Dear Ohioans:

Our democratic system calls for full disclosure and transparency in campaign contribution filings. The success of our democracy depends on all involved being aware of and playing by the rules.

This guide was developed to help you meet your campaign finance reporting obligations. The information is specific to your type of reporting entity and contains links to Ohio Revised Code and other resources you may find helpful.

If you need further assistance, please contact your local county board of elections or the Secretary of State’s Campaign Finance Division at (614) 466-3111.

Sincerely,

[Signature]

Jon Husted
Ohio Secretary of State
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DEFINITIONS

It is important to begin this publication with a review of the definitions for some of the most significant terms that will be used throughout each chapter. Though not exhaustive of all campaign finance-related terms, this chapter will highlight those which are most frequently used within this publication and in most practical and operational applications.

Abbreviations used throughout book:

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEC</td>
<td>Federal Election Commission</td>
</tr>
<tr>
<td>LCF</td>
<td>Legislative Campaign Fund</td>
</tr>
<tr>
<td>OAG</td>
<td>Ohio Attorney General</td>
</tr>
<tr>
<td>PAC</td>
<td>Political Action Committee</td>
</tr>
<tr>
<td>R.C.</td>
<td>Revised Code</td>
</tr>
<tr>
<td>FSL</td>
<td>Federal, State and Local</td>
</tr>
<tr>
<td>OAC</td>
<td>Ohio Administrative Code</td>
</tr>
<tr>
<td>OEC</td>
<td>Ohio Elections Commission</td>
</tr>
<tr>
<td>PCE</td>
<td>Political Contributing Entity</td>
</tr>
</tbody>
</table>

Auditing Authority

The secretary of state or the county board of elections, as appropriate.

The local county board of elections normally audits campaign committees of candidates for local office, local political action committees, local political contributing entities and those accounts of a local political party which are not filed electronically. Campaign committees of candidates for statewide and general assembly offices, statewide political action committees, statewide political contributing entities, statewide political parties and legislative campaign funds are audited by the secretary of state's office. However, the secretary of state has the authority to investigate any campaign finance-related issue, whether it is at the local or state level.

Complaints of alleged violations of campaign finance law are filed with the OEC which has original jurisdiction to hear complaints, find violations, and impose penalties - see Chapter 14, Ohio Elections Commission.

Ballot Issue Political Action Committee

The circulator or committee in charge of an initiative or referendum petition for a statewide ballot issue that is established to receive contributions or make expenditures.

[R.C. 3517.12 (A) & (C); OAC 111-4-11]
Campaign Committee

A candidate or a combination of two or more persons authorized by a candidate to receive contributions and make expenditures.

A campaign committee is the entity through which funds are raised, spent and disclosed when candidates run for office.

[R.C. 3517.01 (B)]

Candidate

A person who has been certified to appear on a ballot or a person who has received contributions or made expenditures or has appointed a campaign treasurer.

The combination of two people running for governor and lieutenant governor is considered a single candidacy. Persons who are write-in candidates are also considered candidates.

People running for county or state party central committee, presidential electors, national convention delegates and charter commission members are not candidates and are not subject to campaign finance reporting.

[R.C. 3501.01(H), 3517.01(B)(3); 64 OAG 1512]

Contribution

A loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, transfer of funds or transfer of anything of value including a transfer of funds from an inter vivos or testamentary trust or a decedent’s estate that occurs for the purpose of influencing the results of an election.

A contribution does not include unreimbursed personal expenses of volunteers, ordinary home hospitality, or personal expenses paid for by a candidate from the candidate’s personal funds. A contribution is received when any candidate or any agent of a committee or other entity gains possession of it.

[R.C. 3517.01(B)(5), 3517.08]

Individuals under the age of seven years are prohibited from making any contribution.

[R.C. 3517.102 (B)(1)(c)]
Debt

Goods or services that have been received by or on behalf of the committee for which full payment or reimbursement has not yet been made.

Disclaimer

The portion of a political message that identifies the name and address of the person or entity that paid for the item on which the disclaimer appears.

A disclaimer must appear on almost everything that is created in an attempt to influence an election, including electronic messages. However, individuals acting alone to disseminate material and certain political action committees limited in size and amount of expenditure activity are not required to include a disclaimer. Candidates are not considered individuals for purposes of the disclaimer requirement. Personal correspondence that is not reproduced for distribution does not need a disclaimer. Political parties do not need to include addresses as part of their disclaimers. Candidate campaign committees do not need to include address or officer information.

