... 1

    Limited Scope..... 1

    This Guide Is Limited to State Government ..... 2

    Advisory Opinions ..... 2

    Training and Education Fees ..... 2

    Commission Website..... 2

    Contacting the Commission ..... 2

**II. Ethics Commission Resources ..... 2**

    Ethics Rules and Guides ..... 2

    Ethics Continuing Education Programs ..... 2

    Ethics Question of the Week ..... 3

    GovDelivery Notification System ..... 3

    Ethics Commission Is On Twitter ..... 3

**III. Ethics Rules Application..... 3**

    Purpose of the Ethics Rules and the Interaction with State Statutes and Agency Policies ..... 3

        a. More Restrictive Rules ..... 3

    Waiver for Preexisting Relationship ..... 4

**IV. Misuse of Office ..... 4**

    Preventing Self-Dealing and Favoritism ..... 4

        a. Exceptions to the General Rule for Misuse of Office ..... 5

    Misuse of Authority..... 5

    Section Summary ..... 6

**V. Conflicts of Interest ..... 6**

    Duty of Impartiality ..... 6

        a. Disqualification for Financial Benefit ..... 7

        b. State Officer or Employee May Seek Advice from Commission..... 8

        c. Disqualification..... 8

    Section Summary ..... 9

**VI. Rules on Representation ..... 9**

Representation in Transactions Involving the State ..... 9

Representation Before the Ethics Commission ..... 9

Representation Before Employing Agency ..... 9

**VII. General Rules on Gifts ..... 10**

    Gifts Prohibited from Those Regulated or Licensed by an Agency ..... 10

        a. Exception: Modest Items of Food and Refreshments ..... 10

    Gifts from Lobbyists and Vendors Generally Prohibited ..... 10

    Intra-Agency Gifts: Gifts to Superiors Are Generally Prohibited ..... 10

        a. Exceptions to General Rule Prohibiting Gifts to Superiors ..... 10

    Gifts Permitted as a Result of Private Business Activities ..... 11

    Permitted Gifts at Conferences, Seminars ..... 11

        a. Permitted Gifts for Attending ..... 11

        b. Permitted Gifts for Speakers, Panel Participants ..... 12

    Scholarships or Grants ..... 12

        a. When a Scholarship Report Is Not Required ..... 13

        b. When a Scholarship Report Is Required ..... 13

    Conferences or Seminar Admissions ..... 13

    Exception to All Gift Rules: Goods or Services Provided in Emergency Relief Efforts ..... 13

    Section Summary ..... 14

**VIII. Interactions with Vendors ..... 14**

    Vendors and Vendor’s Agents ..... 14

    Distinction Between Purchasing Process and Successful Award of Contract ..... 14

        a. The Purchasing Decision ..... 14

        b. “Engaged in the Purchasing Decision” Defined ..... 15

    Prohibited Conduct During the Purchasing Decision ..... 15

    Conduct After the Purchasing Decision ..... 15

    Exception to All Gift Rules: Goods or Services Provided in Emergency Relief Efforts ..... 16

    Section Summary ..... 16

**IX. Interaction with Lobbyists ..... 17**

    What Lobbying Is ..... 17

    Types of Lobbyists ..... 17

        a. Legislative Lobbyists: Not State Officers or Employees ..... 17

        b. Legislative Liaisons: State Officers and Employees Engaged in Lobbying ..... 17

        c. Executive Lobbyists: Lobbyists Who Lobby State Officers and Employees ..... **Error!**

**Bookmark not defined.**

Lobbyist Principals ..... 19

Lobbyist and Lobbyist Principal Required Disclosure..... 19

Rules on Meals and Gifts from Lobbyists and Lobbyist Principals ..... 19

    a. Meals & Gifts Prohibited Unless Specifically Permitted ..... 19

    b. Specifically Permitted Meals and Gifts from Lobbyists & Lobbyist Principals ..... 20

Exception to All Gift Rules: Goods or Services Provided in Emergency Relief Efforts ..... 22

Section Summary ..... 22

**X. Political Activities ..... 23**

    General Prohibitions of Public Funds, Property and Time ..... 23

        a. Use of Public Property for Political Purposes..... 23

        b. Use of Public Facilities for Voter Registration Activities ..... 23

        c. Solicitation on State of Oklahoma Property That Is Used to Conduct Official State Business ..... 23

        d. Distribution of Campaign Materials on State Property That Is Used to Conduct Official State Business ..... 24

        e. Prohibitions on Campaign Activities During Work Hours and/or in Work Attire ..... 24

        f. State-Owned Property and Services Prohibited from Being Used For Campaign Purposes ..... 24

    What to Do If Unsolicited Campaign Communication Received on State Property ..... 25

    Other Rules Specifically Regarding Elected State Officers and Staff ..... 25

        a. Elected State Officers May Use State Resources for Newsletters & Informational Materials Related to Public Issues ..... 25

        b. Elected State Officers May Use State Resources to Post Materials Indicating Positions on Public Issues ..... 25

        c. Elected State Officers Prohibited from Soliciting from Employees ..... 25

        d. State Resources to Maintain Schedules for Elected Officials ..... 25

    Section Summary ..... 26

**XI. Special Committees ..... 26**

    Sponsorship of Conference or Seminars ..... 26

**XII. Personal Financial Disclosure Statement (PFD)..... 26**

## 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 Mike Hunter, term expires July 2022
- **Jarred Brejcha** – appointed by Speaker of the House Charles McCall, term expires July 2024
- **Gregg Engle** – appointed by Senate President Pro Tempore Greg Treat, term expires July 2024

## What's New to This Guide?

- The Commission added two new Commissioners in July of 2019.
- This guide also contains modifications to some examples and clerical errors. However, no Ethics rule amendments were passed that affected state officers and employees.

## **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.

### How to Use This Guide

This guide summarizes the Rules of the Oklahoma Ethics Commission as applied to conflicts of interest and related issues for state officers and employees, effective July 1, 2019. It is written by the Commission staff to assist in compliance with the rules, as authorized by [Rule 1.8](#). This guide is not a substitute for the law. If there is a conflict between this guide and the Constitution, statutes or Ethics Rules, then the Constitution, statutes or Ethics Rules prevail.

### Limited Scope

This guide is not intended to provide comprehensive information about all Ethics Rules and other relevant law concerning the subject matter. State officers and employees should become familiar with the relevant Constitutional and statutory provisions as well as with the Ethics Rules.

### **This Guide Is Limited to State Government**

This guide only addresses Oklahoma law, specifically the Rules of the Oklahoma Ethics Commission, and is limited to the conduct of state officers and employees. It does not address similar or identical issues at the federal, county, municipal or school district levels.

