

ETHICS POLICIES & FINANCE LAWS

FOR

ADVOCATES

Presented by: Ashley Kemp

**OKLAHOMA INSTITUTE FOR CHILD ADVOCACY
2024 LEGISLATIVE LEARNING LAB**

Advocacy vs Political Activity

What Is Lobbying?

Who Are Lobbyists

Regulated Activity,
Requirements, &
Reporting

Resources

**TAKE
AWAYS:**

Money in Politics Transparency

2022 Election Year: Legislative, Statewide, Judicial

Contributions
\$67.7 million



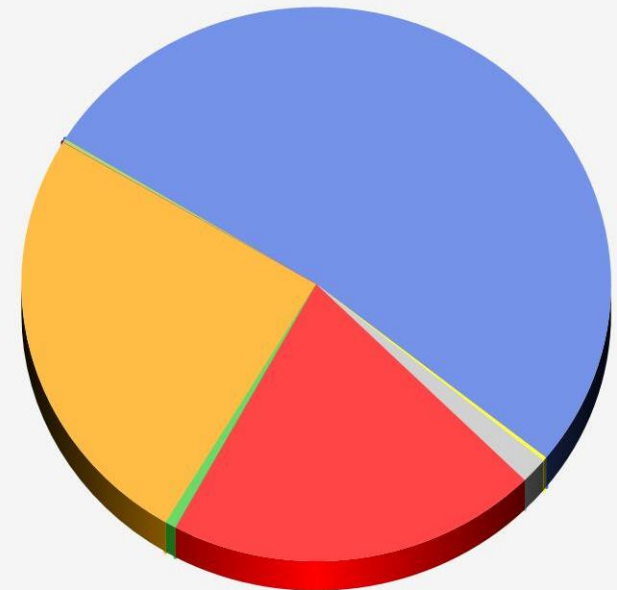
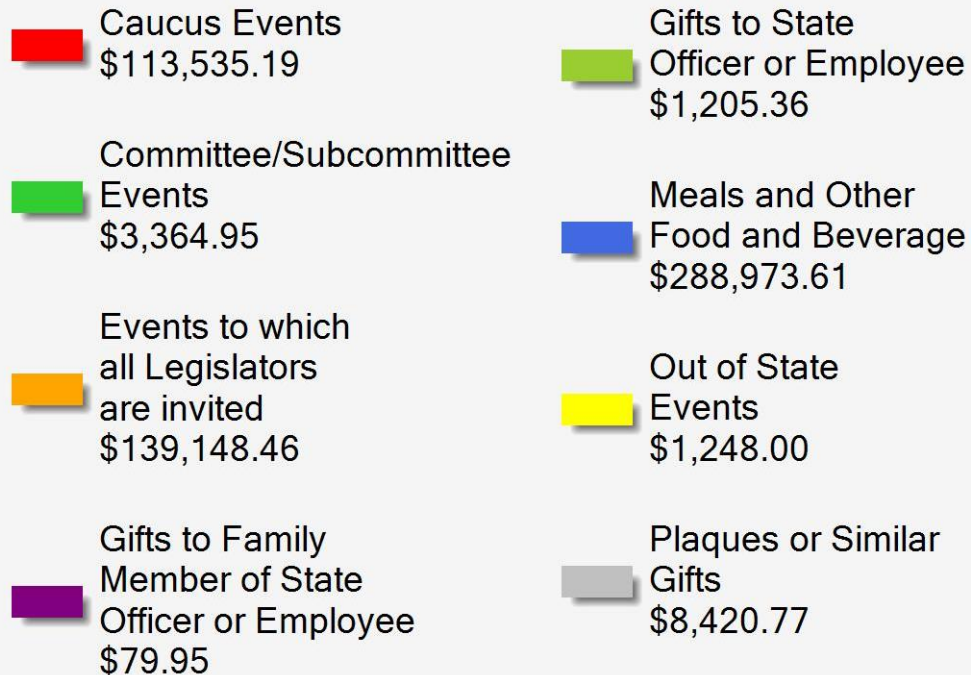
Expenditures
\$85 million

Over \$150 million dollars in campaign specific
activity during an election year
Over 300,000 transactions