[R.C. 3517.105, 3517.20; OAC 111-5-19; OEC Advs. 96ELC-10 and 2012ELC-04]

Earmarked Contribution

A contribution received by a person, candidate or reporting entity from another person or entity with the understanding that the contribution is to be passed on to another candidate or reporting entity.

If this occurs, and the intermediate recipient is not a reporting entity, the intermediate recipient must inform the ultimate recipient of the original source of the contribution. If the intermediate recipient is a reporting entity, the intermediate recipient must not only inform the ultimate recipient of the original source of the contribution, but must also reflect in his or her own report from whom the contribution was originally received and for whose benefit the contribution was given. The ultimate recipient must report the original source of the contribution as well as the intermediate recipient’s role in receiving and passing on the contribution. Earmarked contributions are subject to all applicable contribution limits.

[R.C. 3517.13(G)]
Electioneering Communication

Any broadcast, cable or satellite communication that refers to a clearly identified candidate and that is made within 30 days of an election.

Any person intending to make a disbursement for the direct costs of producing or airing electioneering communications must file a notification of that intent with the secretary of state prior to making the disbursement.

[R.C. 3517.1011(C); OAC 111-4-10]

Electioneering communication does not include web-based communication, print media, or printed materials.

Expenditure

The disbursement or use of a contribution for the purpose of influencing the results of an election or for making a charitable donation.

[R.C. 3517.01(B)(6), 3517.08 (G)]

Foreign Nationals

Foreign governments, foreign corporations, foreign partnerships, individuals with foreign citizenship and immigrants without a green card.

Foreign nationals are prohibited by law from making political contributions to influence any candidate election. Candidates, campaign committees and all other political entities are prohibited from soliciting or accepting anything – including a monetary contribution, in-kind contribution, or independent expenditure – from a foreign national. Immigrants with a green card may make political contributions.

[2 U.S.C. 441e; R.C. 3517.13 (W)]

Gift

A “gift” is the terminology given to the source of funding for the Restricted Fund of a state or county political party and the Levin fund of a state political party. Since these accounts cannot be used to support or oppose any particular candidate, the term “contribution” is not an appropriate description for the income on these accounts.
Chapter 1: Definitions

In-Kind Contribution

Anything of value, other than money, that is used to influence the results of an election.

Examples include postage, signs, receiving office space without paying rent, the assistance of personnel compensated by a third party or the purchase of media advertising by a third party on behalf of a committee. To qualify as an in-kind contribution, the item or service must have been made with the consent of, in coordination, cooperation or consultation with, or at the request or suggestion of, the benefited candidate, committee, fund, party or entity. In-kind contributions received are considered a form of a contribution, and, therefore, subject to all laws or rules regarding contributions.

\[ R.C. \, 3517.01(B)(16) \]

Independent Expenditure

An expenditure made to advocate the election or defeat of a candidate or a ballot issue without the consent of, and not in coordination, cooperation or consultation with, or at the request or suggestion of, the candidate, campaign committee, or ballot issue.

\[ R.C. \, 3517.01(B)(17); \, 3517.105 \, (C); \, OAC \, 111-3-02 \]

Any expenditure by a political party for the purpose of financing communications advocating the election or defeat of a candidate for judicial office shall be deemed to be an independent expenditure. As such, the benefiting judicial candidate campaign committee has no requirement to disclose the communications cost.

\[ R.C. \, 3517.105 \, (D) \]

Legislative Campaign Fund

A fund that is established as an auxiliary of a state political party and that is associated with one of the caucuses of the General Assembly.

\[ R.C. \, 3517.01(B)(15) \]

Loan

Money received and deposited into a committee’s bank account for which repayment is expected.

A loan is a contribution made by a guarantor to the extent that it remains unpaid. For campaign finance reporting purposes, a loan is considered a contribution and is therefore subject to contribution limits. A loan made by a bank or other lending institution is not considered a contribution.

\[ OAC \, 111-1-03, \, OEC \, Adv. \, 98ELC-03 \]
Multi-beneficiary Campaign Committee

A single campaign committee formed to represent multiple candidates.

When a board or commission or other similar body of elected officials has multiple open positions at the same election, two or more candidates may join together and form a multi-beneficiary campaign committee to act as their sole campaign committee.

[R.C. 3517.081 (B)]

Ohio Elections Commission

A body empowered to hear alleged violations of campaign finance law contained in R.C. 3517.08 - 3517.13, 3517.17, 3517.18, 3517.20 - 3517.22, 3599.03 and 3599.031 and to give advisory opinions concerning campaign finance law. Comprised of seven members, the commission has 3 Democrats, 3 Republicans and 1 member unaffiliated with a political party.

