

PEOPLE UNITED for PRIVACY FOUNDATION

January 14, 2026

Via Electronic Mail

Oklahoma Ethics Commission
ATTN: Chair Justin Meek
2300 N. Lincoln Boulevard
Room G-27
Oklahoma City, OK 73105

RE: Amendatory Ethics Rule 2.79's Dubious Constitutionality and Harm to Nonprofit Advocacy and Associational Privacy

Dear Chair Meek and Commissioners of the Oklahoma Ethics Commission:

On behalf of People United for Privacy Foundation,¹ we write to express our strong concerns with Amendatory Ethics Rule 2.79 proposed by Oklahoma Ethics Commission Rule Amendment 2025-03, which seeks to vastly expand the existing statutory definition of “political action committee” (PAC). These changes, currently scheduled for consideration at the Commission’s January 15, 2026 regular meeting, will trap the unwary and wreak havoc on the civic engagement of Oklahoma’s nonprofit sector. If enacted, the new Rule will also violate the First Amendment.

Amendatory Ethics Rule 2.79 dramatically expands the power of the Oklahoma government over its people and their projects. Under current law, “any group of two or more persons” constitutes a PAC if they satisfy certain conditions. The proposed amendment would strip that coalition component and transform any organization – “whether or not incorporated” – into a PAC if it makes contributions, independent expenditures, electioneering communications, or simply voices an opinion on a ballot measure.² This is an intolerable imposition on the First Amendment, which shields “privacy of association and belief” from the heavy hand of government regulation.³

The effects of this change would be wide-ranging. Any corporation, union, trade association, or membership organization would be converted into a PAC upon the spending of \$1,000.⁴ The PAC would need to abide by the Commission’s treasurer and depository account requirements.⁵ It would have to file granularly detailed quarterly reports on its spending with the Commission, including

¹ People United for Privacy Foundation’s vision is an America where all people can freely and privately support ideas and nonprofits they believe in, so that all sides of a debate will be heard, individuals won’t face retribution for supporting important causes, and all organizations maintain the ability to advance their missions because the privacy of their supporters is protected.

² See “2026 Proposed Rule Amendments – AMENDATORY Ethics Rule 2.79,” Oklahoma Ethics Commission. Available at: <https://oklahoma.gov/content/dam/ok/en/ethics/documents/notice-of-hearings/rules/2026%20Rule%20Package.pdf> (Jan. 14, 2026) at 6.

³ *Buckley v. Valeo*, 424 U.S. 1, 64 (1976) (*per curiam*).

⁴ See Rule 2.80. (When to File a Political Action Committee Statement of Organization.) “Oklahoma Ethics Law – A Compilation of: Constitutional Provisions, Statutes, Ethics Rules (Version 2025.1),” Oklahoma Ethics Commission. Available at: <https://oklahoma.gov/content/dam/ok/en/ethics/documents/resources/laws/EthicsCommissionCompilationRules.pdf> (June 1, 2025) at 83.

⁵ *Id.* Rules 2.94. (Campaign Depository in Financial Institution.) and 2.95. (Campaign Depository Account Requirements.) at 88-89.

providing the “name, address, occupation and employer of any person” other than another PAC that contributed over just \$50 during the reporting period.⁶

This is particularly troubling given the unbounded conception of a “contribution” under Oklahoma law – defined as “any . . . payment, distribution or deposit of money made to . . .” a “political action committee.”⁷ So long as PACs were defined as coalition vehicles made of two or more persons, this ensured that normal commercial transactions to going concerns, regular union dues payments, rote church contributions, unearmarked donations to nonprofits, and the like were protected from the grasping hands of government and the doxing impulses of the public. If Amendatory Ethics Rule 2.79 becomes law, this certainty will be broken – courtting chaos and chilling beneficial economic, educational, and political activity throughout the State.

The chilling effect will be twofold. Any Oklahoman who might worry about accidentally being revealed as a supporter of a PAC will cease giving to any group that might engage in issue or political advocacy. In these days of political polarization, cancellation mobs, and targeted violence, who wants to give sixty bucks to an unincorporated neighborhood food bank on the off-chance that organization might decide that quarter to put a few dollars behind a measure on abortion, taxes, or homelessness policy? Groups will inevitably cease involvement in civic and political life – not wishing to lose financial lifelines, risk having their contractor payments to a for-profit made public record, or exposing the names of rank-and-file union members or out-of-state allies to online harassment.

Worse still, by expanding the base of disclosing organizations while burrowing down to the mere \$50 contributor, Oklahoma risks *misinforming* its electorate. As the U.S. Court of Appeals for the D.C. Circuit explained in rebuffing a similar effort to expand donor disclosure:

Imagine the following not unlikely scenario. A Republican donates \$5,000 to the American Cancer Society (ACS), eager to fund the ongoing search for a cure. Meanwhile, Republicans in Congress, aware of a growth in private donations to ACS, push for fewer federal grants to scientists studying cancer in order to reduce the deficit. In response to their push, the ACS runs targeted advertisements against those Republicans, leading to the defeat of several candidates in the upcoming election. Wouldn’t a rule requiring disclosure of ACS’s Republican donor, who did *not* support issue ads against her own party, convey some misinformation to the public about who *supported* the advertisements?⁸

This is unconstitutional, of course. The First Amendment, which applies to Oklahoma by virtue of the Fourteenth, protects donor privacy.⁹ And the State cannot avoid that result by claiming that it is merely regulating campaign finance. The U.S. Court of Appeals for the Tenth Circuit, which oversees federal cases arising from Oklahoma, has flatly ruled that forcing PAC status on a group spending \$3,500 on a ballot question violated the First Amendment.¹⁰ Amendatory Ethics Rule 2.79 upsets far more activity for far less spending.

⁶ *Id.* Rule 2.105. (Report Requirements for Political Action Committee.) at 97-101.

⁷ See Rule 2.2(6). (Definitions. “Contribution.”). “Annotated Ethics Rules (Version 2025.1),” Oklahoma Ethics Commission. Available at: <https://oklahoma.gov/content/dam/ok/en/ethics/documents/resources/laws/ANNOTATEDEthicsCommissionRules.pdf> (June 1, 2025) at 30.

⁸ *Van Hollen v. Fed. Election Comm’n*, 811 F.3d 486, 497 (D.C. Cir. 2016) (emphasis in original).

⁹ *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595 (2021); *NAACP v. Ala.*, 357 U.S. 449 (1958).

¹⁰ *Coal. for Secular Gov’t v. Williams*, 815 F.3d 1267 (10th Cir. 2016).

As anyone with even a modest understanding of American history knows, government monitoring of lawful political activity is dangerous. Requiring the reporting of a citizen's contributions is especially so as "financial transactions can reveal much about a person's activities, associations, and beliefs."¹¹

It's reason enough not to adopt Amendatory Ethics Rule 2.79 because the First Amendment forbids it. But in an era of doxing, harassment, and political violence, there's especially no need to promulgate this ill-considered attack on donor privacy and civic engagement. **For the above reasons, People United for Privacy Foundation urges the Commission to rescind and reject Amendatory Ethics Rule 2.79.**

Sincerely,



Matt Nese
Vice President
People United for Privacy Foundation



Zac Morgan
Senior Fellow
People United for Privacy Foundation

¹¹ *Buckley*, 424 U.S. at 66 (quoting *Cal. Bankers Ass'n v. Shultz*, 416 U.S. 21, 78-79 (1974) (Powell, J., concurring)).