Campaigns

Money in Politics Transparency

Lobbyist Expenditures in 2023



Lobbying

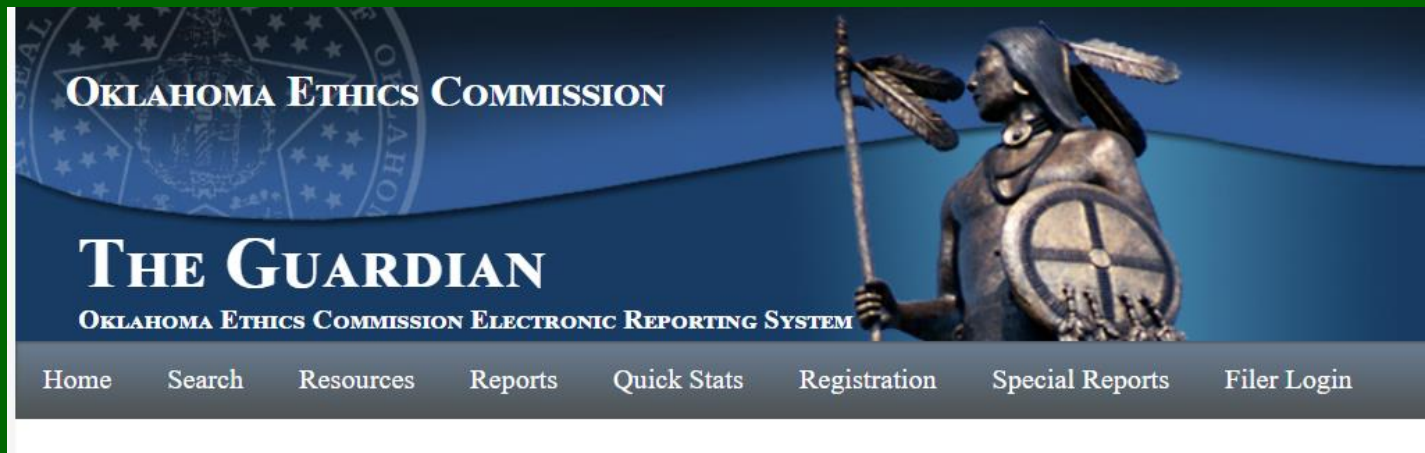
> 600 registered lobbyists

> 1,000 lobbyist principals

>\$550,000 spent by lobbying entities on meals and gifts

Transparency for Money in Politics

All Campaign Contributions, Campaign Expenditures, & Lobbying Expenditures in the form of gifts are public information which is instantly accessible by the public when reported.



**Reported to Ethics
Commission
Viewable 24/7**

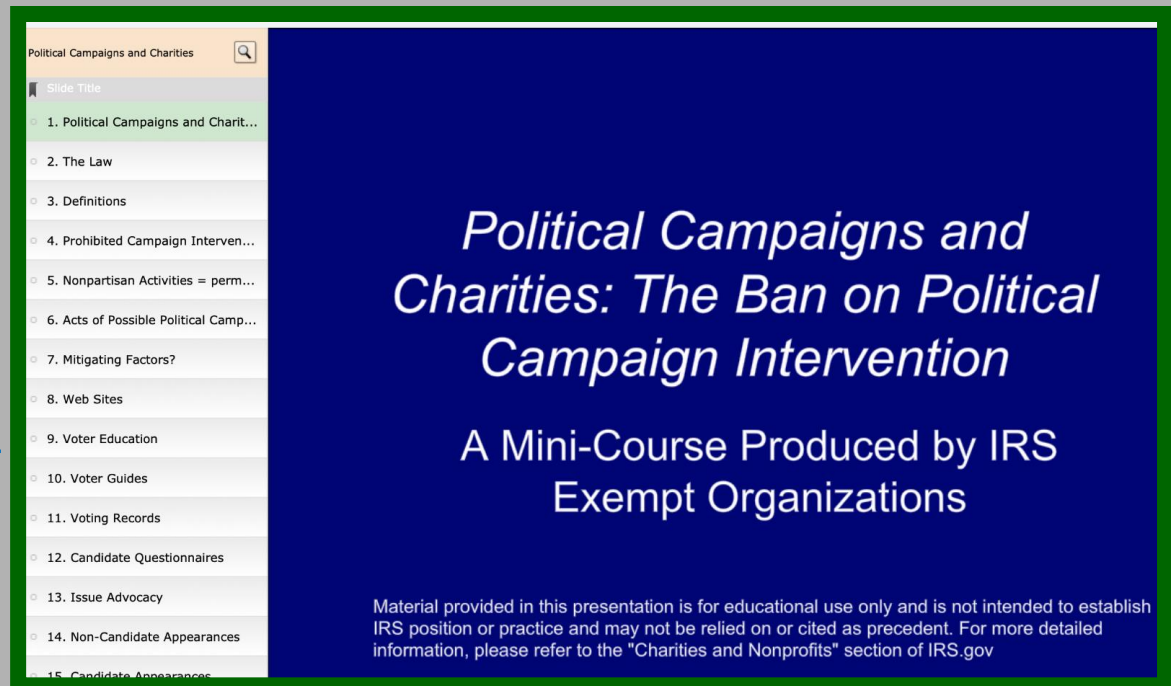
<http://guardian.ok.gov>

ADVOCACY VS POLITICAL ACTIVITY?