[R.C. 3517.152, 3517.153]

Although a board of elections, the secretary of state’s office, or an individual may file a campaign finance related complaint, only the OEC may find a violation of campaign finance law and impose a penalty. Please see Chapter 14, Ohio Elections Commission for more information.

Political Action Committee (PAC)

A combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate, political party, or issue, or to influence the result of any election through express advocacy.

A PAC does not include candidate committees, legislative campaign funds, political parties, political contributing entities or political clubs.

To determine whether a purpose is a primary or major purpose, the following should be considered:

» Whether the combination of two or more persons receives money or any other thing of value in a common account for the specific purpose of supporting or opposing any candidate, political party, legislative campaign fund, political action committee, political contributing entity or ballot issue.

» Whether the combination of two or more persons has or will make a continuing pattern of expenditures from a common account to support or oppose any candidate, political party, legislative campaign fund, political action committee, political contributing entity or ballot issue.
Chapter 1: Definitions

» Whether the combination of two or more persons constitutes an entity that was not in existence prior to supporting or opposing any candidate, political party, legislative campaign fund, political action committee, political contributing entity or ballot issue.

» Whether the total dollar value of the combination of two or more persons’ activity described in the above paragraphs during a calendar year exceeds $100.

[R.C. 3517.01(B)(8); OAC 111-1-02(K)(1)]

A “combination of two or more persons” does not include persons making separate individual contributions to the same campaign committee, political party or other entity.

[OAC 111-1-02 (K)(2)]

Political Club

An organization excluded from the definition of a “political action committee” and having the following attributes:

» is formed primarily for social purposes;

» consists of 100 members or less;

» has officers and periodic meetings;

» maintains less than $2,500 in its treasury at all times; and,

» makes no more than $1,000 in total contributions, to influence the outcome of an election, per calendar year.

Notwithstanding its name, a “political club” is not necessarily required to have any affiliation with any political party.

[R.C. 3517.01(B)(8)(b); OAC 111-1-02 (L)]

Political Contributing Entity

Any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures to influence the outcome of an election.

Currently, only labor organizations may make contributions and expenditures in accordance with the decision in UAW et al. v. Philomena, et al. (1998) 121 Ohio App. 3d 760 (10th District). Corporations may not currently be PCEs.

[R.C. 3517.01 (B)(25)]
Political Party

A major political party is any group of voters that garners and maintains at least 5% of the total vote in a gubernatorial or presidential election. Both the Democratic party and the Republican party are major political parties in the state of Ohio. In addition to having a statewide party apparatus, each major political party has separate, local organizations in each of Ohio’s 88 counties.

[R.C. 3517.01 (A)]

Treasurer

An individual appointed by a candidate, political action committee, political contributing entity, political party or legislative campaign fund to receive, deposit and disclose contributions, make and disclose expenditures and file periodic reports of campaign finance activity.

A treasurer is required to keep a strict account of all contributions received and expenditures made. Any reasonable accounting procedure may be employed by the treasurer to ensure a full, complete and accurate account of all financial and disclosure information. The treasurer must preserve all records and accounts for six years after each periodic report has been filed.

[R.C. 3517.01 (B)(2), 3517.081, 3517.10 (D); OAC 111-5-14]
CANDIDATES

What to Do First

Before receiving any contribution or making any expenditure, a potential candidate must file a *Designation of Treasurer (Form 30-D)*. This is considered a “registration” form and includes basic information such as the candidate’s name and address, the campaign committee’s name, the office sought and the name of the treasurer and any deputy treasurers. The candidate must either designate himself or another person as the campaign committee treasurer. The candidate must, and the treasurer should, sign the *Designation of Treasurer form*. Candidates are responsible to update/amend this information as necessary (e.g., change in treasurer or change of committee name or change of address).

\[R.C.\ 3517.081,\ 3517.10(D)\]

Candidates who only spend their own personal funds still must file a *Designation of Treasurer form* prior to making out-of-pocket expenditures related in any way to their campaign. However, the use of personal funds to pay the filing fee to run for office does not require the filing of a *Designation of Treasurer form*. Please see the *Filing Fee Only Candidate* section in this chapter for more information.

\[OAC\ 111-5-01\]

Bank Account

A campaign committee must establish a bank account that is separate from a personal or business account of the candidate, or of a member of the candidate’s campaign committee. All monetary campaign contributions received must be deposited into this account. All contributions received and deposited, and all expenses paid from this account must be disclosed.

\[R.C.\ 3517.10\]

Campaign contributions may not be placed in a candidate’s personal or business account.