### **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. Requests for advisory opinions may be sent to the Oklahoma Ethics Commission at 2300 N. Lincoln Blvd., Room G-27, Oklahoma City, OK 73105 or [ethics@ethics.ok.gov](mailto:ethics@ethics.ok.gov).

### **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](#).

### **Commission Website**

Additional information on compliance with the Ethics Rules may be found on the Commission's website at [www.ethics.ok.gov](http://www.ethics.ok.gov).

### **Contacting the Commission**

The Ethics Commission office is located on the ground level 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.**

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

Information regarding the Commissioners, the Ethics Commission staff, and the Commission meeting agenda and minutes are on the Ethics Commission's website at [www.ethics.ok.gov](http://www.ethics.ok.gov).

## **II. Ethics Commission Resources**

### **Ethics Rules and Guides**

The Ethics Commission provides its rules and relevant guides on its website at [www.ethics.ok.gov](http://www.ethics.ok.gov). The guides provide an overview of the rules and examples to assist with compliance. The Ethics Laws and guides are available on the Ethics Commission website.

### **Ethics Continuing Education Programs**

The Ethics Commission holds continuing education programs throughout the year to assist with the understanding of and compliance with the Ethics Rules. More information on continuing education programs on the Ethics website [www.ethics.ok.gov](http://www.ethics.ok.gov).

### **Ethics Question of the Week**

The Ethics Commission posts answers to frequently asked questions on its website homepage 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 can subscribe to receive information from the Commission on specific topics, such as state officer and employee news, 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/>

## **III. Ethics Rules Application**

### **Purpose of the Ethics Rules and the Interaction with State Statutes and Agency Policies**

The Ethics Rules, regarding conflicts of interest, are designed to ensure state officers and employees avoid conflicts between their public duties and private economic interests. The Ethics Rules strive to provide answers to common situations involving potential conflicts, appearance of conflicts and actual conflicts. However, the Ethics Commission only enforces the rules it promulgates and will not enforce statutes or policies of an agency that are more restrictive. Further, the Ethics Rules recognize there could be situations where application of the Ethics Rules may work an unnecessary hardship. There is a process for a state officer or employee to seek a waiver of Ethics Rules in certain situations.

#### **a. More Restrictive Rules**

Some state agencies have rules or policies that are more restrictive than the Ethics Rules. State officers and employees of an agency with more restrictive rules or policies must comply with the more restrictive rules or policies. In addition, some agencies are governed by more restrictive statutes. State officers and employees covered by those statutes must comply with the statutes as well as the Ethics Rules. The Commission, however, is only responsible for enforcement of its own rules. [Rule 4.3](#).

**Example:** Sally Smith is a state employee who has been asked to facilitate fund-raising for a charitable organization in Oklahoma. Sally will not be paid by the organization. Sally Smith's agency does not permit employees to assist in raising funds for organizations. Although the Ethics Rules permit employees to engage in fund-raising activities under certain instances, Sally is required to follow the agency's more restrictive prohibition and not participate in the fund-raising activities. If Sally did engage in fundraising against her agency's policies, the



agency employing Sally, not the Ethics Commission, would be responsible for enforcing that agency policy.

### **Waiver for Preexisting Relationship**

A state officer or employee may apply for a waiver of certain Ethics Rules based on a preexisting relationship between the state officer or employee and a person whose status restricts or prohibits certain activities. The Commission has exclusive authority and discretion to grant a waiver on a case-by-case basis, based upon the totality of circumstances and a finding that the purpose of these rules will not be impeded or hindered by the waiver.

Such a waiver will be prospective in effect and will not be applied to situations that have already occurred. The Ethics Rules must be followed until such time as a waiver is approved.

A waiver is unnecessary when the relationship is between two family members. Family members are regarded as having a preexisting relationship. [Rule 4.22.](#)

To request a waiver, a state officer or employee must send a written request to the Ethics Commission. The waiver request form is available on the Ethics Commission website ([www.ethics.ok.gov](http://www.ethics.ok.gov)). The request should indicate the relationship and discuss the reasons for the waiver request. The Commission may request whatever information it deems appropriate from an applicant, which may include verified statements by the parties involved and/or attendance at a Commission meeting.

## **IV. Misuse of Office**

### **Preventing Self-Dealing and Favoritism**

Unless permitted by law or the Ethics Rules, a state officer or employee may not use his or her state office for the following:

- (1) for his or her own private gain;
- (2) for the endorsement of any product, service or enterprise;
- (3) for the private gain of a family member;
- (4) for the private gain of persons with whom the state officer or employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the state officer or state employee is an officer or member; or
- (5) for the private gain of persons with whom the state officer or employee is seeking employment or business relations.

“Family member” includes a state officer or employee’s spouse, children (including stepchildren), mother, father, sister or brother.



Generally, these prohibitions are designed to prevent a state officer or employee from benefitting by virtue of his or her position in state government and from using that position to show favoritism to others. [Rules 4.2\(4\)](#) and [4.4](#).

**a. Exceptions to the General Rule for Misuse of Office**

**i. *Customary for a Position or Authorized by Contract of Employment***

These prohibitions do not apply to any act or endorsement that is customary for the state officer or employee's position or that is authorized or permitted by the state officer or employee's contract of employment. For example, a state university professor may accept a fee for testifying as an expert witness, even though her credentials as an expert witness depend upon her state position. [Rule 4.4](#).

**ii. *Promotions and Solicitations for Civic, Community or Charitable Organizations***

A state officer or employee may promote or solicit funds for civic, community or charitable organizations, including those promoting businesses or industries, and a state officer or employee may participate in fund-raising events, provided he or she receives nothing for doing so. A state officer, for instance, could participate in a ribbon-cutting ceremony for a new business, provided she received nothing for doing so. Similarly, a state employee could solicit funds for a civic club, provided he received nothing in exchange for doing so.

For charitable events, state officers and employees may accept the costs associated with participation in a fund-raising event paid for by the sponsoring charity. In such case, no other entity or individual may reimburse the charity for the state officer's costs; however, individuals or other entities are still able to make customary donations or pay sponsorship fees to the charitable organization.

For example, a state officer could participate in a golf fund-raising event for a charity and receive food and refreshments, green fees, cart rentals and similar items that were part of the event for which other participants were charged, as long as the free items were provided by the sponsoring charity and the sponsoring charity was not reimbursed for those costs by any other entity. [Rule 4.4](#).

**Misuse of Authority**

In addition to the prohibitions against using one's state position directly for personal gain or benefit of another, a state officer or employee may not allow others to engage in actions that would benefit the state officer or employee or others, unless permitted by law or the Ethics Rules.

Specifically, a state officer or employee may not use or permit the use of his or her office or title, or any authority associated with his or her state office, in a way that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to the following:

- (1) himself or herself;
- (2) his or her family member(s); or

- (3) persons with whom the state officer or employee is affiliated in a non-governmental capacity, unless allowed by law or the Ethics Rules.

