



Guide for Legislators



Traveling Oklahoma Route 66

2019-2020

Oklahoma Ethics Commission
FAIR RULES. FIRM ENFORCEMENT.

“This publication is issued by the Oklahoma Ethics Commission as authorized by Executive Director, Ashley Kemp, pursuant to Ethics [Rule 1.8](#), and is located at the following website: 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**.

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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

- **Two new Commissioners were appointed to the Commission in July of 2019.**
- **The registration fee for those registering in The Guardian System was lowered from \$250 to \$100 on July 1, 2019.**
- **This guide also contains modifications to some examples and clerical errors. However, no Ethics rule amendments were passed that affect legislators.**

I. Introduction

How to Use This Guide

This guide summarizes selected Rules of the Oklahoma Ethics Commission, as applied to members of the Oklahoma Legislature and legislative staff as of the date of publication of this guide. It 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.

Limited Scope

This guide is not intended to provide comprehensive information about all Ethics Rules and other relevant law concerning the subject matter. Legislators and their staff should become familiar with the relevant Constitutional and statutory provisions as well as with the Ethics Rules. This guide does not address most of the Ethics Rules governing campaign finance issues. Additional information regarding state officers and employees and campaign finance may be found in the “Guide for Candidates (State Office)” and the “Guide for State Officers and Employees,” located on the Ethics Commission website, www.ethics.ok.gov.

a. This Guide Is Limited to Oklahoma Legislators and Their Staff

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

Guides and other information for county, municipal or school district candidates are also available on the Ethics Commission.

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 (see the “[Contacting the Commission](#)” section in this guide).

Registration and Compliance Fees

The Commission publishes the information on registration and administration fees on its website at www.ethics.ok.gov.

The Executive Director is authorized to issue compliance orders to obtain compliance with these Rules, including late filing fees. [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](#).

Contacting the Commission

The Commission office is located on the ground floor of the State Capitol in Room G-27. The Commission’s business 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.

GovDelivery Notification System

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

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/>

Commission Meetings

Ethics Commission meetings are typically held on the second Friday of every month. Information regarding the Commissioners, the Ethics Commission staff, and the Commission meeting agendas and minutes may be located on the Commission’s website at www.ethics.ok.gov.

II. The History, Purpose and Constitutional Obligations of the Ethics Commission

What Is the Oklahoma Ethics Commission?

The Oklahoma Ethics Commission (“Commission”) was created by a vote of the people of Oklahoma in September of 1990 by adding Article 29 to the Oklahoma Constitution. The Constitution requires the Commission to promulgate and enforce 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 most recent Federal Decennial Census and a general revenue fund expenditure budget in excess of Ten Million Dollars.

The Purpose and Constitutional Responsibilities of the Ethics Commission

Under [Okla. Const. art. XXIX, § 3](#), the Ethics Commission has a duty to promulgate and enforce rules of ethical conduct for campaigns for state offices and rules of ethical conduct for state officers and employees. These rules have the same force and effect as statutes. In discharging its duty, the Commission has promulgated rules governing campaign finance, misuse of office, conflicts of interest, relations with legislative lobbyists and legislative liaisons, political activities, financial disclosure and other matters. [Okla. Const. art. XXIX, § 3](#). Many of the Ethics Rules apply not only to legislators, but also to other state officers. For that reason, use of the term “state officers” in this guide applies to legislators in their capacity as state officers.

Other Constitutional Provisions Applicable to Legislators

Legislators are subject to Constitutional provisions unique to their roles in state government. See, e.g., [Okla. Const. art. V, § 23](#) (ineligibility to appointment to office; prohibition on contracts), [Okla. Const. art. V, § 24](#) (voting on legislation in which a legislator is personally interested), and [Okla. Const. art. 10, § 11](#) (receiving a profit or perquisite arising from public funds is a felony). These provisions are not provisions enforced by the Ethics Commission.

Representing Constituents, Gathering Information and Advocating Policy Positions

Members of the Legislature and employees of the Legislature acting at the direction and on behalf of a member of the Legislature do not violate the Ethics Rules by engaging in activities inherent

in representing constituents, gathering information or advocating policy positions, provided none of those activities involve misuse of office, illegal threats, intimidation, coercion or promises of actions inconsistent with the Constitution, statutes, or the Ethics Rules. [Rule 4.21](#).

III. Ethics Commission Resources

Commission Website

Additional information on compliance with the Ethics Rules is on the Commission's website at www.ethics.ok.gov.

a. Ethics Rules and Guides

The Ethics Commission provides the text of its rules and relevant guides, including this one, on its website at www.ethics.ok.gov. The guides provide an overview of the Ethics Rules and examples to assist with compliance.

b. Ethics Commission Continuing Education Programs

The Ethics Commission holds regularly scheduled continuing education programs throughout the year to assist in the understanding and compliance with the Ethics Rules. More information on the continuing education dates, times and fees is available on the Ethics Commission's website.

c. Ethics Commission Questions of the Week

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

The Ethics Commission's Online Reporting System: The Guardian System

The Guardian System is the Ethics Commission's online reporting system in which all reports are filed. The Guardian System may be accessed at <https://guardian.ok.gov/> or on the Commission's website at www.ethics.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**. However, help from Commission staff is available only during the Commission's regular business hours.

For more information on how to use The Guardian System, see the documents and the YouTube videos with step-by-step instructions available on The Guardian System website. This information may be located in The Guardian System by clicking on the "Resources" tab and then clicking on "Publications" from the drop-down menu.

a. Guardian System Training

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

Section Summary:

- The Ethics Commission was created by a vote of the people of Oklahoma in 1990 by adding Article 29 to the Oklahoma Constitution. The Oklahoma Constitution requires the Commission to promulgate and enforce 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.
- Legislators follow Ethics Rules that pertain to their candidate committee and state officers. Legislative staff must also follow the Ethics Rules pertaining to state employees. See the [Guide for Candidates \(State Office\)](#) and [Guide for State Officers & Employees](#), which are located on the Ethics website (www.ethics.ok.gov).
- The Guardian System, the Ethics Commission’s online reporting system, is located on the Ethics website (www.ethics.ok.gov) or directly at guardian.ok.gov. All required reports are to be filed online in The Guardian System.

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) his or her own private gain;
- (2) the endorsement of any product, service or enterprise;
- (3) the private gain of a family member;
- (4) 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) 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. [Rule 4.2\(4\)](#).