A federal identification number may be required by the committee’s chosen financial institution. This number is issued by the Internal Revenue Service upon request.
Where to File Reports

The office for which the candidate is running determines where campaign finance reports are filed. Candidates running for governor/lieutenant governor, attorney general, secretary of state, treasurer of state, auditor of state, supreme court justice or state board of education member must file their campaign committee reports with the secretary of state's office.

\[ R.C.3517.11, 3513.259 \]

Similarly, campaign committees for candidates for member of the general assembly or candidates for the courts of appeals are subject to electronic filing with the secretary of state. Electronically filed reports are not additionally required to be produced and/or filed in paper form. See Chapter 11, Electronic Filing, for more information.

All other candidates file their reports with the county board of elections in the county in which they are running for office. State law neither requires nor permits a local candidate's campaign committee which submits campaign finance reports at the local county board of elections to file electronically.

\[ R.C. 3517.11(A) \].

A committee that must change its place of filing does so by first filing an amended Designation of Treasurer form. The original copy of the amended Designation of Treasurer form should be filed with the new place of filing. A photocopy should be sent to the prior place of filing, with a notation or letter clearly indicating that the form is intended as a termination for purposes of filing at that location.

Federal political committees, which include a campaign committee's name of a candidate for federal office, file reports with the Federal Election Commission. However, when a federal political committee makes a disbursement to an Ohio non-federal candidate's campaign committee, the federal candidate committee must disclose this information to the secretary of state's office.

\[ R.C. 3517.107 \]

When to File Reports

Campaign committee reports are due based on when the candidate's name appears on the ballot.

For example, if the name of the candidate does not appear on a ballot, no pre- or post-election report is required.

\[ R.C. 3517.10(A) \]

All reports must be physically received at the secretary of state or county board of elections office to meet the filing deadline requirement. A report postmarked but not received by the deadline is a late filing and must be referred to the Ohio Elections Commission.
A **pre-election** report is due by 4:00 p.m. on the 12th day before an election (primary, general or special) if $1,000 or more was spent or received between the time the last report was filed and the 20th day before the election, if the candidate appears on the ballot at that election. The $1,000 threshold includes monetary and in-kind contributions along with the value of any new loans received during the reporting period.

[R.C. 3517.10(A)(1)]

**Examples:**

The campaign committee of a candidate who will appear on the ballot has raised $800 in contributions and has made $300 in expenditures during the pre-election filing period. This committee is not required to file a pre-election report.

The campaign committee of a candidate who will appear on the ballot has raised $1,200 in contributions and has made $300 in expenditures during the pre-election filing period. This committee must file a pre-election report.

A **post-election** report is due by 4:00 p.m. on the 38th day after the election if the candidate appeared on the ballot. A post-general report covers all activity not previously reported through the 31st day after the election. Any campaign committee whose candidate appeared on the ballot must file a post-election report.

[R.C. 3517.10(A)]

A **semiannual** report is due by 4:00 p.m. on the last business day of July showing all activity since the last report through June 30 and should reflect only the activity that has occurred since the previous report was filed. The campaign committee of any statewide or county candidate must file the semiannual report in a year when the candidate does not appear on an election ballot.

**Exceptions and exclusions:**

» A semiannual report is not required if the campaign committee was required to file a post-primary election report in that year (because the candidate’s name appeared on the ballot).

» Campaign committees of candidates for judicial office are not required to file a semiannual report in any year.

» The campaign committee of a candidate for any non-statewide, non-county or non-judicial office (e.g. mayor, city council, township trustee, etc.) is not required to file a semiannual report unless that campaign committee **both:**

  » Receives, during the semiannual reporting period, contributions **exceeding** ten thousand dollars.

  » Did not file a post-primary election report.

[R.C. 3517.10(A)(4); OAC 111-5-04]
An annual report is due by 4:00 p.m. on the last business day of January showing all activity since the last report through December 31 and should reflect only the activity that has occurred since the previous report was filed. An annual report must be filed by a campaign committee that was not required to file a post-general election report.

[R.C. 3517.10(A)(3); OAC 111-5-04]

A campaign finance report can be filed even if one is not required to be submitted. This option allows a filing entity the flexibility of disclosing more frequently and, possibly, avoiding a late filing or completely failing to file a required report.

Local Candidate Waiver of Reporting Requirements

A candidate's campaign committee may be exempt from the requirement to file campaign finance reports during an election year (except for the Designation of Treasurer form) if the candidate is running for:

1. An elected municipal office that pays an annual amount of compensation of $5,000 or less.
3. An educational service center office, except for state board of education office.
4. A township trustee or township fiscal officer office.

