



# Legislative Candidate Guide to Campaign Finances

# INTRODUCTION

This Guide summarizes campaign finance laws applicable to candidate campaigns. This publication provides guidance on certain aspects of campaign finance laws and was written to help Osage Nation candidates comply with *The Osage Nation Election Code* and *Osage Nation Election Board Rules and Regulations*. It is not intended to replace law or to change its meaning.

The Board has the authority to impose fines for violations of ONC 12 § 14 and the Osage Nation Election Board Rules and Regulations. Fines are automatic for failing to file required reports and for filing required reports late.

## Osage Nation Election Board (Board)

### **CURRENT MEMBERS:**

Shannon Lockett, Chair

Terry Hazen, Vice Chair

Belle Wilson, Member

Corbin Dewitt, Alternate

Vacant, Alternate

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## I. CAMPAIGNING

### Separate Account Required

Before filing for office, candidates are required to establish a separate bank account to be used for campaign purposes only in the name of the candidate or the candidate's campaign.

- All donations are required to be deposited into this account, including the candidate's personal funds.
- All expenditures are required to be spent from this account except as follows:
  - Electronic transfer fees charged that cannot be deposited or spent from the campaign account shall be reported and are exempt from the Failure to Use Account fine.

***Failure to use this account for any and all donations and expenditures shall result in a fine of \$125 for the first offense and an increase of \$25 increments for each offense throughout their campaign.***

Rule 1, Sec. 4(C) and Rule 2, Sec. 5(G)

### Campaign Activities or Purposes

“Campaign activities” or “campaign purposes” means

- Selling, purchasing, or distributing campaign fundraiser tickets, including complimentary tickets
- Conducting campaign meetings
- Distributing campaign literature or materials
- Soliciting campaign assistance or support
- Producing campaign literature or materials, or storing such materials
- Traveling to or from campaign meetings
- Encouraging voters to vote for or against a candidate

Rule 1, Sec. 3(B)(3)

## 2. RESTRICTIONS

### Donation Limits

- All donations to each candidate for elective office in the Osage Nation, and the candidate's respective campaign, are limited to \$5,000 per individual donor.
- Candidates may donate to their own campaign in any amount without monetary limitation.

ONC 12 § 14-101(A)

### Corporate Donations Prohibited

Corporations are prohibited from donating to candidates for elective office in the Osage Nation, and candidate committees are prohibited from accepting any such donation. A donation not returned to the donor within 10 days is deemed accepted by the candidate committee.

ONC 12 § 14-101(B)

### Limited Liability Company and Partnership Donations

- No limited liability company or partnership that has one or more incorporated members may contribute to a candidate committee.
- A limited liability company or partnership may donate to a candidate committee when no owners are incorporated.
  - A candidate committee that receives a contribution from a limited liability company is required to report the contribution by attributing the contribution to the individual members of the limited liability company in proportions equal to the individual member's ownership interest in the limited liability company.
  - Donations to a candidate campaign shall not exceed \$5,000 per member-owner.

ONC 12 § 14-101(C)

### Donations by Current Business Partners and Appointed Officials Prohibited

- All individuals and business entities currently doing business with the Osage Nation or any of the businesses owned by the Osage Nation are strictly prohibited from donating to any candidate committee.
- All current appointed officials of the Osage Nation are strictly prohibited from donating to any candidate for elective office or candidate committee.

ONC 12 § 14-101(D)

## Donation Limits per Election Cycle

Donation limits apply to the two-year general election cycle that begins after a general election has concluded, or, if for a special election, then when the special election is announced, continuing through the conclusion of the special election.

**\*The current election cycle started on June 4, 2024.\***

**ONC 12 § 14-101(E)**

## Anonymous Donations

A candidate campaign for elective office in the Osage Nation is prohibited from accepting anonymous donations. All anonymous donations received by a candidate campaign shall be submitted to the Osage Nation Foundation as a donation for its purposes.

**ONC 12 § 14-102(A)**

## Personal Use

Campaign funds shall not be used for personal use of a candidate, employee, or volunteer of the candidate's campaign, or any third party.

**Rule 2, Sec. 3(A)**

## Funds Required to be Used for Campaign Purposes

Donations and other funds collected for a campaign by a candidate for election to the Osage government shall be used for campaign purposes or other purposes expressly allowed in this section.