Why should I care?

- Tax exempt status requires following the tax structure that applies to that specific organization type - not a one size fits all set of laws.
- Charities (IRC 501(c)(3) organizations) may engage in advocacy but are strictly limited in political activity. Activities deemed “political” may jeopardize tax exempt status.
- Many IRS RESOURCES are available at www.irs.gov that explain IRS law including this minicourse:

<https://www.stayexempt.irs.gov/home/existing-organizations/political-campaigns-and-charities>



The image shows a screenshot of a presentation titled "Political Campaigns and Charities". On the left is a table of contents with 15 items, including "1. Political Campaigns and Charit...", "2. The Law", "3. Definitions", "4. Prohibited Campaign Interven...", "5. Nonpartisan Activities = perm...", "6. Acts of Possible Political Camp...", "7. Mitigating Factors?", "8. Web Sites", "9. Voter Education", "10. Voter Guides", "11. Voting Records", "12. Candidate Questionnaires", "13. Issue Advocacy", "14. Non-Candidate Appearances", and "15. Candidate Appearances". On the right is a blue title slide with the text "Political Campaigns and Charities: The Ban on Political Campaign Intervention" and "A Mini-Course Produced by IRS Exempt Organizations". At the bottom of the slide is a disclaimer: "Material provided in this presentation is for educational use only and is not intended to establish IRS position or practice and may not be relied on or cited as precedent. For more detailed information, please refer to the 'Charities and Nonprofits' section of IRS.gov".

Political Campaigns and Charities

Slide Title

- 1. Political Campaigns and Charit...
- 2. The Law
- 3. Definitions
- 4. Prohibited Campaign Interven...
- 5. Nonpartisan Activities = perm...
- 6. Acts of Possible Political Camp...
- 7. Mitigating Factors?
- 8. Web Sites
- 9. Voter Education
- 10. Voter Guides
- 11. Voting Records
- 12. Candidate Questionnaires
- 13. Issue Advocacy
- 14. Non-Candidate Appearances
- 15. Candidate Appearances

Political Campaigns and Charities: The Ban on Political Campaign Intervention

A Mini-Course Produced by IRS Exempt Organizations

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ADVOCACY VS POLITICAL ACTIVITY?

Permitted Advocacy

- Educate the public & help them participate in the electoral process
- *Issue Advocacy* but must further the organization mission
- Cannot use advocacy as a way to get around political restrictions
- Avoid mentioning voting, election, or identifying whether candidates agree with its position