This provision includes using another person, such as another state officer or employee or a private citizen, to engage in coercion or to offer inducements that would lead to the prohibited results. [Rule 4.5.](#)

### **Section Summary**

- Misuse of Office
  - State officers and employees generally cannot use their position in state government to benefit themselves or others.
  - However, the general prohibitions do not apply if the act was customary for the state officer or employee's position, authorized by the state officer or employee's employment contract, or the act includes promotions or solicitations of community, civic or charitable events.
- Misuse of Authority
  - State officers and employees generally cannot use their position in state government to coerce or induce another to benefit the state officer, employee or others.

## **V. Conflicts of Interest**

### **Duty of Impartiality**

State officers and employees are expected to show impartiality when discharging their duties.

The Ethics Rules provide distinct situations in which state officers and employees must disqualify from participation in a matter, unless required to participate by law or permitted to do so by the Ethics Rules.

A state officer or employee must disqualify from participation in the following situations:

- (1) When the state officer or employee knows that a particular matter will likely have a direct and predictable effect on the material financial interest of the state officer or employee or his or her family member;
- (2) When the state officer or employee knows that a person with whom he or she has a business relationship (other than a routine consumer transaction) is a party to or represents a party to the matter; or
- (3) When the state officer or employee determines that circumstances would cause a reasonable person with knowledge of all the relevant facts to question his or her impartiality in the matter.

However, there is no disqualifying conflict if the effect of the matter applies equally to all members of a profession, occupation or large class of which the party is a member.

These situations require careful analysis. The state officer or employee must use sound judgment in making this determination but may seek assistance from the Ethics Commission in doing so. [Rules 4.2\(4\)](#) and [4.7](#).

**a. Disqualification for Financial Benefit**

The first prohibition occurs when a state officer or employee knows that a particular matter involving specific parties is likely to have a “direct and predictable effect” on the “material financial interests” of the state officer or employee or a family member. “Family member” includes a state officer or employee’s spouse, children (including stepchildren), mother, father, sister or brother.

To analyze whether this prohibition applies, one must determine whether a particular matter has (1) a “direct and predictable effect” on the (2) “material financial interests” of a state officer or employee or his or her family member(s).

*i. Defining Direct and Predictable Effect*

A particular matter has a “direct and predictable effect” on a material financial interest if there is a close causal link between any decision or action to be taken in the matter and any expected effect of the matter on the material financial interest, even if the effect is not immediate.

There is no “direct and predictable effect” if a chain of causation is attenuated or is contingent on the occurrence of events that are speculative or that are independent of, or unrelated to, the matter. Further, there is no disqualifying conflict if the effect of the matter applies equally to all members of a profession, occupation or large class of which the state officer or employee is a member.

*ii. Defining Material Financial Interest*

A material financial interest means the following:

- An ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which the state officer or employee or their family member is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which the state officer or employee or his or her family member owns or has owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth Twenty Thousand Dollars (\$20,000.00) or more at any point during the preceding calendar year; or
- An ownership interest of five percent (5%) or more in a publicly traded corporation or other business entity by a state officer or employee or his or her family member at any point during the preceding calendar year; or
- An ownership interest in a publicly traded corporation or other business entity from which dividends or income—excluding salary—of Fifty Thousand Dollars (\$50,000.00) or more

were derived during the preceding calendar year by the state officer or employee or his or her family member; or

- An interest that arises as a result of the state officer's or employee's or his or her family member's service as a director or officer of a publicly traded corporation or other business entity at any time during the preceding calendar year; or
- Any sources of income derived from employment, other than compensation pertaining to the office for which the state officer or employee or his or her family member holds, in the amount of Twenty Thousand Dollars (\$20,000.00) or more by the state officer or employee or his or her family member. [Rule 4.7.](#)

*iii. What a Material Financial Interest Is Not*

A "material financial interest" is not:

1. An interest in a mutual fund or other community investment vehicle in which the state officer or employee or his or her family member exercises no control over the acquisition or sale of particular holdings, or
2. An interest in a pension plan, 401k, individual retirement account or other retirement investment vehicle that makes diversified investments over which the state officer or employee or his or her family member exercises no control over the acquisition or sale of particular holdings. [Rule 4.7.](#)

**b. State Officer or Employee May Seek Advice from Commission**

In considering whether the circumstances of a relationship would cause a reasonable person to question his or her impartiality, the state officer or employee may ask for advice from the Ethics Commission. The Commission may exercise discretion in determining whether to provide such advice or may delegate responsibility to the Executive Director to provide such advice. Such advice, if given by the Commission or the Executive Director, shall bind the Commission.

Failure to seek advice shall have no relevance in any subsequent Ethics Commission proceeding involving that individual. [Rule 4.7.](#)

**c. Disqualification from Participation**

When a state officer or employee disqualifies from participation in a matter, it includes more than not voting. Disqualification from participation includes disqualifying from discussion, non-verbal cues, asking questions, etc. It is best practice for a disqualified member to physically leave the room or location when the matter is discussed or action is taken.

**Section Summary**

- There are certain situations in which a state officer or employee must disqualify from a matter. Disqualification means the state officer or employee removes himself or herself from participation in the matter, including disqualifying from verbal and nonverbal participation. It is best practice to leave the room where the matter is pending if disqualification is required.
- The following are the disqualifying situations:
  1. When the state officer or employee knows that a particular matter will likely have a direct and predictable effect on the material financial interest of the state officer or employee or his or her family member;
  2. When the state officer or employee knows that a person with whom he or she has a business relationship (other than a routine consumer transaction) is a party to or represents a party to the matter; or
  3. When the state officer or employee determines that circumstances would cause a reasonable person with knowledge of all the relevant facts to question his or her impartiality in the matter.
- A state officer or employee may seek official advice from the Ethics Commission for a binding decision.

**VI. Rules on Representation****Representation in Transactions Involving the State**

Unless authorized by law, a state officer or employee may not receive or agree to receive compensation to represent or assist another individual or entity in any transaction involving the State of Oklahoma or to represent another individual or other entity before a state agency.

This prohibition does not apply to the practice of law in any court.

This provision does not apply to members of boards, commissions, authorities and similar public bodies of state agencies for representation before state agencies, other than the agency the member serves. [Rule 4.18.](#)

**Representation Before the Ethics Commission**

A state officer or employee may not represent another individual or other entity as an attorney in any matter before the Ethics Commission. [Rule 4.19.](#)

**Representation Before Employing Agency**

A state officer or employee may not represent another individual or other entity in a matter before the agency that employs the state officer or employee, unless authorized by law. [Rule 4.19.](#)

## VII. General Rules on Gifts

### **Gifts Prohibited from Those Regulated or Licensed by an Agency**

Unless permitted by law or the Ethics Rules, a state officer or employee may not accept a gift for himself or herself or a family member from any person or entity that is regulated or licensed by the state officer or employee's agency.