Generally, these prohibitions are designed to eliminate potential conflicts of interest between a state officer or employee’s position in state government and their personal economic interests. State officers and employees should not use their state office to improperly enrich themselves or others. [Rules 4.1](#) 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. [Rule 4.4.](#)

ii. Promoting or Soliciting Funds for Civic or Community Organizations

A state officer or employee may promote or solicit funds or participate in fund-raising events for civic or community organizations, including those promoting businesses or industries, provided the state officer or employee receives nothing for doing so. A state officer, for instance, could participate in a ribbon-cutting event for a new business if he received nothing for doing so. Similarly, a state employee could solicit funds for a civic club provided she received nothing in exchange for doing so. [Rule 4.4.](#)

iii. Promoting or Soliciting Funds for Charitable Organizations

A state officer or employee may promote or solicit funds or participate in fund-raising events for a charitable organization provided he or she receives nothing for doing so except the costs associated with participation in the fund-raising event paid for by the charitable organization. In such case, no other entity or individual could reimburse the charity for the state officer's costs.

For example, a state officer could participate in a fund-raising golf 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 charity is not reimbursed that cost by any other entity. [Rule 4.4.](#)

V. Misuse of Authority

In addition to the prohibitions against using one's state position directly for their own personal gain or for the 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, one may not use or permit the use of his or her office, 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 members; 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. [Rules 4.2\(4\)](#) and [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.
 - State officers and employees may promote or solicit funds for community, civic, or charitable fundraising event provided the state officer or employee receives nothing for doing so; however, charities may pay for the state officer's or employee's cost of participation in the fund-raising promotion or event. No other individual or entity may pay for or reimburse the charitable organization for such cost.
- **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 or state employee themselves or others.

VI. Conflicts of Interest

Law Governing Legislators as Legislators Found in Oklahoma Constitution

The law governing legislators in their unique capacity as legislators is found in the Oklahoma Constitution. For example, [Okla. Const. art. V, § 24](#) addresses the requirements for legislators who may have a personal or private interest in legislation. This issue is not addressed in the Ethics Rules. However, there are Rules that apply to legislators and legislative staff in their roles as state officers and employees that are not uniquely applicable to the Legislature and its members, which are discussed in the following sections.

Duty of Impartiality

State officers and employees are expected to show impartiality when discharging their duties. These Rules apply to legislators and legislative staff when they are not engaged in legislative activities. For example, this provision would apply to the awarding of a contract by the Senate or House of Representatives.

The Ethics Rules provide specific situations during 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 participating 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; or
- (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) where 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 and may seek assistance from the Ethics Commission in doing so. [Rules 4.2\(4\)](#) and [4.7](#). See the “State Officer or Employee May Seek Advice from Commission” section on page 10 of this guide for more information on seeking advice from the Commission.

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. “Material financial interest” is a defined term in the Ethics Rules; the definition is discussed in the next subsection.

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 the state officer or employee or his or her family member(s).

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 of the state officer or employee or his or her family member(s), even if the effect is not immediate.

There is no “direct and predictable effect” on a material financial interest 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.

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. [Rule 4.7](#).

i. 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](#).

ii. What a Material Financial Interest Is Not

A “material financial interest” does not mean:

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. Disqualification for Business Relationship Conflict of Interest

The second disqualifying situation involves a business relationship between the state officer or employee and either a party involved in the matter or someone who represents a party in the matter.

This provision is intended to prevent a conflict of interest with a decision the state officer or employee is to make and their private business relationships with the parties involved in the matter. [Rule 4.7](#).

c. Disqualification When Impartiality Is Questioned

The last disqualification requirement applies when the circumstances would cause a reasonable person to question the impartiality of the state officer or employee. If that applies, then the state officer or employee should disqualify. The state officer or employee must use sound judgment in making this determination but may seek assistance from the Ethics Commission in doing so. See the section titled “State Officer or Employee May Seek Advice from Commission” for more information on seeking advice from the Commission.

Again, 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. [Rules 4.2\(4\)](#) and [4.7](#).

What Does Disqualification Mean?

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

State Officer or Employee May Seek Advice from Commission

Upon considering whether a state officer or employee must disqualify from a situation, 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 the responsibility to the Executive Director to provide such advice. Such advice, if given by the Commission or the Executive Director, shall bind the Commission.

Any person seeking binding advice must provide sufficient time for the request to be considered by the Commission.

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

Section Summary:

- There are certain situations in which a state officer or employee must disqualify from a matter. This means the state officer or employee completely removes himself or herself from participation in the matter, including verbal and nonverbal participation. It is best practice to leave the room when 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.
- If unsure whether to disqualify, contact the Ethics Commission.

VII. Rules on Representation

Representation in Transactions Involving the State

Unless authorized by law, a legislator or legislative 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. [Rule 4.18](#). Also, where not enforced by the Ethics Commission, the Oklahoma Constitution contains prohibitions that apply to legislators and interests in contracts involving the state or a political subdivision. [Okla. Const. art. 5 §23](#).

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](#).

Section Summary:

- Generally, a state officer or employee may not (1) be compensated to represent another before the state, (2) represent another before the Ethics Commission, and (3) represent another before his/her employing agency.

VIII. Candidate Committee Operations While in Office

Reports Are Required to Be Filed Until Candidate Committee Is Dissolved

Officeholders that have an active candidate committee in The Guardian System are still required to file reports on a regular basis until that committee is dissolved and a final report is filed in The Guardian System in accordance with the Ethics Commission Rules.

View the Reporting Calendars on the Ethics Commission website, www.ethics.ok.gov.

a. Mandatory Dissolution Dates

Legislators that have an active candidate committee open in The Guardian System should note their candidate committee's dissolution date. Candidate committees created after January 1, 2015 may dissolve their candidate committee at any time on or before the mandatory dissolution date.

The mandatory dissolution date is tied to the officeholder's term of office. For instance, a candidate who is elected to the House of Representatives must dissolve his or her candidate committee no later than two years after the general election to dissolve because the office has a two-year term. Similarly, candidates elected to the Senate have four years after the general election to dissolve because the office has a four-year term.

The mandatory dissolution dates are listed on the candidate committee reporting calendars on the Ethics Commission website (www.ethics.ok.gov). [Rules 2.100](#), [2.101](#), and [2.116](#).

b. Exception to the Mandatory Dissolution Date: 60 Day Period When Transitioning from One Candidate Committee to Another

If a legislator has an active candidate committee for an election already held and registers a new candidate committee in The Guardian System for a future election, the candidate committee for the election already held is required to be dissolved within **60 days of filing the Statement of Organization** (i.e., the registration document) for the candidate committee for the future campaign. Note that the 60-day period begins once the Statement of Organization is filed, regardless of when the registration fee is paid or when the registration is finally accepted by the Ethics Commission. [Rule 2.69](#).

Example: Senator Jane Doe won her election in 2018. She registers her 2022 committee in The Guardian System on January 1, 2020. She is conditionally accepted because she did not pay the registration fee on January 1, 2020. On February 1, 2020, Senator Doe pays the registration fee. Senator Doe is required to dissolve her 2018 committee by March 1, 2020—60 days after she filed the Statement of Organization for the 2022 committee.

Campaign Funds May Be Used for Officeholder Expenses

As a successful candidate for state office, legislators are permitted to use campaign funds for ordinary and necessary expenses incurred in connection with the legislator’s duties as a state officer, provided the expenses are **not otherwise reimbursed or paid for** by the State. “Ordinary and necessary” means expenses that would not exist but for the fact that the candidate was elected to and holds a state elective office.