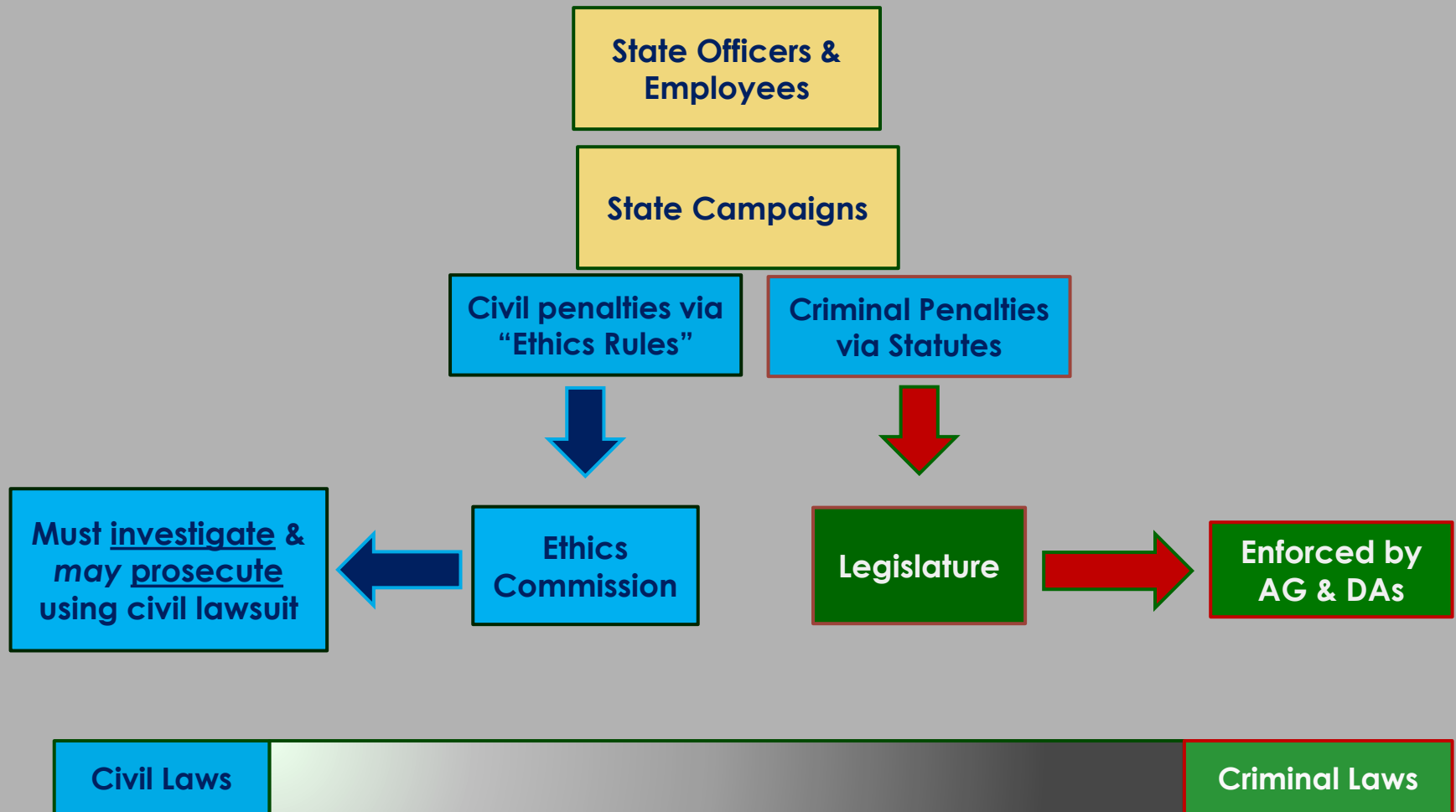
Prohibited Political Activity

- Makes or solicits contributions to/for candidates or political organizations
- Endorses/rates candidates
- Publishes/distributes partisan campaign literature
- Has its agents speak about a candidate
- Uses resources to influence an elections

It can get tricky: Possible Campaign Intervention per IRS

- **Mentioning a candidate for public office**
 - in OK most legislators are “candidates” even if not in the current election
- **Expressing approval or disapproval of a candidate’s position or action**
- **Published during a political campaign**
 - 2024 is an election year
- **Mention voting or the election**
- **Raise an issue on which the candidates disagree**
- Must be able to show that the statement relates to an event other than the election—such as a scheduled vote on specific legislation

Besides the IRS, advocacy and political activity in Oklahoma are regulated by the Oklahoma Ethics Commission, Attorney General, and District Attorneys



Lobbying & Campaign Contributions to Legislators & Legislative Candidates during session??.

Enforced by AG & DAs: Criminal Penalties apply

- **Blackout period: No campaign contributions from the First Monday in February to five days after sine die adjournment**
- **Applies to lobbyists, legislators, and candidates for the Legislature**
- **Applies to legislators seeking another state office, but not to legislators seeking federal office**
- **Does not apply to PACs unless PAC has a lobbyist**

Ethics Commission

Regulate, Investigate, Enforce Civil Laws
Campaigns & State Officers & Employees

www.ethics.ok.gov



Campaigns

State Candidates
Local Campaigns
PACs
Non-Committees
Party Committees



State Officers & Employees

Elected State Officers
Legislators
Lobbying
Non-Elected State
Officers & Employees
Financial Disclosure



Resources

Laws
Guides
Education
Enforcement
Citizens
Charts




Commission


Commissioners
Staff
News
Agendas & Minutes
Commission History


Resource: www.ethics.ok.gov


| | | | |
|---|--|---|--|
|  Campaigns |  State Officers & Employees |  Resources |  Commission |
| State Candidates Local Campaigns PACs Non-Committees Party Committees | Elected State Officers Legislators Lobbying Non-Elected State Officers & Employees Financial Disclosure | Laws Guides Education Enforcement Citizens Charts | Commissioners Staff News Agendas & Minutes Commission History |


LOBBYING

 Reporting Calendars

 **Guide for Lobbying**

 Fees & Compliance

 View Reports OR File Reports

 Education Programs



Lobbying Guide



Vintage postcards provided by the Legislative Service Bureau Archives

2021-2022

Oklahoma Ethics Commission

FAIR RULES. FIRM ENFORCEMENT.