This prohibition does not apply to gifts that are made by a private employer of the state officer or employee or his or her family member under circumstances that make it clear that the gift is not motivated by the state officer or employee's status as a state officer or employee. [Rule 4.10.](#)

#### **a. Exception: Modest Items of Food and Refreshments**

State officers and employees may occasionally accept modest items of food and refreshment from persons regulated or licensed by the state officer or employee's agency when the item is offered other than as part of a meal. This provision includes such things as coffee, soft drinks, doughnuts or similar items. It does not include beverages containing alcohol. [Rule 4.12.](#)

### **Gifts from Lobbyists and Vendors Generally Prohibited**

State officers and employees are generally prohibited from receiving meals and gifts from lobbyists, with some exceptions. They are also prohibited from receiving meals and gifts from vendors and a vendor's agent(s) during a purchasing decision, with some exceptions. See [section VIII](#) on vendor interactions and see [section IX](#) on lobbyist interactions for more information. [Rules 5.6](#) and [4.8.](#)

### **Intra-Agency Gifts: Gifts to Superiors Are Generally Prohibited**

A state officer or employee may not, directly or indirectly, do the following:

- (1) give a gift or make a donation toward a gift for an official superior in an agency's chain of command;
- (2) solicit a contribution from another employee for a gift to either his or her own or the other employee's official superior, subject to certain exceptions; or
- (3) receive a gift from an employee receiving less compensation from the state than himself or herself.

In summary, the Ethics Rules generally prohibit gifts to superiors. [Rule 4.17.](#)

#### **a. Exceptions to General Rule Prohibiting Gifts to Superiors**

There are exceptions to the general rule prohibiting gifts to superiors. A state officer or employee may make or receive such a gift on the following occasions:

- (1) **Personal Relationship.** If a personal relationship exists that would justify the gift, the state officer or employee may give or receive such a gift.

- (2) **Occasions Where Gifts Are Traditionally Given.** A state officer or employee may make or receive such a gift when gifts are traditionally given or exchanged (e.g., Christmas or birthdays). The value of the gift must not be worth more than \$20 in the aggregate, it cannot be in cash, and it can only be given on an occasional basis.

For example, Matt and Gary are state employees. Matt purchased a \$20 thermos and Gary purchased a \$10 box of candy for Tom, their Director, for Christmas. Each of the state employees, in this case, can purchase gifts valued at no more than \$20; however, they could not each chip in \$20 to purchase the gifts for their superior.

- (3) **Food or Refreshment Shared Amongst Agency.** When food or refreshments are to be shared in the agency among several employees, a state officer or employee may give or receive such a gift. For example, if a state employee brings a fruit tray to share with the agency, the superiors to that state employee can consume the fruit.
- (4) **Personal Hospitality.** A state officer or employee may make or receive such a gift if it is provided as personal hospitality at a residence, as long as the gift is of a type and value that is customarily provided by the state officer or employee to personal friends, or a type and value customarily given on such occasions.
- (4) **Special Occasion.** A state officer or employee may make or accept such a gift appropriate to the occasion in recognition of infrequently occurring occasions of personal significance, such as marriage, illness, birth or adoption of a child, retirement, resignation or transfer.

For example, Tamara, Sherry and Lindsay want to purchase a gift for their Executive Director who is retiring next month. They each pitch in \$20 to purchase a pre-made gift basket. In this case, the state employees may pool their funds together to purchase a gift for their superior and present it at the retirement party. [Rule 4.17.](#)

### **Gifts Permitted as a Result of Private Business Activities**

A state officer or employee may accept meals, lodging, transportation and other benefits resulting from the business or employment activities of the state officer or employee's spouse when it is clear that such benefits are not being offered or enhanced as a result of the state officer or employee's status as a state officer or employee. [Rule 4.13.](#)

Similarly, a state officer or employee may accept meals, lodging, transportation and other benefits resulting from his or her private business or employment activities when such benefits have not been offered or enhanced as a result of the state officer or employee's status as a state officer or employee. [Rule 4.14.](#)

### **Permitted Gifts at Conferences, Seminars**

#### **a. Permitted Gifts for Attending**

Certain gifts are permitted when a state officer or employee is attending a conference, seminar or similar event in his or her capacity as a state officer or employee.



A state officer or employee attending a **conference, seminar or similar event** that is related to the performance of his or her official duties may accept gratuities and hospitality made available to all participants in the event. [Rule 4.11.](#)

When a state officer or employee is approved by the chief administrative officer of the employing agency to represent the agency at a **professional, civic or community event**, that state officer or employee may accept a meal at the event provided by the sponsoring organization. Additionally, a state officer or employee at such event may accept a token, souvenir gift, or memento to commemorate the occasion, as long as the item's value corresponds or is proportionate to the event and it is not monetary or a cash equivalent. This means that the state officer or employee cannot accept cash, a gift card or similar prepaid card used to purchase gifts or services. [Rule 4.16.](#)

Political events are excluded, except for the case of employees of elected state officials, who may accept a meal at a political event that he or she attends with the elected state official, provided he or she is not on state time. [Rule 4.16.](#)

#### **b. Permitted Gifts for Speakers, Panel Participants**

When a state officer or employee is approved by the chief administrative officer of the employing agency to participate as a speaker or panel participant or otherwise to present information on behalf of the agency at a conference or other event, that employee may accept free attendance from the sponsor of the event on the day of his or her presentation. The approval by a chief administrative officer is not required for elected officials to participate in such events.

“Free attendance” may include meals, refreshments, entertainment, instruction and materials made available to other participants.

The sponsor of the event may also provide transportation and lodging to the state officer or employee if transportation and lodging are made available to others participating as speakers, panel participants or presenters.

The spouse of the state officer or employee may accept free attendance and participation in the event, including lodging but not transportation. This provision does not permit a spouse to accept meals, refreshments, entertainment, transportation or lodging that are collateral to the event or that are not paid for by the sponsor of the event if those gifts would otherwise not be permitted by the Ethics Rules.

No vendor or vendor's agent may pay for, or reimburse the sponsor of the event for, any gifts to the state officer or employee or the state officer or employee's spouse that are part of the free attendance and participation provided to the state officer or employee or spouse. [Rule 4.15\(A\).](#)

#### **Scholarships or Grants**

State officers and employees may accept a scholarship, similar grant or subsidy to participate in certain educational or training events. Such a scholarship may include the costs of transportation, lodging, meals, refreshments, entertainment, instruction and materials made available to all other participants. [Rule 4.15.](#)

Receipt of certain scholarships, grants or similar subsidies require a scholarship report to be filed with the Ethics Commission.