Only contributions received for the election to which the officer was elected may be used for officeholder expenses until the expiration of the legislative term, resignation, or other vacation of office.

Officeholder expenses are reported in a legislator’s active candidate committee using the expenditure type “office holder,” not “ordinary and necessary campaign expense.”

[Rules 2.2\(14\)](#), [2.43](#), and [2.44](#).

a. Answers to Common Questions

1. Officeholders **cannot** use campaign funds, even those designated as officeholder expenses, to buy gifts for others, including assistants, pages, or other state officers or employees.
2. Officeholders *may* use campaign funds to purchase an individual meal for themselves during an officially recognized political caucus meeting, and, if the Rules of the Caucus require it, to buy meals for the entire caucus, such as on a rotating basis where each member takes a turn buying a meal.
3. Officeholder expenses can only be paid with contributions received by the candidate committee for the election for which the officeholder is serving his or her term. This does not prevent an officeholder from closing the candidate committee and opening a new candidate committee for a future election. However, the candidate may not use contributions received by the new committee for officeholder expenses. **The candidate may only use the amount of funds transferred forward from the committee formed for the election to which they were elected.**

Example: Representative John Doe won his 2018 election and is serving a two-year term of office. In 2019, he closes his 2018 candidate committee and transfers \$10,000 forward to his new 2020 candidate committee. He receives \$15,000 in contributions for his 2020 committee. However, Representative Doe may only spend the \$10,000 transferred forward from his 2018 candidate committee to pay for officeholder expenses incurred during the term resulting from the 2018 election to office.

[Rules 2.2\(14\)](#) and [2.44](#).

Personal Use of Campaign Funds

Campaign contributions may not be converted to personal use. “Personal use” includes use of funds to fulfill a commitment, obligation or expense of any person that would exist irrespective of a candidate’s campaign or responsibilities as a holder of elective office.

Examples include, but are not limited to, the following:

- food purchased for daily consumption in the candidate’s home;
- supplies needed to maintain the household;
- clothing (excluding campaign clothing of low monetary value, such as T-shirt or caps);
- dry cleaning;
- rent or utility payments for the candidate’s residence even if part of the residence is being used for a campaign;
- use of a motor vehicle for non-campaign purposes or non-officeholder expenses;
- interest on a loan made by the candidate or the candidate’s spouse to the campaign;
- costs of a vacation or other trip not related to the campaign or officeholder expenses;
- admission to athletic events, concerts, theater or other forms of entertainment (except for events that are part of the campaign); and/or
- dues in country clubs, health clubs, recreational facilities or other nonpolitical organizations and earnings from investments of contributions. [Rule 2.39](#).

This list of forbidden uses is intended to be representative, not exhaustive.

IX. Things of Value from Lobbyists and Lobbyist Principals Are Prohibited Unless Specifically Permitted

Lobbyists, including legislative liaisons, and lobbyist principals are prohibited from providing gifts, including meals, unless the Ethics Rules specifically permit the activity. Review the following sections to understand who are considered lobbyists under the Ethics Rules and the exceptions to the general lobbyist and lobbyist principal meal and gift prohibition. [Rule 5.6](#).

These rules may be waived at the request of a legislator or legislative staff member due to a pre-existing relationship. See the “[Waiver of Certain Ethics Rules Due to a Preexisting Relationship](#)” section on page 26 of this guide.

a. Gifts to State Officers or Employees Through Family Members Prohibited

A legislative liaison, 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](#).

What Lobbying Is

“Lobbying” generally means oral or written communications 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 must be on behalf of a lobbyist principal. [Rule 5.2\(3\)](#) and [\(7\)](#).

a. Not All Individuals Who Engage in Lobbying Are Lobbyists

Lobbying does not mean testimony given before or submitted in writing to a committee or subcommittee of the Legislature, nor a speech, article, publication or other material that is widely distributed, published in newspapers, magazines or similar publications or broadcast on radio or television. [Rule 5.2\(3\)](#) and [\(7\)](#).

Lobbying does not mean oral or written communication by a person who is not compensated to lobby or who does not lobby as part of their job duties.

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

- Individuals who are not compensated for lobbying activities;
- Federal officials acting in their official capacity;
- Any person exercising his or her individual right to petition the government who receives nothing of value for lobbying; and
- Individuals who are employed by or contract with a lobbyist principal but whose lobbying activities are only incidental to and not a significant part of the services provided by the individual to the lobbyist principal.

Note that this “incidental” provision is intended to preclude required registration as a lobbyist in situations where an employee of a lobbyist principal is not intending to lobby but is representing the principal and explaining or expressing an opinion on pending legislation.

One such instance is when a Chief Executive Officer is presenting information, including potential legislation, at a meeting where legislators are in attendance. Without the “incidental” language, the CEO’s comments in such a situation may be considered legislative lobbying, triggering registration and reporting requirements. Requiring registration in these situations would serve little purpose.

b. The Types of Lobbyists in Oklahoma

Under the Ethics Rules, there are three types of lobbyists: (1) legislative lobbyists; (2) legislative liaisons; and (3) executive lobbyists. [Rule 5.2](#).

Some lobbyists may lobby for only one lobbyist principal. These lobbyists sometimes are called “in house lobbyists” when they are employees of the lobbyist principal.

Other lobbyists may lobby on behalf of numerous clients. These lobbyists often are called “contract lobbyists” because they typically are independent contractors who provide lobbying services under contract with different lobbyist principals.

i. Legislative Lobbyists

Legislative lobbyists are individuals, who are not state officers or employees, who contract with one or more lobbyist principals for compensation to represent that lobbyist principal to the Governor, the Legislature, and their staffs.

An individual may be both a legislative lobbyist and an executive lobbyist at the same time; however, a legislative liaison is prohibited from being an executive or legislative lobbyist while they are a liaison. [Rule 5.2\(8\)](#).

ii. Legislative Liaisons

Legislative liaisons are state officers and employees whose duties in fact include legislative lobbying, regardless of their job title or job description; these individuals represent their lobbyist principal (the state agency) to lobby the Governor, the Legislature, and their staffs. A state officer or employee whose lobbying activities are only incidental to and not a significant part of the services provided by the individual to the agency is not necessarily a legislative liaison. [Rule 5.2\(6\)](#).

This “incidental” provision is intended to preclude required registration as a legislative liaison in situations where the director or other agency employee is not intending to lobby but is representing the agency and explaining or expressing an opinion on pending legislation. One such instance is when an agency director is presenting information, including potential legislation, at a conference where legislators are in attendance. Without

the “incidental” language, the agency director’s comments in such a situation may be considered legislative lobbying triggering registration and reporting requirements.