What is lobbying?

Oral and written communications

- on behalf of a 3rd party (lobbyist principal)
- for compensation
- About legislation, rule, rate, regulation, executive order or any other program, policy or position of state government.
- Includes: passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto

Legislative
Lobbyists

Executive
Lobbyists

Legislative Liaisons
(State employees)

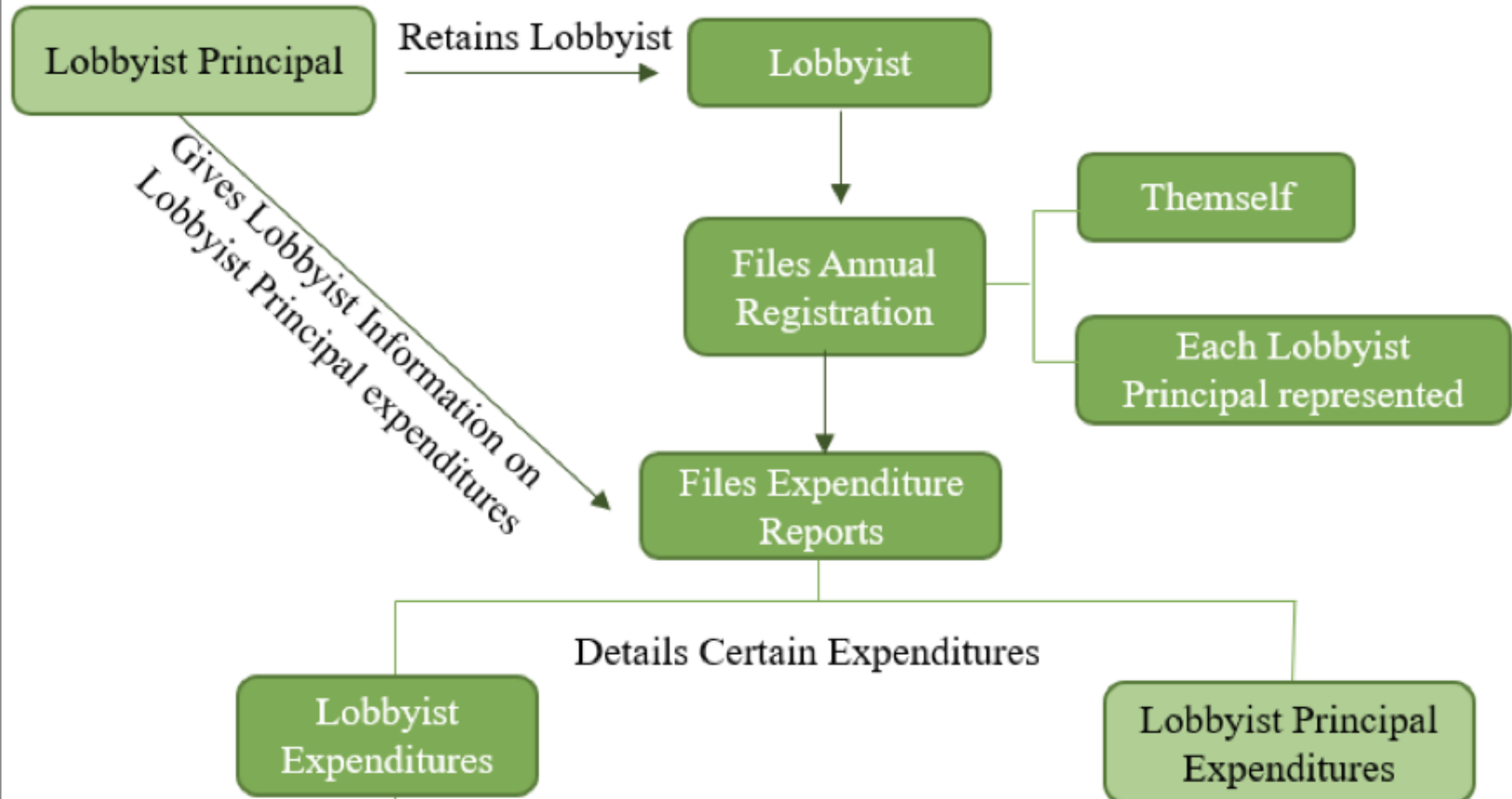
Not lobbyists:

1. Individuals who are not compensated for lobbying;
2. Federal officials acting in their official capacity; and
3. Individuals whose lobbying activities are only incidental to and not a significant part of the services provided by the individual to the lobbyist principal.