In order to qualify for the Local Candidate Waiver form, the campaign committee of a candidate seeking election to the office listed above must file a certificate within 10 days after filing a candidacy petition. This certificate is prescribed as form No. 31-BB, Local Candidate Waiver, which requires the treasurer to agree that the campaign committee will not accept more than $2,000 of aggregate contributions during an election period and no more than $100 from any one individual and that the committee will not make expenditures that total more than $2,000. If the campaign committee exceeds any of those limitations, the certificate is void and the campaign committee is thereafter responsible for filing all required reports including all activity occurring since the candidacy petition was filed. The $100 per individual contribution restriction does not apply to contributions made from the personal funds of the candidate.

[OAC 111-1-09]

The Local Candidate Waiver form covers activity occurring through the post-general reporting period of the year in which the waiver is filed. After that election year, the campaign committee must either terminate or begin filing campaign finance reports as prescribed by section 3517.10 of the Revised Code.

[R.C. 3517.10(K); OAC 111-1-09]
A campaign committee that qualifies for and operates under the conditions of the waiver is exempted from filing reports, but is not exempted from keeping a strict and accurate accounting of all campaign finance activity and preserving that information for six years, should there arise any need to examine disclosed information.

[R.C. 3517.10 (D)(2); OAC 111-5-14]

If a candidate has not filed a Designation of Treasurer form to establish a campaign committee, then there is no need to file a Local Candidate Waiver form. By not filing a Designation of Treasurer form a candidate indicates he/she will not receive or expend any funds – even their own – to influence the outcome of their election.

**Short Form Report**

If a candidate has no activity before January 1 of the year in which he or she appears on the ballot, and spends $500 or less and receives $500 or less in the year he or she appears on the ballot, then only the cover page of a campaign finance report is required to be filed. If all of these criteria are met, the candidate may file a Short Form Report composed of only an Ohio Campaign Finance Report Cover Page (form 30-A) at either the post-primary or post-general filing deadline.

If the candidate lost the primary, then the committee must also terminate to qualify to file only a Short Form Report comprised of only an Ohio Campaign Finance Report Cover Page for his/her post-primary report. If a Short Form Report is filed for the post-general, then the committee must simultaneously terminate.

Whenever a Short Form Report is filed, the portion of the form that contains lines to indicate total amounts should be completed.

If the candidate does not qualify for the Short Form Report, then a full campaign finance report must instead be filed.

[R.C. 3517.10(H)]

**State and County Central Committee**

For the purpose of compliance with Ohio’s campaign finance disclosure law, “candidate” does not apply to candidates for election to the offices of member of a county or state central committee, presidential elector, and delegate to a national convention or conference of a political party.

[R.C. 3517.01 (B)(3)]
Report Forms

All reporting forms, along with instructions for their use, are available at the secretary of state's website: www.OhioSecretaryofState.gov

Filers may choose to download the forms and use them for creating reports eligible for filing in paper form. Filers may choose to create their own forms for use in paper filing, with the approval of the secretary of state's office, as long as they are substantially similar to the forms prescribed by the secretary of state's office.

[OAC 111-5-11]

Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms to:

OHIO SECRETARY OF STATE
CAMPAIGN FINANCE DIVISION
180 E. BROAD ST., 15TH FLOOR
COLUMBUS, OH 43215

GENERAL RULES

Treasurer Duties and Liability

Generally, the candidate, treasurer, and any appointed deputy treasurer are legally responsible for campaign finance reporting requirements. The treasurer is appointed by the candidate and is responsible for keeping detailed records of everything received, given or expended. A treasurer may appoint one or more deputy treasurers to assist in the accounting, record-keeping and disclosure responsibilities. Each report must contain a statement that the report is complete and accurate, subject to the penalty for election falsification. Whoever commits election falsification is guilty of a fifth degree felony. The cover page of every report filed must be signed by the treasurer or a deputy treasurer. The candidate's signature is not sufficient unless he or she is the treasurer or deputy treasurer. A treasurer or the candidate, if no treasurer is appointed, must retain accurate records of all activity for six years.

[R.C. 3517.081, 3517.10(A) and (D), 3517.13(O)-(R), 3517.992(A), 3599.36; OAC 111-5-12, 111-5-14]
Federal Candidates

Federal law governs campaign finance in federal elections. However, to the extent Ohio campaign practices are not preempted by federal law, Ohio law may apply to federal candidates. Such determination must be made on a case-by-case basis. Questions regarding federal law may be answered by the Federal Election Commission.