**Rule 2, Sec. 3(B)**

## Minor Donations Prohibited

Minors are prohibited from making donations to candidates for elected office in the Osage Government. No person shall be allowed, nor shall any candidate accept, a donation in the name of a minor person. Minors are allowed to serve as campaign volunteers.

**Rule 2, Sec. 3(C)**

## Use of Osage Government Resources Prohibited

- The use of Osage Nation funds, time, equipment, supplies, or Osage Nation premises for campaign activities or campaign purposes is strictly prohibited, with the following exception:
  - Noon on the Friday before Election Day through 4:00 p.m. the day after Election Day, campaign materials are allowed on Osage Nation premises in the areas of the campaign campsites and **within the boundaries of each candidate's campsite only.**

### Rule 2, Sec. 4(A)

- The performance of campaign tasks or activities by Osage Nation personnel on Osage Nation time is prohibited.

### Rule 2, Sec. 4(B)

- Candidates shall contact the Office for issues with Osage Nation equipment, supplies, or premises that directly affect their campaign activities.

### Rule 2, Sec. 4(C)

- Candidate shall not use funds from the Osage Nation government or any of its subsidiaries for travel expenses to attend any meeting that is publicly presented as a candidate forum or contains a candidate forum for the next election as an agenda item.

### Rule 2, Sec. 4(D)

- The use of Osage Nation mail service for campaign purposes is prohibited, except for paid campaign advertising in the Osage News or its successor.

### Rule 2, Sec. 4(B)

### 3. REPORT REQUIREMENTS

#### Donations

All donations are required to include the following information for each donor:

- First and last names of each donor or the name of the business entity
- Employer, or indicate self-employment or unemployment, if known
- Date the donation was made to the candidate or campaign
- Amount
- Non-Monetary (In-Kind) donations require the equivalent of such amount in goods or services to be reported
- Limited Liability Company and Partnership donations require the following additional information:
  - Address
  - Occupation
  - Employer

ONC 12 § 14-101(C)(2)(a)

Rule 2, Sec. 1(G)

#### Volunteers

The general services of volunteers are not required to be reported.

Rule 2, Sec. 1(G)(6)

#### Expenditures

All expenditures are required to include the following:

- Name of the individual or vendor
- Goods or services received
- Date
- Amount

ONC 12 § 14-101(A)

#### Forms

Standard forms for campaign reporting statements will be provided that include deadlines for report filing. Forms are required to be completed electronically, except for the signature, which shall be handwritten. The balance of funds at the time of the reporting period end date must be reported.

Rule 2, Sec. 1(D), (E), and (F)

## **Bank Documentation**

Bank documentation is required to show the campaign account deposits and expenditures from the campaign reporting period start date until the end date.

**Rule 2, Sec. I(E)**

## **First Report**

The first report filed is required to include donations and expenditures from the beginning of the campaign, whether or not such campaign began before the official candidate filing period.

**Rule 2, Sec. I(B)**

## **Last Report**

The last report filed shall include outstanding donations and expenditures that have not yet cleared the campaign account.

**Rule 2, Sec. I(C)**

## 4. PENALTIES FOR VIOLATIONS

As a candidate, you alone are responsible for Campaign Finance Report filing. Failing to file a report on time or filing an incomplete report may subject you to penalties. Candidates shall make all reasonable efforts to identify the source of the campaign donations made to them and their respective campaigns.

### Report Filing Deadline

Candidates who fail to submit their campaign reporting statements by the required deadlines shall be assessed a fine of \$500. Failure to comply shall prohibit the candidate from filing for office in future elections until the fine is paid.

Rule 2, Sec. 5(E)

### Submission of Corrections Deadline

Candidates who fail to submit their corrected errors by the deadline shall be assessed a fine of \$125.

Rule 2, Sec. 5(F)

### Failure to Use Campaign Bank Account

Candidates who fail to use their campaign bank account shall be assessed a fine of \$125 for the first offence and an increase of \$25 increments for each offence throughout their campaign.

Rule 2, Sec. 5(G)

### Corporate Donations

Any candidate who is found to have violated the prohibition on accepting corporate donations shall forfeit the donation amount and pay a fine of \$1,000.

ONC 12 § 14-101(F)

### Limited Liability Company & Partnership Donations

Any candidate who is found to have violated the limited liability company and partnership member donations according to ownership reporting requirements shall forfeit the donation amount and pay a fine of \$1,000.

ONC 12 § 14-101(F)

### Donations Over the Individual Limit

Any candidate who is found to have violated the prohibition on accepting a donation over the individual limit shall forfeit the donation amount and pay a fine of \$1,000.