Lobbyist Principal

- Any entity, for profit, not for profit, charity, etc. that employs or contracts with a legislative lobbyist, a legislative liaison, or executive lobbyist
- Includes state agencies

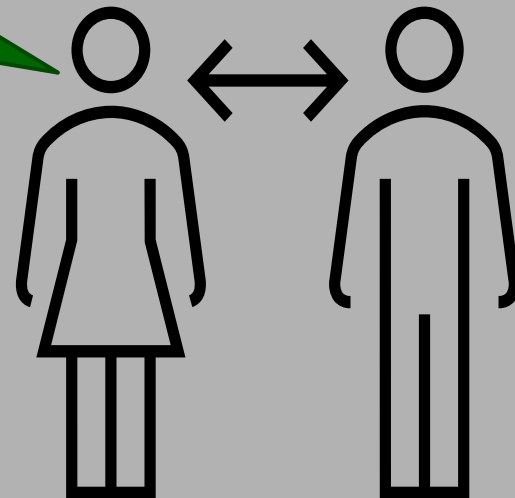




Notification

**Lobbyists must identify themselves
& their lobbyist principal.**

Hi, I'm Jane
Smith, a lobbyist
for XYZ, Inc.



Registration & Reporting

- **Online using The Guardian System**
 - \$125 fee, plus credit card charge, can be reimbursed by lobbyist principal, including state agencies
 - Cannot register if not up-to-date on reporting
- **Register new clients w/n 5 days of lobbying**
- **File Regular Reports disclosing all Expenses, including verifying there were not any expenses.**
 - **Lobbyist gifts**
 - Food & Beverage
 - Special Event Gifts
 - **Lobbyist Principal Gifts**



GIFTS & GIFT LIMITS

No gifts unless permitted by Rules

No gifts through family members
(spouse, children (including
stepchildren), mother, father, sister or
brother.)



Two Types of Gifts: Lobbyist Gifts and Lobbyist Principal Gifts

Lobbyist Reports for Themselves & Each Principal



\$500

Total per year for food & beverage



\$100

Up to \$100 of \$500 For “Major Life Events”
(rare)



\$10

Trinket Gift Given One Time Per Calendar
Year (Reported Separately & Not Taken from
\$500 Max.)

Lobbyist Principal Events

(Lobbyist Principals Legislative Lobbying Only)

1

Events to Which All
Members of the
Legislature are Invited

3

Out-of-State
Events

2

Recognized
Caucus Events

4

Legislative
Committee &
Subcommittee
Events (inside
Capitol only)

PLAQUES, TROPHIES, OR SIMILAR ITEM SUITABLE FOR DISPLAY (Lobbyist Principals of Legislative & Executive Lobbyists)

Acknowledgement
of State Officer or
Employee's Public
Service

\$200
Max.

Once per
Calendar Year
per State Officer
or Employee



Excluded from gifts



**Modest
Items**



**Given
Occasionally**



**Not Part
of Meal**



Violations of Ethics Rules Include:

- Not filing on time
- Filing inaccurately
- Exceeding Limits



Enforcement by Ethics Commission

- **Administrative Process:** Fees up to \$1,000/time
- **Formal Complaints & Investigations:** District Court
Fines begin at \$5,000

OKLAHOMA ETHICS COMMISSION

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Begin Registration for the El

Select type of entity, and click the /

- ☐ Candidate Committee
- ☐ Lobbyist or Liaison
- ☐ Political Action Committee
- ☐ Political Party Committee
- ☐ Special Function Committee

[Register](#)[Cancel](#)



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Lobbyist or Liaison Expenditures

Add

Lobbyist Principal Expenditures

Add

Lobbyist / Liaison Expenditure Details

Type of Expenditure*
Explanation

Gifts to Family Member of State Officer or Employee

Gifts to State Officer or Employee

Meals and Other Food and Beverage

Date*

MM/DD/YYYY

Cost*

or ###.##

Recipient Information

Enter recipient information below. If the recipient has been previously entered, y

Type*

Legislator

Non-legislator state officer or employee

Retention of Records

Records substantiating reports must be kept for at least four years.

&

Must be provided to the Commission upon request



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[Lobbyists](#) [Lobbyists](#)

[Committee Officer/Other Position](#) [Lobbyist Principals](#)

[Documents](#) [Lobbyist Principals](#)

[Financial Disclosures](#)

[Lobbyist Principal Search](#)



Lobbyist Principal Search

Enter information about the Lobbyist Principal(s) for which you are searching and click the Search button.