**a. When a Scholarship Report Is Not Required**

When the scholarship is provided by a foreign government, the United States government or the government of another State or by an entity to which the State of Oklahoma pays membership dues, such as the National Conference of State Legislatures, the scholarship can be accepted by the state officer or employee but no report is required by the recipient.

Membership dues may be paid either for the state agency or an individual state officer or employee. [Rule 4.15\(B\)](#).

**b. When a Scholarship Report Is Required**

When the scholarship is provided by a bona fide governmental, professional or business organization other than an organization described above, the state officer or employee can accept the scholarship and must file a report with the Commission within 30 days following the last day of the event. The report includes the following: date(s) and location of the event; the name of the sponsoring organization(s); the name and office of the participant; the subject matter of the event; the name of the person providing the scholarship, grant or subsidy; and the value of the scholarship, grant or subsidy. [Rule 4.15\(C\)](#).

The form to report such a scholarship is available on the Commission website ([www.ethics.ok.gov](http://www.ethics.ok.gov)) under the “Ethics Laws, Guides & Forms” tab, or by clicking this link [Scholarship Form](#). Email the scholarship form to the Commission at [ethics@ethics.ok.gov](mailto:ethics@ethics.ok.gov).

**Conferences or Seminar Admissions Sponsored by Agencies**

Agencies may provide two tickets to any conference, seminar, lecture or similar event held within Oklahoma and sponsored by the agency to the Governor, any legislator or any employee of the Governor or Legislature. The tickets must be used by the recipient and a family member of the recipient. [Rule 5.6](#).

**Exception to All Gift Rules: Goods or Services Provided in Emergency Relief Efforts**

A state officer or employee participating in emergency rescue or relief efforts may accept goods or services that are provided generally to others participating in emergency rescue or relief efforts. [Rule 4.6](#).

### **Section Summary**

- Limitations apply to state officers' or employees' representation of others before the state, the Ethics Commission and the state officer or employee's employing agency.
- General Gift Rules: State officers and employees...
  - shall not accept gifts for themselves or family members from a person or entity regulated or licensed by the his or her agency, other than modest items of food or refreshment
  - are prohibited from giving or soliciting gifts for their superior or another's superior, with some exceptions, such as personal relationships, agency meals, and certain special occasions
  - are generally prohibited from receiving meals and gifts from lobbyists and from vendors and a vendor's agent when engaged in a purchasing decisions, with some exceptions
  - and their family member(s) may accept certain benefits that are provided due to their or their family member's private employment, as long as the benefit is not given or enhanced due to the state officer or employees position in state government
  - may accept certain benefits at conferences, seminars or similar events; however, the benefits vary depending upon whether they attend as an attendee or participate as a speaker or panelist, so long as such benefits are offered to all attendees, speakers or panalists
  - may accept scholarships to attend conferences, seminars and similar events; a scholarship report may be required to be filed with the Ethics Commission
- Non-elected officers or employees participation in the event must be approved by the Chief Administrative Officer.
- Exception to all gift prohibitions: emergency rescue or relief efforts. State officers and employees may accept goods and services provided during rescue and relief efforts, so long as the goods and services are generally available to others.

## **VIII. Interactions with Vendors**

### **Vendors and Vendor's Agents**

A "vendor" is any seller or prospective seller of property or service to the State of Oklahoma. A "vendor's agent" is a representative of the vendor. [Rule 4.2\(6\) and \(7\)](#).

### **Distinction Between Purchasing Process and Successful Award of Contract**

The Rules draw sharp distinctions between permitted conduct during the purchasing process and after the completion of the purchasing process. [Rule 4.8](#) and [4.9](#).

#### **a. The Purchasing Decision**

The "purchasing decision" begins with preparation of request for proposals, bid specifications or similar documents and ends with approval of requisitions for purchase. [Rule 4.8](#).

**b. “Engaged in the Purchasing Decision” Defined**

A state officer or employee is “engaged in the purchasing decision” by performing functions in the purchasing process for a single purchase in excess of \$50,000.00.

Functions in the purchasing process include, but are not limited to, participation in the following:

- (1) the preparation of requests for proposals, bid specifications or similar documents;
- (2) review and evaluation of proposals, bids or similar responses;
- (3) recommendations for selection of successful proposals or bids or other similar awards;  
or
- (4) approval of requisitions for purchase.

State officers or employees performing only nondiscretionary or clerical functions are not “engaged in the purchasing decision.” [Rule 4.8.](#)

**Prohibited Conduct During the Purchasing Decision**

While the purchasing decision is being made, a state officer or employee “engaged in the purchasing decision” may not accept any gifts for himself or herself or for his or her family member from any vendor or a vendor’s agent(s).

A “gift” is property transferred or service provided for another without compensation of equal value. A “family member” is a state officer or employee’s spouse, children (including stepchildren), mother, father, sister or brother.

This prohibition does not apply to a family member if the gift is given for a bona fide reason that is unrelated to the state officer or employee’s status as a state officer or employee, and the state officer or employee receives no direct benefit from the gift. [Rules 4.2\(4\) and \(5\)](#) and [4.8.](#)

**Conduct After the Purchasing Decision**

Once a contract involving property or services is awarded to a vendor, the restrictions are lessened and permit state officers and employees to accept the following meals or gifts from vendors doing business with their agency:

- (1) **Up to \$50 for Meals in Any Calendar Year.** State officers and employees may receive meals with an aggregate market value of \$20.00 or less per occasion and a maximum of \$50.00 in the aggregate during any calendar year. If the value of a meal exceeds \$20.00, the state officer or employee may not pay the excess value over the \$20.00 in order to qualify. The value of a meal is calculated to include its price, plus any applicable tax, but does not include a gratuity;
- (2) **Gifts Resulting From a Personal Relationship.** Gifts given under circumstances that make it clear that the gift is motivated by a family relationship or a personal relationship rather than the state officer or employee’s status as a state officer or employee. Relevant

factors in making this determination include, but are not limited to, the history and nature of the relationship and whether the family member or friend personally pays for the gift;

**Example:** a daughter who works for ABC, Inc. (successful vendor) may provide a gift to her father who works for X agency. Although X agency does business with ABC, Inc., her father can accept the gift because of the familial relationship.