ONC 12 § 14-101(F)

## Osage Nation Vendor Donations

Any candidate who is found to have violated the prohibition on accepting a donation from a business or individual currently doing business with the Osage Nation shall forfeit the donation amount and pay a fine of \$1,000.

**ONC 12 § 14-101(F)**

## Anonymous Donations

Any candidate who is found to have violated the prohibition on accepting anonymous donations shall forfeit the donation amount and submit it as a donation to the Osage Nation Foundation and pay a fine equal to the donation amount to the Osage Nation Election Board.

**ONC 12 § 14-102(B)**

## Violation of Rules and Regulations Not Specified

Any candidate deemed to have violated any of the Osage Nation Election Board Rules and Regulations shall be subject to a fine of up to \$1,000.

**Rule 2, Sec. 5(D)**

## Improper Donations or Reporting

Any funds found to have been improperly donated or reported shall be subject to forfeiture and paid into the Osage Nation Election Fund.

**Rule 2, Sec. 5(B)**

## Disqualification, Removal from Race, and Voided Votes

Any candidate who commits a campaign violation may be disqualified, removed from the race, and his or her votes shall be considered void.

**Rule 2, Sec. 5(A)**

## Deadlines to Pay Fines

**WED, MAY 27** by 4:30 PM Fines issued on or before **SUN, MAY 24<sup>TH</sup>**

**TBD** by 4:30 PM Fines issued on or after MON, MAY 25<sup>TH</sup>

## Rule 2, Sec. 5(H) and (I)

## 5. FILING REPORTS

Reports must be received no later than the close of business at 4:30 p.m. on the report's due date.

### Filing Dates

Reporting Periods			
#	Start Date	End Date	Filing Deadlines
<b>C1</b>	Campaign start	FRI, FEB 6	MON, FEB 9
<b>C2</b>	SAT, FEB 7	FRI, FEB 27	MON, MAR 2
<b>C3</b>	SAT, FEB 28	FRI, MAR 27	MON, MAR 30
<b>C4</b>	SAT, MAR 28	FRI, APR 24	MON, APR 27
<b>C5</b>	SAT, APR 25	TUE, MAY 26	WED, MAY 27
<b>C6</b>	WED, MAY 27	FRI, JUN 5	MON, JUN 8

**\*Add the Filing Deadlines to your calendar to keep from missing any deadlines.\***

### Where to File

File reports with  Elections in person or by email, preferably.

PHYSICAL ADDRESS: 813 Grandview Ave. Suite 3 (West Entrance), Pawhuska, OK

EMAIL ADDRESS: [electionoffice@osagenation-nsn.gov](mailto:electionoffice@osagenation-nsn.gov)

### Board Review

- The Office verifies that the campaign finance reports comply with the provisions of Rule 2 found in the Osage Nation Election Board Rules and Regulations and submits a report of findings to the Board.
- The Board is required to:
  - Certify the report; or
  - Notify the candidate by email if any errors are found.
- Candidates who submitted their reports by the deadline are required to correct the errors and submit them to the Office within 3 business days following the date the email notification was sent by the Office.
  - If the Board rules that the errors are not corrected, the candidate shall be subject to adjudication as provided by Rule 2, Section 5(A), (D), and (E).

## 6. APPEALS PROCESS

Any candidate penalized for violating these regulations may seek reconsideration of the decision by the Board.

- Appeals are required to be submitted in writing within 2 business days after receiving the penalty notice.
- The appeal is required to detail the basis for the appeal, including all facts and legal authority supporting the appealing party's contention that the penalty is unwarranted.
- Supporting documentation, including affidavits, photographs, and any other documentary evidence, is required to be attached.
- The appealing party bears the burden of proof.

The Election Board is required to issue a written decision within 5 business days following the filing of the appeal and notify the appealing party of the decision in writing.

Rule 2, Sec. 5(K)

## 7. FORM INSTRUCTIONS

### HOME Tab

1. Enter the candidate's name in the first red box.
2. Enter the office that the candidate is seeking in the second red box.
3. Enter the candidate's campaign start date in the third red box.
  - a. The start date for each candidate will be different.
  - b. The list below includes, but is not limited to, contributing factors that may help determine the campaign start date:
    - i. Date that the candidate publicly announced they are seeking office – this could have been documented somewhere in the newspaper, social media, etc.
    - ii. Date that the candidate opened their campaign bank account
    - iii. Date that the candidate received their first donation
    - iv. Date that the candidate made their first expenditure
    - v. Date that the candidate filed for office
4. **REMEMBER:** Once you have completed entering your transaction data, you can go to the DOES YOUR REPORT MATCH YOUR BANK DOCUMENTATION? section, which should help you check for errors.
  - a. It is ultimately the candidate's responsibility to make sure their report is accurate before submission.