Principal Name

oklahoma institute for child a

Search Type

Starts With

Status

Agency to be Lobbied

☐ Inactive Agency

[Search](#)

[Reset](#)

Export To:



Results

| Principal Name | Lobbyist Name | Status |
|---------------------------------------|-------------------------------------|-------------|
| OKLAHOMA INSTITUTE FOR CHILD ADVOCACY | FAULKENBERRY, HALEY | Active |
| OKLAHOMA INSTITUTE FOR CHILD ADVOCACY | ADKINS, DENNIS | Active |
| OKLAHOMA INSTITUTE FOR CHILD ADVOCACY | HABROCK, LANI ROSE | Non-Renewed |
| OKLAHOMA INSTITUTE FOR CHILD ADVOCACY | ADKINS, ALEXANDRA | Active |
| OKLAHOMA INSTITUTE FOR CHILD ADVOCACY | RHODES, BAILEY | Active |

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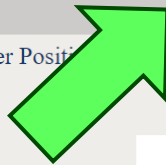
[Documents](#)

[Financial Disclosures](#)

[Lobbyists](#)

[Lobbyist Principals](#)

[Lobbyist Expenditures](#)



Lobbyist Expenditure Search

Enter information about the Lobbyist Expenditure(s) for which you are searching and click the Search button.

Lobbyist or Liaison

Lobbyist Type

Lobbyist First Name

Lobbyist Last Name

Lobbyist Name Search Type

Starts With ▼

Principal Name

Principal Name Search Type

Starts With ▼

Recipient Details

Type of Recipient

Recipient First Name

Recipient Last Name

Recipient Name Search Type

Starts With ▼

Recipient Agency

Expenditure Details

Type of Expenditure

Date From

MM/DD/YYYY



Date Through

MM/DD/YYYY



Amount From

or ###.##

Amount Through

or ###.##

[Search](#) [Reset](#)

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Recipient Agency

Expenditure Details

Type of Expenditure

Date From

Date Through

Amount From

Amount Through

Meals and Other Food and Beverage

07/01/2021




12/31/2021

or ###.##

or ###.##

Summary

Meals and Other Food and Beverage \$69,905.88

Export To:   

Details

| Lobbyist Name | Recipient | Expenditure Type | Date | Amount | |
|---|-------------------|--|-----------|---------|-----------------------------|
| ABLES, JO ANGELA | GREEN, TERESA | Meals and Other Food and Beverage DISCUSSION REGARDING FORM A FILING | 7/26/2021 | \$18.17 | View Filing |
| ALBRO, DEREK M | BINGMAN, BRIAN | Meals and Other Food and Beverage | 7/14/2021 | \$33.20 | View Filing |
| ALTSHULER, KATHERINE GUMERSON | Treat, Greg | Meals and Other Food and Beverage MEETING | 7/18/2021 | \$14.63 | View Filing |
| ALTSHULER, KATHERINE GUMERSON | Treat, Greg | Meals and Other Food and Beverage MEETING | 8/6/2021 | \$13.47 | View Filing |
| ALTSHULER, KATHERINE GUMERSON | DAVID, KIM | Meals and Other Food and Beverage MEETING | 8/6/2021 | \$9.22 | View Filing |
| ALTSHULER, KATHERINE GUMERSON | TRAN, VICTORIA | Meals and Other Food and Beverage MEETING | 8/20/2021 | \$18.33 | View Filing |
| ALTSHULER, KATHERINE GUMERSON | PAYNE, BOND | Meals and Other Food and Beverage MEETING | 9/16/2021 | \$18.30 | View Filing |
| ALTSHULER, KATHERINE GUMERSON | BINGMAN, BRIAN | Meals and Other Food and Beverage MEETING | 9/20/2021 | \$39.18 | View Filing |
| ALTSHULER, KATHERINE GUMERSON | CARTMELL, JEFFREY | Meals and Other Food and Beverage MEETING | 9/20/2021 | \$39.18 | View Filing |
| ALTSHULER, KATHERINE GUMERSON | TRAN, VICTORIA | Meals and Other Food and Beverage MEETING | 11/7/2021 | \$41.34 | View Filing |