Employees and officers of political subdivisions (counties, municipalities, school districts) who lobby on behalf of the political subdivision do not meet the definition of legislative liaison (i.e., such individuals who are required to register and file reports as lobbyists).

a) *Determining What State Agencies Have Legislative Liaisons*

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 employees of the agency engage in lobbying.

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\(6\)](#).

iii. *Executive Lobbyists*

Executive lobbyists are individuals who are employed or retained by a lobbyist principal for compensation to perform executive lobbying. In other words, executive lobbyists lobby executive branch agencies. [Rule 5.2\(4\)](#).

An individual may be both a legislative lobbyist and an executive lobbyist at the same time; however, a legislative liaison is prohibited from being an executive or legislative lobbyist while they are a liaison.

What a Lobbyist Principal Is

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. State agencies and institutions are lobbyist principals when they have, or should have, a lobbyist or a legislative liaison representing their interests.

Lobbyist principals may simultaneously employ or retain both legislative lobbyists and executive lobbyists.

The term “lobbyist principal” does not include individual members, partners, officers or shareholders of an agency, corporation, association, firm, joint venture, joint-stock company, syndicate, business trust, estate, company, partnership, limited partnership, organization, committee or club, or a group of persons voluntarily acting in concert.

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

In other words, it is the organization itself—not an individual member of the organization—that is the lobbyist principal. [Rule 5.2\(9\)](#).

a. Agencies That May Be Lobbyist Principals

The generic term “agency” is all encompassing. State offices, departments, institutions, boards, bureaus, commissions, agencies, authorities and instrumentalities of the State of Oklahoma all are considered to be an “agency.”

An agency is an entity in the executive branch of state government (1) created by the Constitution or statutes and supported in whole or in part by state funds or (2) entrusted with the expending of state funds or administering state property or (3) otherwise exercising the sovereign power of the State of Oklahoma.

There are two exceptions: (1) city, county, rural electric cooperative or tribal housing authorities created under the Oklahoma Housing Authorities Act and (2) any state entity that performs only advisory functions and that cannot independently exercise the sovereign power of the State of Oklahoma.

Unless the agency is excluded by meeting one of the two exceptions described above, it is a lobbyist principal that may have a legislative liaison or legislative lobbyist or both. [Rule 5.2\(1\)](#) and [\(9\)](#).

b. Lobbyist Principals May Be Vendors

Vendors, who may also be lobbyist principals, are subject to additional restrictions that are not the subject of this guide. For assistance in complying with the applicable Ethics Rules relating to vendors, review the “[Guide for State Officers and Employees](#)” and other materials on the Commission’s website at www.ethics.ok.gov.

Lobbyist Disclosure Required

When engaged in lobbying activities, any lobbyist, including a legislative liaison, is required, either orally or in writing, to identify the lobbyist principal or principals on whose behalf the lobbying activities are being conducted. Any legislator or legislative staff member who is being lobbied may request such information. [Rule 5.27](#).

Gifts from Lobbyists and Lobbyist Principals Are Generally Prohibited

Generally, legislative liaisons, lobbyists, and lobbyist principals are prohibited from providing gifts, including meals, to state officers or employees unless the gift is specifically permitted by the Ethics Rules.

The prohibition applies to the (1) liaison, lobbyist, or lobbyist principal making the gift **and** (2) state officer or employee who receives it. [Rule 5.6](#).

Review the following sections to determine what meals and gifts are permitted for a legislator and their staff to accept from a lobbyist and/or a lobbyist principal.

a. Exceptions to Meal & Gift Prohibition That Apply to Legislative Lobbyists, Legislative Liaisons, and Lobbyist Principals

i. *Universal Exception 1: Modest Items of Food and Refreshments*

A legislative liaison, lobbyist or lobbyist principal may provide modest items of food and refreshments 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](#).

This exclusion is not intended to apply to formal events—such as a reception—nor to regular, repeated events, but to occasional random events.

Food and refreshments provided under this section are not required to be reported with the Commission.

Example 1: A Lobbyist Principal, XYZ Industries, sponsors an informational meeting to explain their services and products. At the meeting, XYZ Industries provides snacks, including soft drinks, tea, chips, and various nuts. Legislators Smith and Jones attend and consume the snacks. Must XYZ report the cost of these snacks to the Commission? No. The items provided meet the exemption for modest items of food and refreshments.

Example 2: Same example as above, except XYZ Industries also provides beer and wine. Because alcoholic drinks do not fit within the exception for modest items of food and refreshments, XYZ Industries' lobbyist must attend the event to keep records of any beer or wine consumed in order to count the cost against the lobbyist's meal limits (See more information on the lobbyist \$500 meal limit in the section titled "Lobbyist & Liaison Exception 1: Up to \$500 in Meals," at pages 25-26). However, such non-meal gifts are only reported to the Commission once the value exceeds \$10.

ii. *Universal Exception 2: Gifts Not Exceeding \$10 Provided Once per Year*

A legislative liaison, lobbyist, 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. Gifts provided under this section are not required to be reported. [Rule 5.13](#).

Example: A Lobbyist Principal, XYZ Industries, wants to provide lapel pins to legislators. Option A is a pin costing \$9.75. Option B is a pin costing \$12.00.

XYZ Industries may provide the Option A pins under this provision, but not the Option B pins.

iii. *Universal Exception 3: Emergency Rescue or 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 even if provided by a lobbyist principal or vendor. [Rule 4.6.](#)

b. Legislative Lobbyist and Liaison Exceptions: Meals and Gifts

The following are the meals and gifts that the Governor, the Legislature, and their staff may receive from lobbyists, including legislative liaisons.

i. *Legislative Lobbyist and Liaison Exception 1: Up to \$500 in Meals*

This exception only applies to meals provided by legislative lobbyists and liaisons. It does not apply to lobbyist principals.

A legislative liaison or a legislative lobbyist may pay up to \$500 per calendar year for meals for the Governor, for any individual legislator, or for any individual employee of the Governor or the Legislature. This limit applies regardless of the source of funds used for payment. [Rule 5.7.](#)

Legislative lobbyists and liaisons are required to be present for meals with legislators, the Governor, and the staff of the Governor and the Legislature

Example 1: Sally Smith is a lobbyist for ABC, Inc. (lobbyist principal). John Doe is president of ABC, Inc. John Doe wants to take a Sally Smith and a senator to dinner to discuss the upcoming legislative session and use ABC, Inc.'s credit card to pay for the meal. This meal will be reported on a Lobbyist Expenditure Report and count toward Sally Smith's \$500 lobbyist meal limit for that senator.