### Transactions Tab

1. Using the online banking site for the campaign bank account, export the transactions into a spreadsheet.
2. After export, make sure your spreadsheet columns are in the following order, LEFT to RIGHT:
  - a. Date
  - b. Description
  - c. Credit or Debit
  - d. Amount
3. Select the transactions across the 4 columns in the exported spreadsheet, copy, and paste them into the Transactions Tab.
4. Each transaction listed needs to be assigned the Report # and Category.
  - a. Remember the Report # is based on which reporting period you are submitting a report for.

b. The Category is based on whether the transaction is a debit or credit and further defined by what type of donation or expenditure it is.

- i. The HOME tab has a reference list titled “Report Categories” that you can use to help determine the Category and is also listed below:

1. CREDIT
  - a. Monetary Donation
  - b. Electronic Donation
  - c. Candidate Self-Donation
  - d. LLC / Partnership Member Donation
  - e. Refund / Credit
2. DEBIT
  - a. Expenditure
  - b. Self-Donation Returned to Candidate
3. NOT IN BANK DOCUMENTATION
  - a. Electronic Donation Transfer Fee
  - b. Non-Monetary (In-Kind) Donation
  - c. Line of Credit Expenditure
    - i. Once you make a line of credit payment, the transaction will become an expenditure and appear as a debit to the vendor the line of credit is with.
    - ii. **REMEMBER:** All campaign expenditures are required to be spent from the candidate’s campaign bank account! The total amount of Line of Credit Expenditures reported must be paid off in full from the campaign bank account.

5. Enter the reporting requirements for each transaction, which can be found on the HOME tab, on Page 7 of this document, and also listed below:

- a. **REMEMBER:** The transactions that do not appear in the campaign bank account documentation that are still required to be reported are:
  - i. Electronic Donations Transfer Fees
  - ii. Non-Monetary (In-Kind) Donations
  - iii. Line of Credit Expenditures
- b. Donations
  - i. All donations are required to include the following information for each donor:

1. First and last names of each donor or the name of the business entity
2. Employer, or indicate self-employment or unemployment, if known
3. Date the donation was made to the candidate or campaign
4. Amount
5. Non-Monetary (In-Kind) donations also require the equivalent of such amount in goods or services to be reported

- ii. Donations from Limited Liability Company and Partnership Members require the following additional information:
  1. Address
  2. Occupation
  3. Employer

- c. Expenditures
  - i. All expenditures are required to include the following:
    1. Name of the individual or vendor
    2. Goods or services received
    3. Date
    4. Amount
6. All transactions through the entirety of the campaign can be entered in the Transactions tab. Only transactions for the Report # selected on the Summary tab appear when viewing the individual Category tabs.

## Summary Tab

1. Select the Report # that is being submitted.
2. Enter the campaign bank account beginning and ending bank balances.

## Report Submission

- I. The Summary page is required to be printed and have the candidate's handwritten signature.
  - a. If you do not have access to a printer, you may have the Election Office print the report for you to sign before filing.
    - i. All pages of your report will be printed so that you can review the report that is being submitted for completeness.
    - ii. The Office will not review the report for completeness at the time of filing for you, so if you are missing a page, it is your responsibility to ask for it to be printed.

- b. If you printed and signed the Summary page yourself, you can submit it by scanning and emailing it to the Office along with the individual category pages.
2. The individual category pages can be submitted by:
  - a. Converting each tab to a PDF
    - i. **REMEMBER:** When converting each tab, you will need to use the custom pages option to enter the exact number of pages that contain transaction data that you need to submit.
      1. The formatting continues for at least 15 pages, so if you only have information showing on 2 pages, you will need to enter pages 1-2 before converting.
      2. Do not submit pages that do not contain transaction data!
  - b. You can also print the pages yourself using the same instructions from above to enter the exact number of pages that contain transaction data.
    - i. This would allow you to scan all of the pages of your report into one PDF document to submit by email.
3. The report will be stamped as received, and a copy will be emailed to you, or you can ask for a paper copy to be made if submitting your report in person.