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Page Size: 10









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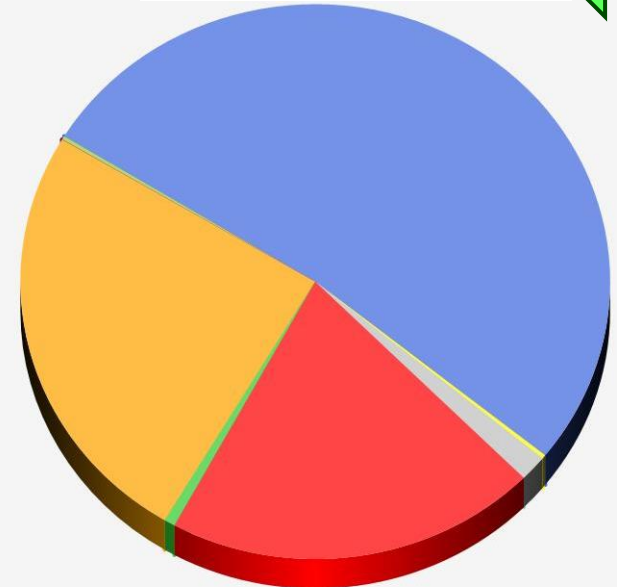
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Lobbyist Expenditures in 2023

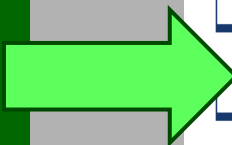
| | |
|--|--|
|  Caucus Events \$113,535.19 |  Gifts to State Officer or Employee \$1,205.36 |
|  Committee/Subcommittee Events \$3,364.95 |  Meals and Other Food and Beverage \$288,973.61 |
|  Events to which all Legislators are invited \$139,148.46 |  Out of State Events \$1,248.00 |
|  Gifts to Family Member of State Officer or Employee \$79.95 |  Plaques or Similar Gifts \$8,420.77 |

[More Quick Stats](#)



The Guardian System

TOP TEN LISTS

- 
- ▶ Lobbyist Principal Expenditures
 - ▶ Lobbyist Expenditures
 - ▶ Legislator Recipients of Gifts from Lobbyists and Lobbyist Principals
 - ▶ Non-Legislator Meals and Gifts from Lobbyists and Lobbyist Principals

The Guardian System



- ▶ **Lobbyist Principal Expenditures**

- ▶ **Lobbyist Expenditures**

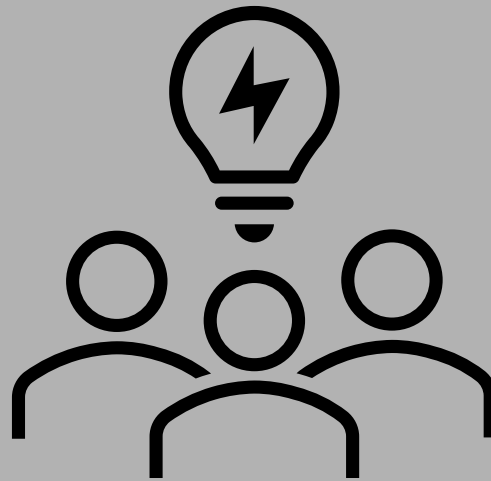
- ▶ **Legislator Recipients of Gifts from Lobbyists and Lobbyist Principals**

- ▶ **Non-Legislator Meals and Gifts from Lobbyists and Lobbyist Principals**

Election Year

2021 ▼

| Lobbyist | Lobbyist Type | Status | Total Expenditures | Last Filed On |
|---------------------------------------|---|--------|--------------------|---------------|
| WESTWOOD, KINSEY | Both Legislative and Executive Lobbyist | Active | \$16,865.26 | 1/14/2022 |
| PIATT, GREG | Both Legislative and Executive Lobbyist | Active | \$13,387.30 | 1/15/2022 |
| JERNIGAN, JULIA | Both Legislative and Executive Lobbyist | Active | \$12,364.82 | 1/10/2022 |
| WARMINGTON, CHAD M | Both Legislative and Executive Lobbyist | Active | \$10,970.53 | 1/14/2022 |
| CROUCH, EMILY ANN | Both Legislative and Executive Lobbyist | Active | \$9,655.46 | 1/13/2022 |
| HUNT, HOLLYE ANNE | Both Legislative and Executive Lobbyist | Active | \$9,240.16 | 1/14/2022 |
| NORVELL, TYLER WARREN | Both Legislative and Executive Lobbyist | Active | \$9,232.91 | 1/13/2022 |
| MILLER, DALTON | Both Legislative and Executive Lobbyist | Active | \$7,084.15 | 1/13/2022 |
| REESE, JAMES LEE | Both Legislative and Executive Lobbyist | Active | \$6,149.35 | 1/3/2022 |
| POWELL, ROBERT TYLER | Both Legislative and Executive Lobbyist | Active | \$5,893.23 | 1/2/2022 |



QUESTIONS?