[F.C. 3513.261, 3517.107]

Filing Fee Only Candidate

The payment of a filing fee by the candidate from the candidate's own funds is not considered either a contribution or an expenditure that would require the filing of a Designation of Treasurer form. Therefore, a candidate who receives no contributions and makes no expenditures, except for the filing fee paid from his own personal funds, is not required to file the Designation of Treasurer form and create a campaign committee. A candidate who is not required to file a Designation of Treasurer form – because no contributions will be received or expenditures made – is not subject to the reporting requirements. However, if the candidate has filed a Designation of Treasurer, payment of a filing fee is an ordinary and legitimate campaign expenditure and may be paid by campaign committee funds and reported as a normal expenditure.

[F.C. 3517.10; OAC 111-5-01]

Judicial Candidates/Canon 4 of the Code of Judicial Conduct

Judicial candidates are subject to Ohio campaign finance law. However, the Ohio Supreme Court has also issued special rules for judicial candidates under Canon 4 of the Code of Judicial Conduct, including special contribution limits and expenditure limits. For more information on judicial candidate requirements, please visit the Ohio Supreme Court's website: www.supremecourt.ohio.gov/Judiciary/candidates

Multi-beneficiary Campaign Committee

This statutory provision provides express permission for the creation and operation of a single campaign committee to represent multiple candidates. All of the following criteria must be met when creating a multi-beneficiary committee:

1. Each candidate seeks the same office at the same election and the office is a member of a board or commission or other similar body of elected officials with multiple members (example: two candidates running for four open school board seats).

2. The number of candidates in the multi-beneficiary committee does not exceed the number of open positions.
3. The candidates jointly designate one of the candidates or one member of the campaign committee as the treasurer of that campaign committee and file a combined *Designation of Treasurer form*.

The following, additional conditions are placed on a multi-beneficiary campaign committee:

1. The candidates jointly file all reports.
2. The multi-beneficiary committee must terminate if:
   a. The candidates disagree on the appointment or removal of the treasurer.
   b. Any of the candidates withdraw or otherwise end their candidacy.
   c. Any of the candidates leave to create their own campaign committee.

Prior to the termination, the multi-beneficiary campaign committee must dispose of its balance on hand by doing any of the following:

1. Giving the amount to the Ohio Elections Commission fund.
2. Giving the amount to individuals who made contributions as a refund of all or part of their contribution.
3. Giving the amount to a tax-exempt organization.

No monies in a multi-beneficiary campaign committee may be contributed or transferred into any candidate’s individual campaign committee.

[R.C. 3517.081]

### Naming a Campaign Committee

A campaign committee must include at least the last name of the candidate. If a campaign committee is established as a multi-beneficiary campaign committee, the last name of each benefiting candidate must be included in the name of the campaign committee.

[R.C. 3517.10(D); OAC 111-1-04]
Chapter 2: Candidates

One Campaign Committee per Candidate

A candidate may have only one campaign committee, regardless of the number of state and/or local offices held or sought by that candidate. Candidates benefiting from a multi-beneficiary campaign committee may not have a separate campaign committee. This single committee restriction does not prevent a local or statewide candidate from also having a federal political committee in concurrent operation for the purpose of seeking election to a federal office. [R.C. 3517.081, 3517.10(J)]

Personal Financial Disclosure Statement

A copy of the Personal Financial Disclosure Form should be provided by the office where petitions are filed when a candidate file his/her petitions. The form must be filed with the appropriate ethics commission, which is either the Ohio Ethics Commission, the Joint Legislative Ethics Commission, or the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court. [R.C. 102.01-102.04, 102.09, 102.99] For more information on ethics filing requirements, please visit the Ohio Ethics Commission’s website: www.ethics.ohio.gov

Political Communications and Disclaimers

Please see Chapter 12, Disclaimers, for complete details related to political communications issued by candidate campaign committees.

Contributions

Generally speaking, the value of all contributions received by a candidate's campaign committee must be disclosed. With the exception of those received at a fundraising event, all contributions must be separately itemized. The primary elements for complete disclosure of a contribution are the name and address of each contributor as well as the date and amount of each contribution.

Anonymous Contributions

Contributors may not remain anonymous by request. If a donor does not want to be identified, the contribution is not truly anonymous and the campaign committee should not accept the contribution. However, if an anonymous contribution is received, the campaign committee must make an effort to identify the donor. If that effort is unsuccessful, the contribution should have an explanation of the circumstances that caused it to be anonymous and a description of the efforts made to determine the donor's identity. This information should appear in the address portion of form 31-A, Statement of Contributions Received. [R.C. 3517.10(C)(2)]
Cash Contribution Limits

A contributor, including the candidate, may not give more than $100 per election in cash. Cash includes only currency or coin. In the event a contribution exceeds this amount, the recipient should issue a refund of the amount over the $100 limit. The full amount of the contribution received and deposited must be disclosed on the appropriate campaign finance report form(s) as well as the offsetting refund expenditure issued.