(3) **Customary Gifts Given to All Employees.** State officers and employees may accept gifts given to all state employees or to all employees of his or her agency provided the gifts are customary within the industry and costs of the gifts do not significantly exceed amounts that are customary within the industry;

(4) **Performance Related Materials.** State officers and employees may accept books, written materials, audio tapes, videotapes and other informational or promotional material related to the performance of the state officer or employee's official duties; or

(5) **Gifts Provided to the General Public.** State officers and employees may accept opportunities and benefits offered on the same terms as available to the general public. [Rule 4.9.](#)

#### **Exception to All Gift Rules: Goods or Services Provided in Emergency Relief Efforts**

A state officer or employee participating in emergency rescue or relief efforts may accept goods or services that are provided generally to others participating in emergency rescue or relief efforts. [Rule 4.6.](#)

#### **Section Summary**

- Generally, state officers and employees are prohibited from receiving meals and gifts from vendors and a vendor's agent(s) when the agency is engaged in a purchasing decision.
- Once a contract is awarded to a vendor, the state officer or employee may accept the following from a vendor or the vendor's agent(s):
  - Meals with an aggregate market value of \$20 or less per occasion and an aggregate maximum value of \$50 per calendar year
  - Gifts resulting from a personal relationship
  - Gifts that are customary and given to all employees
  - Performance related materials
  - Gifts that are provided to the general public
- Exception to all gift rules: emergency rescue or relief efforts. State officers and employees may accept goods and services provided during rescue and relief efforts, so long as the goods and services are generally available to others

## IX. Interaction with Lobbyists

### **What Lobbying Is**

State officers and employees may be involved with lobbying in different ways. A state officer or employee may personally engage in lobbying the Legislature, Governor or the staff thereof as part of the job responsibilities for the state. Alternatively, a state officer or employee may be the subject of lobbying activities by an individual who is not a state officer or employee and who is compensated to represent a third party, called a lobbyist principal. The Ethics Rules apply to both types of lobbying activities.

“Lobbying” generally means oral or written communications, on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rule, regulation, executive order or any other program, policy or position of state government. “Lobbying” specifically does not include individuals exercising their personal right to petition the government, uncompensated activities, or testimony. [Rule 5.2\(3\) and \(7\)](#).

The Ethics Rules in this section only pertain to those individuals who are compensated to engage in lobbying. Non-compensated persons are not lobbyists. Although a non-compensated person is not a “lobbyist,” this does not mean there are no restrictions on gifts. State officers and employees must be cognizant of misuse of office provisions in the Ethics Rules and other provisions in state law not regulated by the Ethics Commission.

### **Types of Lobbyists**

Under the Ethics Rules, there are three types of lobbyists: (1) legislative lobbyists; (2) legislative liaisons and (3) executive lobbyists.

#### **a. Legislative Lobbyists: Not State Officers or Employees**

Legislative lobbyists are not state officers or employees but may be employees of political subdivisions. Legislative lobbyists are individuals who represent lobbyist principals and lobby the Governor, the Legislature and their staff, and are compensated to perform such lobbying activities.

#### **b. Legislative Liaisons: State Officers and Employees Engaged in Lobbying**

Legislative liaisons are state officers and employees whose duties in fact include legislative lobbying, regardless of their job title or job description. [Rule 5.2\(6\)](#).

#### **c. Executive Lobbyists: Lobbyists Who Lobby Executive Branch State Officers and Employees**

Executive lobbyists are individuals who are employed or retained by a lobbyist principal for compensation to lobby officers and employees at executive branch agencies.

### **State Officers and Employees Prohibited from Being Lobbyists**

No state officer or state employee may be a legislative or executive lobbyist. [Rule 5.28](#).

**Each State Agency Must Have One Legislative Liaison: Rule and the Exceptions**

Every agency must have at least one legislative liaison, unless the agency falls within one of two exceptions.

**Exception 1:** The agency contracts with a private legislative lobbyist to provide lobbying services for the agency and no state officer or employee lobbies.

**Exception 2:** The agency meets each of following two conditions:

1. All officers and employees of the agency provide information to the Governor or a legislator only at the request of the Governor or the legislator or as required by law and
2. No officer or employee of the agency has requested legislation or other legislative action other than an appropriation for the agency. [Rule 5.2\(6\)](#).

**Individuals May Be Both Legislative and Executive Lobbyists**

An individual may be both a legislative lobbyist and an executive lobbyist if he or she meets the definitions.

**Not all Individuals Who Engage in Lobbying are Lobbyists**

Not all individuals who engage in lobbying activities on behalf of lobbyist principals are considered lobbyists or legislative liaisons. The following are individuals who are not considered executive lobbyists:

1. individuals who are not compensated for lobbying activities;
2. Federal officials acting in their official capacity; and
3. any person exercising his or her individual right to petition the government and who receives nothing of value for lobbying. [Rule 5.2\(4\)](#).

Additionally, individuals whose lobbying activities are only incidental to and not a significant part of the services provided by the individual to the lobbyist principal are not considered to meet the definition of legislative or executive lobbyists or a legislative liaison. Ultimately, incidental lobbying is meant to distinguish between intentional lobbying and activities that happen by chance that may technically meet the definition of lobbying. The following examples illustrate the difference.

**Example 1:** Jane Smith is the director of a state agency. She goes to lunch with some legislators to discuss legislation to amend statutes that affect her agency. She only meets with them one time. This is lobbying and Jane would be required to register as a legislative liaison since she is a state officer.

**Example 2:** John Doe is the chief executive of ABC, Inc. and is presenting information at a luncheon including answering questions about how pending legislation may impact his business. After the lunch, John Doe is approached by Sally Stevens who introduces herself, thanks him for the presentation and they briefly discuss ABC, Inc. and the pending



legislation. Sally is a legislator. There are no further discussions. This interaction arguably meets the definition of legislative lobbying but occurred by chance. This would not be legislative lobbying.

### **Lobbyist Principals**

Lobbyist principals are persons or entities, including state agencies and institutions that employ or retain another person for compensation to conduct executive or legislative lobbying on behalf of the lobbyist principal.

Private sector lobbyist principals often are businesses, membership associations, or nonprofit organizations. Often members of membership associations or organizations include both business entities, such as corporations and individuals.

The term “lobbyist principal” does not include individual members, partners, officers or shareholders of an agency, corporation, association, firm, etc.; the lobbyist principal is the entity itself. [Rule 5.2\(9\)](#).

**Example:** Jones is a member of a professional association that retains a lobbyist to lobby for the association. So is the corporation that employs Jones. Neither Jones nor the corporation is a lobbyist principal; the association is a lobbyist principal.

It is sometimes the case that a business organization will be represented through an association and will independently be represented by its own lobbyist. For example, a widget manufacturer could contract with its own lobbyist and could be a member of a widget makers association, which also contracts with a different lobbyist.

Lobbyist principals may simultaneously employ or retain both legislative lobbyists and executive lobbyists. Lobbyist principals that are state agencies may employ both legislative liaisons and legislative lobbyists.