Example 2: Legislative staff members John and Jane want to go to dinner with Sally Smith, a lobbyist, to discuss a bill of interest. Sally Smith will not attend the meal, but she wants to pay for the staff members' dinner. May she do this? No. Sally Smith is prohibited from providing meals to legislative staff unless she is personally present at the meal.

ii. *Legislative Lobbyist & Liaison Exception 2: Up to \$100 in Gifts for Major Life Events*

Gift to State Officer or Employee: A legislative liaison or a legislative lobbyist may make a gift to the Governor, any legislator, or any employee of the Governor or the Legislature in recognition of infrequently occurring occasions of personal significance (i.e., special occasion gifts). Effective January 1, 2018, 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 on meals. Also, gifts to family members of the legislator,

Governor, or staff of the Legislature or Governor 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. [Rule 5.8](#). See [Advisory Opinion 2018-01](#). This means that annual occasions, such as birthdays and anniversaries, do not qualify as an “infrequently occurring occasion of personal significance” because annual occasions are not infrequent—they occur every year.

Further, for legislators and other elected officers, “retirement,” as provided in this Rule, does not include expiration of a term of office, even when it is the last term of office due to term limits.

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

Example: John Doe, a member of the Legislature, is having a child around May 1, 2019. Joe Smith, a lobbyist, wants to give a baby blanket, valued at \$30, to John Doe for the birth of his child. A baby shower is held March 15, 2019. Joe Smith may give the baby blanket at the baby shower because it is a time when such gifts are traditionally given.

Also, 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](#).

Gift to Family Member of State Officer or Employee: The Ethics Rules also provide that such gifts may be made to a family member of the Governor, any legislator, or any employee of the Governor or the Legislature, 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. Gifts to family members count against the limit for the state officer or employee. [Rules 5.2\(5\)](#) and [5.8](#).

iii. Meals and Gifts Are Aggregated

The aggregate total of all meals provided to an individual by a legislative lobbyist or legislative 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 5.8](#).

c. Lobbyist Principal Exceptions: Food, Beverages and Gifts

A lobbyist principal employing or retaining a legislative lobbyist or liaison may provide the following gifts:

- Tickets or Tickets or Sponsorships for Community, Civic and Charitable Events
- State Agencies Only: Tickets to Conferences or Seminars

- Plaque, Trophy, or Similar Item Suitable for Display Valued at No More Than \$200

A lobbyist principal employing or retaining a legislative lobbyist or legislative liaison may provide food and beverage at the following events (one time per calendar year per event):

1. Events to Which All Members of the Legislature Are Invited
2. Recognized Political Caucus Events
3. Legislative Committee and Subcommittee Events Held Within the Capitol Building
4. Out-of-State Events

Lobbyist principals are limited in the number of events at which they may provide food and drinks. The following exceptions need to be reviewed carefully. While a lobbyist principal may provide meals for the different types of events identified, that does not mean that all legislators and legislative staff are automatically included in the exception.

For all the following exceptions, a lobbyist principal may only provide food and beverages one time per exempt event per calendar year. This limit applies regardless of whether the lobbyist principal sponsors a meal in its entirety or co-sponsors the food or beverages with other lobbyist principals.

Note that a lobbyist cannot co-sponsor with a lobbyist principal food and beverage for one of the lobbyist principal's exempt events. Lobbyist principals report food and beverage in lump sum for the entire group; whereas, lobbyists report food and beverage by each individual recipient.

Lastly, a lobbyist principal may provide certain meals to members of the Legislature for non-lobbying activities. This exception applies to non-lobbyists who work for the lobbyist principal and only under certain conditions.

i. Lobbyist Principal Exception 1: Tickets or Sponsorships for Community, Civic, and Charitable Receptions and Meals from Lobbyist Principals

A lobbyist principal employing or retaining a legislative lobbyist or liaison 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. When provided under this exception, the ticket or sponsorship is not reported, and it does not count toward the lobbyist gift limits.

For this provision to apply, the following conditions must be met:

- such activities must be customary for the lobbyist principal; and
- the lobbyist principal may not designate, directly or indirectly, the specific state officers or employees to attend. [Rule 5.18](#).

Example: Lobbyist Principal X may provide tickets to a charitable luncheon to be made available to state officers and employees generally. However, the tickets cannot be designated specifically for Senators Smith and Jones and remain within this exception. If the tickets are designated for Senators Smith and Jones, the exception would not apply and the tickets would count toward the \$500 overall limit for the lobbyist of Lobbyist Principal X.

ii. *Lobbyist Principal Exception 2: State Agencies Only—Tickets to Conferences or Seminars*

Agencies, sponsoring in whole or in part, a conference, seminar, lecture, or similar event held within the boundaries of the State may provide two (2) tickets or admissions to:

- the Governor;
- any legislator; or
- any employee of the Governor or Legislature.

Any tickets or admissions provided under this section must be used by the recipient and a family member of the recipient. These tickets are not reported and do not count toward any gift limits.

iii. *Lobbyist Principal Exception 3: Plaques, Trophies or Similar Acknowledgement of Service from Lobbyist Principals*

One time per year, a lobbyist principal may give a plaque, trophy, or similar item suitable for display to a state officer or employee in acknowledgement of the officer or employee's public service. The item cannot exceed \$200 in value and must be reported in the legislative lobbyist's or legislative liaison's report. [Rule 5.13](#).

iv. *Lobbyist Principal Exception 4: Events to Which All Members of the Legislature Are Invited*

A lobbyist principal represented by a legislative lobbyist or liaison may provide food and beverages for any event to which all members of the Legislature are invited one time per calendar year, provided the event is reported as required by the Ethics Rules.

In this exception, if all members of the Legislature are invited, then the attendance by legislative staff would be included for reporting purposes. Also, the amount of food and beverage is reported by the total amount provided for the event, not the total for only the legislators and legislative staff.

More than one lobbyist principal may provide food and beverage for such an event, but one lobbyist principal may not participate in more than one such event during a calendar year. [Rule 5.14](#).

v. ***Lobbyist Principal Exception 5: Recognized Caucus Events***

A lobbyist principal employing or retaining a legislative lobbyist or liaison may provide food and beverage for a meeting of a political caucus of either House of the Legislature one time per calendar year, provided the event is reported as required by the Ethics Rules. In other words, a lobbyist principal may provide a meal to each of the recognized political caucuses.

“Political caucus” means a caucus of legislators of a political party recognized under state law. The only caucuses that currently qualify are the Senate Republican caucus, the Senate Democratic caucus, the House Republican caucus and the House Democratic caucus. Other “caucuses” organized by members of the Legislature do not qualify.

It is also important to note that an outing of all members of a political caucus may not qualify for this exception. To qualify, the caucus must engage in caucus business.

Example: One of the recognized legislative caucuses is having a caucus meeting, followed by a dinner at Really Fancy Steakhouse. ABC, Inc., a lobbyist principal, wants to pay for the meal. Is ABC, Inc. able to pay for this meal under the caucus exception? No. Although all members of the caucus may be in attendance, they are not engaged in caucus business.

Further, in this exception, only legislative staff assigned to the caucus may be included. Any other legislative staff receiving food would need to be reported on an individual basis by the lobbyist and the meal would count against the lobbyist’s \$500 limit.