[R.C. 3517.13(F); OAC 111-5-06]

Contributions from Minor Children

Individuals under the age of seven are prohibited from making any political contribution.

[R.C. 3517.102 (B)(1)(c)]

Contribution Limits

Under state law, limits on contributions apply only to the campaign committees of candidates for statewide office or the office of member of the general assembly. See Chapter 3, Special Regulations for Statewide and General Assembly Candidates, for more information. Refer also to limits that apply to entities awarded government contracts.

The secretary of state examines reports for compliance with contribution limits prescribed by state law. Complaints of alleged violations of campaign finance law – including contribution limit violations – are filed with the OEC which has original jurisdiction to hear complaints, find violations, and impose penalties. Please see Chapter 14, Ohio Elections Commission, for more information.

Judicial candidates must abide by contribution limits as set or modified by the Ohio Supreme Court. Details of these limits are available by contacting the Court or visiting the Ohio Supreme Court's website: www.supremecourt.ohio.gov/Judiciary/candidates

County or local candidates are not limited in the amount of contributions they may receive, other than those received in cash, unless there is a municipal or county charter that provides otherwise. Enforcement of charter-prescribed contribution limits is the responsibility of the law director or other charter office. County and local candidates are limited as to how much their committees may contribute to certain other entities.

[R.C. 3517.102]
Contributions by Candidates to Their Committees

Candidates may donate items or money to their own campaign committees. If items are donated, such as when a candidate purchases a sign or stamps for the benefit of the campaign committee and does not expect reimbursement, then the contributions should be reported as in-kind contributions received by the campaign committee from the candidate. Although there is no contribution limit on the amount of in-kind contributions a candidate may make to his or her campaign committee, it is important to note that in-kind amounts do count toward the $1,000 threshold for determination of whether a pre-election report is required to be filed. In-kind contributions are disclosed on form 31-J-1, In-Kind Contributions Received.

[R.C. 3517.01]

If the candidate provides items to the campaign committee and expects reimbursement in a later reporting period for these items, then the amount must be listed as an outstanding debt so that the candidate may later be reimbursed. This information is disclosed on form 31-N, Statement of Outstanding Debts. As long as loans or debts remain outstanding, each report filed by the campaign committee must disclose the obligations until they are paid or forgiven.

Contributions of money to the campaign committee by the candidate must be reported. If a candidate deposits money to the campaign committee bank account and expects to be repaid in a later reporting period, then the money must be reported as a loan when first received. This information is disclosed on form 31-C, Statement of Loans Received. As long as a loan or debt remains outstanding, each report filed by the campaign committee must disclose the obligation until it is paid or forgiven.

[R.C. 3517.13(O); OAC 111-1-03]

Corporate \ Professional Association Contributions

Corporations are prohibited from directly or indirectly supporting or opposing any candidate. This prohibition applies to the provision of corporate funds or property to a candidate or campaign committee. The use of a corporate logo on an endorsement or solicitation letter is also a prohibited corporate contribution.

[R.C. 3599.03; OEC Adv. 97ELC-05]

Corporations are permitted to communicate information about candidates so long as the communication is sent to the shareholders, employees, directors or officers of the corporation or to the immediate families of those individuals. Such communication may be made by mail, e-mail, reports, memoranda or other method of direct communication. The posting or permitted posting of campaign literature is permitted by a corporation so long as the literature is placed in an area generally accessible only to the employees, shareholders, directors or officers of the corporation.

[R.C. 3599.03 (F)(3); OAC 111-4-09]
Legal professional associations and other professional associations (e.g. physicians, architects & dentists) under R.C. 1785 as limited liability companies under R.C. 1705, or partnerships as defined by R.C. 1775 through 1783, are not “corporations” under R.C. 3599.03. These entities are considered either partnerships or unincorporated businesses. A partnership or other unincorporated business may use its checking account to transmit a contribution to a candidate. The contribution must be accompanied by detailed information about each partner, owner or member and their allocated portion of the contribution. The recipient of such a contribution must itemize each allocated portion according to the information provided. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner, owner or member.

[R.C. 3517.10 (I); OAC 111-5-21; OEC Adv. 96ELC-03]

To determine the status of a business or a corporation registered in Ohio, you may contact the secretary of state's Business Services Division at (877) 767-3453. Also, the complete database of business entity filings is available and can be searched at the secretary of state's website: www.OhioSecretaryofState.gov

Follow the links for Business / Corporations and Search Filings or Search Database.