### **Lobbyist and Lobbyist Principal Required Disclosure**

All lobbyists are required, either orally or in writing, to identify himself or herself as a lobbyist and the lobbyist principal or principals on whose behalf the lobbying activities are being conducted. Any state officer or state employee who is being lobbied may request such information. [Rule 5.27](#).

### **Rules on Meals and Gifts from Lobbyists and Lobbyist Principals**

#### **a. Meals & Gifts are Prohibited Unless Specifically Permitted**

Lobbyists and the lobbyist principals (i.e., the individual or entity that employs or retains the lobbyist) may provide nothing of value to any state officer or employee being lobbied, unless the gift is specifically permitted by the Ethics Rules. This prohibition applies to both the lobbyist making the gift and the state officer or employee who receives it.

A lobbyist or lobbyist principal may not *indirectly* provide something of value to a state officer or employee by providing a thing of value to a family member of the state officer or employee.

“Family members” include the spouse, children (including stepchildren), mother, father, sister or brother. [Rules 5.2\(5\)](#) and [5.6](#).

**b. Specifically Permitted Meals and Gifts from Lobbyists & Lobbyist Principals**

The following are exceptions to the general rule prohibiting meals and gifts from lobbyists and lobbyist principals.

*i. Up to \$500 on Meals from Lobbyists*

A lobbyist may pay up to \$500 per calendar year for meals for any individual state officer or employee of the agency being lobbied. This limit applies regardless of the source of funds used for payment. [Rule 5.10](#).

**Example:** Lobbyist John Smith takes state officer/employee Jane Doe to lunch, spending \$25 with his personal funds. A couple of weeks later, he takes Jane to dinner and spends \$50 using client funds. John Smith has spent \$75 of the \$500 meal limit on Jane Doe.

The aggregate total of all meals provided to an individual by a lobbyist and any gifts given on “infrequently occurring occasions of personal significance” are added together and may not exceed \$500 during a calendar year. [Rule 5.11](#).

*ii. Up to \$100 in Gifts for Special Occasions from Lobbyists (“Infrequently Occurring Occasions of Personal Significance”)*

A lobbyist may make a gift to any state officer or employee of the agency being lobbied in recognition of “infrequently occurring occasions of personal significance” (i.e., special occasion gifts). The limit for special occasion gifts is \$100 for each individual recipient in any calendar year. The \$100 special occasion gift limit comes out of the overall \$500 limit. Also, gifts to family members count against the limit for the state officer or employee.

A gift under this rule must be given on an occasion that is less frequent than an annual occasion in recognition of a major life event that is personally significant to the recipient. Ethics [Rules 5.8](#) and [5.11](#). See [Staff Memorandum 2017-03](#). Annual occasions, such as birthdays and anniversaries, do not qualify as an “infrequently occurring occasion of personal significance.”

In addition, the gift must be given contemporaneously with the occasion or at times when such gifts are traditionally given. [Rule 5.8](#) and [5.11](#).

If the gift includes a meal or attendance at an event, the liaison or lobbyist must attend the meal or event with the recipient. [Rule 5.6](#).

**Example:** Jane Doe, a member of the Legislature, is having a child around May 1st. John Smith, a lobbyist, wants to give a baby blanket to Jane Doe for the birth of her child that is valued at \$30. A baby shower is held March 15th. John Smith may give the baby blanket at the baby shower because it is a time when such gifts are traditionally given.

The Rules also provide that such gifts may be made to a family member of a state officer or employee of the agency being lobbied, provided the family member is specifically “a party to a marriage, serious illness, birth or adoption of a child or retirement.” “Family members” include the spouse, children (including stepchildren), mother, father, sister or brother.

***iii. Modest Items of Food or Refreshment from Lobbyists, Liaisons, or Lobbyist Principal***

A lobbyist, liaison, or lobbyist principal may provide modest items of food or refreshment to any state officer or employee when offered other than as part of a meal. This provision includes items such as soft drinks, coffee, doughnuts and similar items provided other than as part of a meal. These items do not include alcoholic beverages, including low-point beer, or items such as hors d’oeuvres and similar fare. [Rule 5.12.](#)

***iv. \$10 “Trinket” Gifts from Lobbyists, Liaisons, or Lobbyist Principal***

A lobbyist, liaison, or lobbyist principal may provide a gift of any single item with a fair market value not exceeding \$10 to any state officer or employee one time during any calendar year. Common examples of these gifts include, but are not limited to, desk calendars, coffee mugs, T-shirts, etc. [Rule 5.13.](#)

***v. Tickets or Sponsorships for Community, Civic and Charitable Events from Lobbyist Principals***

A lobbyist principal employing or retaining a lobbyist may purchase tickets for or otherwise provide sponsorship for a bona fide community, civic or charitable reception, breakfast, luncheon or dinner attended by state officers and employees who are guests of the sponsoring organization.

Such activities must be customary for the lobbyist principal, and the lobbyist principal may not, directly or indirectly, designate state officers or employees to be guests. [Rule 5.18.](#) For example, Lobbyist Principal X can provide tickets to a charitable event the sponsoring charity to be made available to state officers and employees of ABC agency. However, the tickets cannot be designated specifically for Hector and Martha at ABC agency.

***vi. Plaques, Trophies or Similar Acknowledgement of Service from Lobbyist Principals***

A state officer or employee may accept a plaque, trophy or similar item suitable for display from a lobbyist principal to acknowledge the state officer or employee’s public service. The item cannot exceed \$200 in value, and a state officer or employee can only receive such a gift once a calendar year per lobbyist principal. [Rule 5.13.](#)

***vii. Food and Beverage at Certain Events from Lobbyist Principals of Legislative Lobbyists or Legislative Liaisons***

Lobbyist principals of legislative lobbyists or legislative liaisons may provide food and beverages at four specific situations: (1) events to which all members of the Legislature are invited; (2) caucus events; (3) subcommittee/committee events; and (4) out-of-state events. There is no corollary for executive lobbyists and executive agencies. See the Lobbyist Guide, located on the Ethics website ([www.ethics.ok.gov](http://www.ethics.ok.gov)) for more information on these events. [Rules 5.14 – 5.17.](#)

**Exception to All Gift Rules: Goods or Services Provided in Emergency Relief Efforts**

A state officer or employee participating in emergency rescue or relief efforts may accept goods or services that are provided generally to others participating in emergency rescue or relief efforts.