More than one such lobbyist principal may provide food and beverage for such an event, but no lobbyist principal may participate in more than one such event per calendar year for each of the four recognized caucuses. [Rule 5.15](#).

vi. ***Lobbyist Principal Exception 6: Legislative Committee and Subcommittee Events***

Once per calendar year, a lobbyist principal employing or retaining a legislative lobbyist or liaison may provide food and beverage for any event to which all members of a committee or subcommittee of the Senate or House of Representatives are invited, provided the event is reported as required by the Ethics Rules.

For this provision to apply, the following conditions must be met:

- the legislative committee and subcommittee event must be held in the Capitol building; and
- the legislative committee and subcommittee event must be attended by a majority of the members of the committee or subcommittee.

Consequently, lobbyists and lobbyist principals are required to keep sufficient records of attendance to confirm such information.

This provision does not include legislators who are not members of the committee or subcommittee, nor legislative staff members who do not officially or regularly provide staff services for the committee or subcommittee. Food and beverage provided to legislators or legislative staff that are not members of or staffers for the committee or subcommittee must be reported individually as a meal from the lobbyist, and that expense will count toward the lobbyist's \$500 aggregate limit for meals and gifts.

To qualify for this type of event, the committee or subcommittee must be identified in the Rules or Journal of the respective legislative body.

More than one lobbyist principal may provide food and beverage for such an event, but no lobbyist principal may participate in more than one such event per calendar year for any specific committee or subcommittee. [Rule 5.16](#).

vii. *Lobbyist Principal Exception 7: Out of State Events*

Once per calendar year, a lobbyist principal employing or retaining a legislative lobbyist or liaison may provide food and beverage for any event at a professional conference, seminar, or other similar meeting conducted outside the geographical boundaries of the State of Oklahoma, provided the event is reported as required by the Ethics Rules.

For this provision to apply, the following conditions must be met:

- Only Oklahoma state officers and employees who are participating in the event may be invited; and
- A minimum of five Oklahoma state officers and employees must participate.

Consequently, lobbyists and lobbyist principals are required to keep attendance records.

More than one lobbyist principal may provide food and beverage for such an event, but no lobbyist principal may participate in more than one such event per calendar year. [Rule 5.17](#)

viii. *Lobbyist Principal Exception 8: Meals Provided by Non-Lobbyists*

A non-lobbyist employee of a lobbyist principal may provide a meal no more than twice a year to a legislator at the expense of the lobbyist principal if the following qualifying conditions are met:

- the employee is not acting at the direction of a lobbyist or liaison;
- the employee does not engage in lobbying activity of any kind;
- the employee is either a constituent of the legislator or is engaged in providing goods or services for the lobbyist principal within the legislator's district; and

- the employee typically engages in similar activities with other public officials in the geographical area within which the goods or services are provided. [Rule 5.9](#).

Waiver of Certain Ethics Rules Due to a 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, however, is unnecessary when the relationship is between two family members. [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 in [Appendix I](#) of this Guide or on the Ethics Commission website under the “Ethics Laws, Guides & Forms” tab. 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.

The waiver will be considered at a public Commission meeting. The parties affected may attend and provide an explanation.

Section Summary:

- Types of Lobbyists In Oklahoma:
 - **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.
- The **Lobbyist Principal** is the person or entity—including state agencies and institutions—that employ or retain another person for compensation to conduct lobbying on its behalf.

Continued on next page.

- Generally, lobbyists and lobbyist principals are prohibited from providing meals and gifts to state officers and employees. Exceptions to this rule are as follows:
 - **Universal Exceptions (Exceptions That Apply to Both Lobbyists and Their Lobbyist Principals):**
 - Emergency rescue or relief efforts. Not reported.
 - Modest Items of food and refreshments. Not reported.
 - A single gift valued at \$10, one time per calendar year per state officer and employee. Not reported.
 - **Legislative Lobbyist & Liaison Exceptions:**
 - Meals in the aggregate are limited to \$500 per calendar year per state officer or employee. Reported.
 - Up to **\$100** out of the **\$500** aggregate total may be used for gifts 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. Reported.
 - 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.
 - **Lobbyist Principal Exceptions:**
 - Tickets or Sponsorships for community, civic, and charitable events that are not designated for specific individuals. Not reported.
 - State Agencies Only: Tickets to conferences or seminars. Not reported.
 - Plaque, trophy or similar item suitable for display that recognizes the state officer or employee’s public service and is worth no more than \$200. Reported.
 - Lobbyist principals of legislative lobbyists may provide food and beverages to specific events: (1) events to which all members of the Legislature are invited; (2) caucus events; (3) legislative committee or subcommittee events; and (4) out-of-state events. Reported.
 - Meals provided by non-lobbyists who work for the lobbyist principal (subject to specific conditions). Not reported.
- **Waiver.** 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.

Contribution Blackout Period:

During any regular legislative session, beginning the first Monday in February through five calendar days following sine die adjournment, the following actions are prohibited under [Title 21 O.S. § 187.1](#):

1. A lobbyist or lobbyist principal shall not:
 - a. Make a campaign contribution to a member of the legislature or a candidate for state elective office;
 - b. Promise to make a campaign contribution for a member of the legislature or candidate for state legislative office; or
 - c. Solicit a campaign contribution for a member of the legislature or candidate for state legislative office.

2. A member of the Legislature or a candidate for state legislative office shall not:
 - a. Intentionally solicit a campaign contribution from a lobbyist or lobbyist principal.

This statutory blackout period does not prevent a limited political action committee (limited committee) from making one or more contribution(s) to a candidate committee up to the limits allowed under the Ethics Rules provided the limited committee is not represented by a lobbyist. See [Attorney General Opinion 2009-11](#). This does not mean a candidate committee is required to accept a limited committee contribution during session. Whether to accept a permissible contribution during session is left to the discretion of the candidate committee.

This blackout period is not an Ethics Rule and is not enforced by the Ethics Commission. This is a criminal law statute that is enforced by the various district attorneys of Oklahoma or the Attorney General.

X. Conferences, Gifts When Representing the State, Private Business Activities, and Intra-Agency Gifts

Permitted Gifts While Representing the State in an Official Capacity

The Governor, Lieutenant Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives, or their designees, may accept transportation, lodging, meals and other things of value related to the purpose of an event when representing the State of Oklahoma in an official capacity, provided they receive no other personal benefits. This provision applies to events both inside and outside the geographical boundaries of the State. [Rule 4.20](#).

This Rule recognizes the special role top elected officials play in representing the State of Oklahoma and does not require those officials to make personal expenditures when attending bona fide events in their official capacity. However, this is not intended to provide an opportunity for sham designation of representation at events.

Example: The Governor is invited to attend a National Championship where one of the sporting teams of an Oklahoma college or university is participating. As part of the trip, the Governor is offered airfare, hotel, meals, and national championship memorabilia, as is the governor of other team(s) participating in the National Championship. The Governor can attend the event and accept the airfare, hotel, meals, and memorabilia.

Recognition of Part-Time Legislators

The Ethics Rules acknowledge that Oklahoma has a part-time legislature and that members of the Legislature often have other employment and/or sources of income.

Gifts Permitted as a Result of Private Business Activities

A legislator may accept meals, lodging, transportation and other benefits resulting from his or her private business or employment activities or the business or employment activities of the legislator's spouse when it is clear that such benefits are not being offered or enhanced as a result of the legislator's status as a legislator. [Rules 4.13](#) and [4.14](#).

Meals Permitted at Professional, Civic, or Community Events

Legislators attending a professional, civic, or community event may accept a meal from the sponsoring organization when attending in their capacity as legislator. Legislative staff may also accept a meal from a sponsoring organization, but he or she must first be approved by the chief executive officer of the House or Representatives or Senate to represent the House of Representatives or Senate at the event.

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. Further, the item cannot be monetary nor 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](#).

Meals & Gifts at Conferences, Seminars, or Similar Events

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

a. Permitted Gifts for Attendees of Conferences, Seminars, or Similar Events

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

b. Permitted Gifts for Speakers, Panel Participants, and Spouses

A legislator invited to speak at a conference, seminar, or similar event in his or her capacity as a legislator may accept free attendance from the sponsor of the event on the day of his or her presentation. Legislative staff invited to speak may also accept free attendance from a sponsoring organization on the day of the presentation but must first be approved by the chief executive officer of the House of Representatives or Senate to represent the House of Representatives or Senate at the event. “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 legislator or legislative staff member if transportation and lodging are made available to others participating as speakers, panel participants, or presenters.

The spouse of a legislator or legislative staff member may accept free attendance and participation in the event, including lodging, but not including 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 legislator, legislative staff member, or spouse thereof that are part of the free attendance and participation at the event. [Rule 4.15](#).

Example: A legislator is invited to present information on legislative policies at a 5 day conference. The sponsor of the event has offered airfare to the legislator and his spouse, and the hotel, meals, and free attendance to the legislator for the full conference. For spouses that come with presenters, the sponsor has offered various daytrips, including meals, admissions, and travel around the state. Can the legislator and spouse accept everything that is offered?

No. The legislator may only accept airfare for himself and attendance for the day of the presentation. The legislator and his/her spouse could accept the hotel offered for the day/night of his presentation, but not for the full five-day conference. The legislator’s spouse cannot accept a daytrip or other non-conference related offerings by the sponsor. The spouse can accept free attendance on the day of the legislator’s presentation and participation in the event.

Scholarships or Grants for Attendees at an Educational or Training Event (Not Presenters)

Legislators and legislative staff 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.

Receipt of certain scholarships, grants, or similar subsidies require a scholarship report to be filed with the Ethics Commission. [Rule 4.15](#).

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, then 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 legislator or staff member must file a report with the Commission.

The report is required no later than the 30th day following the last day of the event. [Rule 4.15\(C\)](#).

The report includes (1) the date(s) and location of the event, (2) the name of the sponsoring organization(s), (3) the name and office of the participant, (4) the subject matter of the event, (5) the name of the person providing the scholarship, grant, or subsidy and (6) the value of the scholarship, grant or subsidy.

The [Scholarship Form](#) is available in [Appendix II](#) of this Guide or on the Commission website under the “Ethics Laws, Guides & Forms” tab. The form may be emailed to the Commission at ethics@ethics.ok.gov.

Intra-Agency Gifts

The Ethics Rules limit gifts that may be made between state officers or employees in the same agency, including both Houses of the Legislature.

a. General Rule: Gifts to Superiors Are Prohibited

A state officer or employee may not, directly or indirectly, give a gift or donate toward a gift for the following:

- (1) an official superior in the agency’s chain of command or
- (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.

b. Exception 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 there is a pre-existing personal relationship 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.

Example: Matt and Gary are state employees. Matt purchased a \$20 thermos and Gary purchased a \$10 box of candy for Tom, their superior, 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 \$15 to purchase one gift valued at \$30 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 paid for with personal funds 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.
- (5) **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.

Example: Tamara, Sherry and Lindsay want to purchase a gift for their superior who is having a baby shower next month. They each pitch in \$20 to purchase a pre-made gift basket. In this case, the state employees can pool their funds together to purchase a gift for their superior and present it at the baby shower. [Rule 4.17.](#)

Exception to All Meal and Gift Rules

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.](#)

XI. Relations with Vendors and Regulated Community

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 \(7\)](#).

Several Rules regulate the relationship between state officers and employees and the vendors and vendor’s agents who are doing business with or seeking to do business with their agencies.

“Agency” means any entity of state government created by the Constitution or laws of the State of Oklahoma and supported in whole or in part by state funds or entrusted with the expending of state funds or administering of state property or otherwise exercising the sovereign power of the State of Oklahoma, including but not limited to all such offices, departments, institutions, boards, bureaus, commissions, agencies, authorities and instrumentalities of the State of Oklahoma. “Agency” shall not mean any city, county, rural electric cooperative or tribal housing authority created under the Oklahoma Housing Authorities Act nor any state entity that performs only advisory functions and that cannot independently exercise the sovereign power of the State of Oklahoma. [Rule 4.2\(1\)](#).

As most legislators are not involved in contracting for the state, that information is not covered here. For more information, see the “[Guide for State Officers and Employees](#),” which is located on the Commission website at www.ethics.ok.gov.

Waiver of Certain Ethics Rules Due to a 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, however, is unnecessary when the relationship is between two family members. [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 in [Appendix I](#) of this Guide or on the Ethics Commission website under the “Ethics Laws, Guides & Forms” tab. 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.

The waiver request will be considered during a public Commission meeting. The parties may attend and explain the request.

Section Summary:

- General Gift Rules: State officers and employees...
 - and their spouse may accept certain benefits that relate to their spouse’s private employment, so long as the benefit is not given or enhanced due to the state officer or employees position in state government;
 - may accept scholarships to attend conferences, seminars and similar events; a scholarship report may be required to be filed with the Ethics Commission within 30 days after the last day of the event;
 - may accept certain benefits offered to others 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;
 - 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.
- Exception to all gift rules: emergency rescue or relief efforts
- 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.

XII. Personal Financial Disclosure Statement (“PFD”)

Purpose of the PFD

The purpose of the personal financial disclosure statement is to identify and disclose potential conflicts of interests between public duties and private economic interests. [Rule 3.13](#).

a. No Amounts of Income or Assets Must Be Disclosed

Although there is a minimum threshold requirement for disclosing certain forms of income or financial holdings, no Rule requires the disclosure of the amount of a filer’s income or the amount of a filer’s financial holdings.

Individuals Required to File PFDs

All state officers who are elected or subject to retention to judicial office are required to file financial disclosure statements. [Rule 3.16](#).

When PFDs Are Filed

An initial financial disclosure statement must be filed within 30 days of assuming office for a full or partial term. This initial PFD covers the prior, not current, calendar year.