[Rule 4.6.](#)

**Section Summary**

- Legislative lobbyists lobby the Governor, the Legislature and their staff. These lobbyists are not state officers or employees.
- Legislative liaisons are state officers and employees that lobby the Governor, the Legislature and their staff.
- Executive lobbyists lobby state officers and employees of executive agencies.
- Generally, lobbyists and lobbyist principals are prohibited from providing meals and gifts to state officers and employees. Exceptions to this general rule are as follows:
  - **Permitted Gifts from Lobbyists:**
    - Meals and gifts in the aggregate are limited to \$500 per calendar year
      - Up to \$500 on food and beverage (not including modest items of food or refreshment)
      - Up to **\$100** in the aggregate out of the **\$500** aggregate total may be used for “infrequently occurring occasions of personal significance” (i.e., special occasion gift) that are given and received contemporaneously with the occasion or at times when such gifts are traditionally given.
      - Any meals or gifts that include attendance require the attendance of the lobbyist or liaison. Special occasion gifts are for those occasions that happen less frequently than annually, and such gifts may be provided to a family member of the state officer or employee, so long as the family member is a party to one of the specific events listed.
  - **Permitted Gifts from Lobbyist Principals:**
    - Tickets or Sponsorships for community, civic, and charitable events that are not designated for specific individuals
    - Plaque, trophy or similar item suitable for display that recognizes the state officer or employee’s public service that are worth no more than \$200
    - Lobbyist principals of legislative lobbyists or legislative liaisons may provide food and beverages to specific events: (1) events to which all members of the Legislature are invited; (2) caucus events; (3) committee/subcommittee events; and (3) out-of-state events. See the Lobbyist Guide for more information.
  - **Permitted Gifts from Lobbyists, Liaisons, and Lobbyist Principals:**
    - \$10 “Trinket” Gifts
    - Modest Items of Food or Refreshment (provided infrequently)
- Exception to all meal and gift rules: State officers or employees that participate in emergency rescue or relief efforts may accept the goods or services provided generally to others participating in such efforts.

## X. Political Activities

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

### **General Prohibitions of Public Funds, Property and Time**

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

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

#### **a. Use of Public Property for Political Purposes**

Public meeting rooms, auditoriums, parks, colleges and other educational campuses and similar spaces may be used for political purposes provided that certain conditions are met:

- (1) If a fee is customarily charged with use of the facility, that fee must be charged for use of the facility for political activities; and
- (2) If the facility is made available to one candidate, it must be made available to all candidates for the same state office in the order in which requests are received.

These requirements do not mandate that any public facility be used for political purposes, nor do these requirements limit the use of traditional public forums for political purposes. [Rule 2.8.](#)

#### **b. Use of Public Facilities for Voter Registration Activities**

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

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

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

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

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

**e. Prohibitions on Campaign Activities During Work Hours and/or in Work Attire**

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

For example, Kathleen, an employee of agency X, may knock on doors to promote a particular candidate during her personal time, provided she does not wear an agency X T-shirt or lanyard while doing so.

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

State officers and employees are prohibited from using a state-owned telephone, state electronic mail or other state equipment, property or services to advocate (a) the election or defeat of a clearly identified candidate for state office, (2) a vote for or against a state question, or (3) a vote for any other question to be voted upon at an election. [Rule 2.14.](#)

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

No social media account maintained in the name of a state officer as a state officer or state agency may be used for political purposes. The prohibition includes the solicitation, receiving or acceptance of contributions. It also prohibits advocating the election or defeat of a clearly identified candidate for any elective office or a vote for or against a state question or other question to be voted upon at an election. Such accounts may not be converted to use by a candidate committee, political party committee, or political action committee. [Rule 2.16.](#)

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



**What to Do If Unsolicited Campaign Communication Received on State Property**

When an unsolicited campaign communication is received on a state-owned telephone, state electronic mail (email) or other state equipment or services, the recipient state officer or employee may do one of the following:

1. not respond;
2. if the option is available, unsubscribe; or
3. send a reply that substantially states: “Your message has been sent to a (telephone, electronic mail, etc.) that is the property of the State of Oklahoma. This is a request for you to immediately terminate any such communications.” [Rule 2.110.](#)

**Other Rules Specifically Regarding Elected State Officers and Staff****a. Elected State Officers May Use State Resources for Newsletters & Informational Materials Related to Public Issues**

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

**b. Elected State Officers May Use State Resources to Post Materials Indicating Positions on Public Issues**

Elected state officers, other than judicial officers, may use public funds, property or time to post materials in their offices indicating their opinions or positions on issues, provided these materials do not advocate the following:

1. the election or defeat of a clearly identified candidate for any elective office, or
2. a vote for or against a state question or other question to be voted upon at an election.

Display of a photograph or similar depiction of a current or former elected federal or state officer, including autographed photographs or similar depictions, is permitted. [Rule 2.12.](#)

**c. Elected State Officers Prohibited from Soliciting from Employees**

An elected state officer may not knowingly solicit, directly or indirectly, a contribution to his or her campaign from any state officer or employee employed by the elected state officer’s agency or any person who works for the elected state officer’s agency through a third-party contract. [Rule 2.5.](#)

**d. State Resources to Maintain Schedules for Elected Officials**

State employees whose regular duties include scheduling meetings, activities and events for elected state officers may schedule political activities or events for that elected state officer. [Rule 2.13.](#) This provision is intended to minimize the need for an elected official to maintain multiple calendars. The provision only allows for scheduling of activities and does not allow for the planning of political activities.



**Section Summary**

- Generally, state resources, funds and time cannot be used for political activities.
- This includes, but is not limited to, using state email, employees, uniforms, and certain property to solicit or receive campaign funds for a candidate, state question campaign, PAC or political party, or to advocate the election or defeat of a candidate or a state question campaign.
- State officers and employees should separate their time, funds, and resources as a state officer or employee from that used for campaigns.

**XI. Special Committees****Sponsorship of Conference or Seminars**

When a state officer or employee, or a state agency sponsors, in part or in whole, a conference, seminar, meeting or other event for which a state officer or employee solicits funds, goods or services to assist with expenses associated with the event, the sponsoring officer or agency is required to create a special committee.

A state officer, employee or agency “sponsors” an event when the officer, employee or agency permits the use of the person’s or agency’s name in promoting the event.

Special committees must register with the Commission and make one report of all contributions received and expenditures made by the committee in The Guardian System for the event. Committees must register and file a report within 180 days after the event is held.

Any person not otherwise prohibited by law, including but not limited to individuals, partnerships, LLCs, corporations and labor unions, may make contributions in any amount to such committee. Admission tickets to the event are not considered contributions and are not required to be reported; however, if a committee chooses to report admission tickets, it should be reported as “other funds accepted.” [Rules 2.119\(B\)](#) and [2.121](#).

**XII. Personal Financial Disclosure Statement (PFD)****Who Is Required to File a PFD?**

Effective July 1, 2016, the only individuals who are required to file a financial disclosure statement are state officers who are serving in *elective state office or subject to retention to judicial office*.

For those required to file, review the “Financial Disclosure Guide” for more information on what is included in a financial disclosure statement and how to file the report in The Guardian System.