Otherwise, annual financial disclosure statements are filed between January 1 and May 15 of each year. This annual PFD covers the prior calendar year. No individual is required to file more than one financial disclosure statement for any calendar year. [Rule 3.15\(A\)-\(C\)](#).

Example 1, Newly Elected Legislator: John Doe is elected to the House of Representatives on November 6, 2018 and takes office two weeks after the election on November 21st. This is John Doe’s first time serving as an elected state officer. John Doe will have to file his initial financial disclosure statement by December 21, 2018—30 days after taking elective office. This initial financial disclosure statement will cover calendar year 2017 (January 1, 2017 through December 31, 2017) not 2018. After the initial PFD is filed, John Doe will file an annual PFD between January 1, 2019 and May 15, 2019, which will cover calendar year 2018.

Example 2, Incumbent Legislator: Alex Smith is a Representative elected in 2016 and re-elected in November 2018. Representative Smith filed a PFD during the annual filing period of January 1 and May 15, 2018 as an officeholder prior to being re-elected. This annual filing covered Calendar Year 2017; Rep. Smith is not required to file a PFD within 30 days of taking office in 2018 because Representative Smith already filed a PFD for Calendar Year 2017. Representative Smith’s next filing will be due between January 1, 2019 and May 15, 2019, covering Calendar Year 2018.

a. Filings are Due on the Specified Dates—No Extensions

Initial filings are due within 30 days of taking office. Annual filings are due between January 1 and May 15 of each year. There is no provision in the Ethics Rules for an extension. These Rules are intended to educate newly elected officers of potential conflicts of interest as soon as possible

after taking office. An extension frustrates that purpose. Annual filers have over four months to file reports, making an extension unnecessary. [Rule 3.15](#).

How PFDs Are Filed

All Financial Disclosure Statements (“PFDs”) are filed electronically in The Guardian System, unless otherwise ordered by the Commission or the Executive Director of the Commission. [Rule 3.15\(E\)](#).

a. Financial Disclosure Guide

Review the [Financial Disclosure Guide](#) for step-by-step instructions on how to file a PFD in The Guardian System, including screenshots and helpful tips to simplify the filing process. The guide also discusses what information is required in a PFD report. The Financial Disclosure Guide is located under the “Financial Disclosure” and “Ethics Laws, Guides & Forms” tab on the Commission website at www.ethics.ok.gov.

b. The Guardian System Filing Resources

Various YouTube videos and other documents are available in The Guardian System that provide step-by-step instructions on how to use the system. These videos and documents may be accessed in The Guardian System (<https://guardian.ok.gov>) by clicking on the “Resources” tab and then “Publications” from the drop-down menu.

Legislators Must File Their Own Financial Disclosure Statements

PFDs may only be filed by the individuals required to file. **A third party cannot file a PFD on behalf of the required PFD filer.** The required filer must make certain acknowledgements pertaining to their own individual understanding of certain Ethics Rules. The required filer must also personally indicate his or her own material financial interests. [Rule 3.16](#).

Accordingly, the option to file the PFD is only available in the elected officer’s Guardian System account. A Treasurer, Chair, or Designated Filing Agent (DFA) will not have access to the PFD.

Section Summary:

- All state officers who are elected must file a Personal Financial Disclosure Statement (“PFD”)
- Those required to file a PFD are only required to file one PFD per calendar year, which covers the previous calendar year
- **Initial PFD:** Brand new PFD filers are required to file an initial PFD within 30 days of assuming office for a full or partial term
- **Annual PFDs:** After the initial PFD is filed, the elected official must file a PFD annually while in office (only one PFD is required during a calendar year)
- PFDs are filed electronically in The Guardian System (<https://guardian.ok.gov>)
- Review the Financial Disclosure Guide, located on the Ethics Commission website under the “Financial Disclosure” and “Ethics Laws, Guides & Forms” tabs, for step-by-step instructions on how to file a PFD in The Guardian System

XIII. Enforcement, Late Reports and Compliance Orders

The Ethics Commission is constitutionally required to enforce its rules. [Rule 6.3](#) and [6.19](#).

a. Compliance Orders

The Executive Director is authorized to issue compliance orders to obtain compliance with these Rules, including late filing fees for reports filed late, not to exceed \$1,000. A compliance order may direct certain actions, including payment of fees. These fees are deposited in the Commissions revolving fund to offset the costs of the Commission in obtaining compliance with its rules. [Rule 6.19](#).

b. Complaints and Investigations

The Commission may pursue a more formal complaints and investigations process. This process is handled by the Commission rather than Commission staff and may result in district court action. [Rule 6.3](#) and [6.12](#). [Rule 6.19](#). Fines beginning at \$5,000 and are deposited in the General Revenue Fund of the State of Oklahoma.

APPENDIX I: WAIVER REQUEST FORM



OKLAHOMA ETHICS COMMISSION

PHONE: (405) 521-3451 • FAX: (405) 521-4905 • WEBSITE: WWW.OK.GOV/ETHICS

Request for Rule Waiver

Requester's Name:

E-Mail Address

State Agency:

Phone Number:

Title/Postition:

Mailing Address:

City, State, Zip:

Name of individual you are seeking a waiver for:

Type of waiver (Vendor/Lobbyist):

Describe the preexisting relationship and reason for request:

Additional comments you would like submitted to the Commission:

Signature

Date

APPENDIX II: SCHOLARSHIP FORM



OKLAHOMA ETHICS COMMISSION

PHONE: (405) 521-3451 • FAX: (405) 521-4905 • WEBSITE: WWW.OK.GOV/ETHICS

**STATE OFFICER OR EMPLOYEE
SCHOLARSHIP, GRANT OR SUBSIDY REPORT**

AMENDED:

Full Legal Name of State Officer or Employee		Job Title and Description	
State Agency Served			
Event Date(s)		Event Location	
Name of Sponsoring Organization(s)			
Name of Person(s) Providing the Scholarship, Grant or Subsidy:			
Subject Matter of the Event			
		Value of Scholarship, Grant or Subsidy	

By signing, electronic or otherwise, my name below, I, acknowledge that the information submitted is complete, true and accurate as of the date submitted. I understand the failure to provide such information is a violation of the Ethics Rules of Oklahoma. I understand that I can update the information above at any time by filing an amended Report.

Date submitted

Officer or Agent signature

Non-Elected State Officers and State Employees ONLY:

Chief Administrative Officer Certification. By signing, electronic or otherwise, my name below, I, certify that the educational or training event attended by the above signing non-elected state officer or employee, will significantly assist the state officer or employee in discharging his or her duties.

Date: _____

Printed Name of Chief Administrative Officer

Chief Administrative Officer Signature

Return form to the Ethics Commission by emailing in pdf format to ethics@ethics.ok.gov; by mail or in person to 2300 N. Lincoln Boulevard, Room B-5, Oklahoma City, OK 73072