**Debts**

When a campaign committee has received a good or service that is 30 days or more payable at the time of a reporting deadline, it must disclose the transaction on form 31-N, Statement of Outstanding Debts within that report.

**Loans**

It is acceptable for a campaign committee to receive contributions in the form of a loan where the contributor expects to be repaid. While there is no requirement to obtain or disclose any formal loan agreement between the campaign committee and the contributor, it is advisable to consider having an agreement with all terms expressly detailed. Once a loan is received, the balance – along with any payments made – must be included in each report filed until the loan is repaid or forgiven by the contributor.

**Public Employee Solicitations / Contributions**

Statewide and state legislative elected officials and candidates may not solicit nor accept a contribution from employees whose appointing authority is or would be that public official or who are or would be employed by the same public agency, department, division or office as the official.

[R.C. 3517.092]
Chapter 2: Candidates

Elected officials and candidates at the county, township, city, village, or school district level may not solicit contributions from employees whose appointing authority is or would be that public official or who are or would be employed by the same public agency, department, division or office as the official. The campaign committee for candidates at the county, township, city, village, or school district level may, however, accept voluntary, unsolicited, contributions from employees.

[R.C. 3501.01(T), 3517.092]

County or local elected officials who receive voluntary contributions from employees of a unit or department under their direct supervision or control must report them separately on form 31-G, Contributors in Officeholder's Employ.

[R.C. 3517.10 (C)(3)]

Public employees are prohibited from being solicited for political contributions while performing their official duties or while they are in those areas of a public building where official business is transacted or conducted. Public employees are prohibited from soliciting contributions while performing official duties or in areas of a public building where official business is conducted. For the purpose of these prohibitions, the term “public employee” does not include any person holding an elective office.

[R.C. 3517.092]

Unbid Government Contracts - Contractor Contribution Limits

Individual / Partnership / Unincorporated Business / Association

Unbid contracts of more than $500 may not be awarded to an individual, partnership or other unincorporated business, association, including a professional association, if the individual or the individual's spouse or any partner, shareholder, administrator, executor, or trustee or the spouse of any of them has made as an individual, within the two previous calendar years one or more contributions totaling more than $1,000 to the holder of a public office having ultimate responsibility of the award of the contract or to the public officer's campaign committee.

[R.C. 3517.13 (I)]

Corporation / Business Trust

Unbid contracts of more than $500 may not be awarded to a corporation or business trust if an owner of more than 20% or their spouse has made, as an individual, within the two previous calendar years one or more contributions totaling more than $1,000 to the holder of a public office having ultimate responsibility of the award of the contract or to the public officer's campaign committee.

[R.C. 3517.13 (J)]

A contract is not considered to be unbid if it is awarded after action of the Ohio Controlling Board.

[R.C. 3517.13 (M)(2)]
The phrase “two calendar years” means the two periods of January 1 through December 31 preceding the year in which the contract is awarded.

\[OEC\text{ Adv. 87-5}\]

**Income Tax Credit**

Contributions of money made to the campaign committee of a candidate for any of the following public offices:

- governor and lieutenant governor
- secretary of state
- auditor of state
- treasurer of state
- attorney general
- member of the state board of education
- chief justice of the supreme court
- justice of the supreme court
- member of the general assembly (house or state senate)

The amount of the credit equals the lesser of the combined total of contributions made during the year by each taxpayer filing a return of $50, in the case of an individual return, or $100 in the case of a joint return.

\[R.C. 5747.29\]

Questions related to this section of Ohio’s tax law should be directed to:

OHIO DEPARTMENT OF TAXATION
P.O. BOX 530
COLUMBUS, OHIO 43216-0530
(800) 282-1780

**Independent Expenditures**

An independent expenditure is one that is made in support of or in opposition to either a candidate or a ballot issue without the consent of, and not in coordination, cooperation or consultation with, or at the request of or suggestion of, the candidate or ballot issue committee. Such expenditures are reported by the entity that makes them, but not by the benefited committee.

\[R.C. 3517.01(B)(17), 3517.105; OAC 111-3-02\]
In-Kind Contributions

An in-kind contribution is a non-monetary contribution of goods or services that was made with the consent of, in coordination or cooperation with, or at the request or suggestion of, the benefited candidate or committee. Examples include receiving postage or signs, receiving rent-free office space, having personnel assistance compensated by a third party or having a third party buy media advertising on behalf of a committee.

[R.C. 3517.01(B)(16)]

An in-kind contribution is considered a campaign contribution and should be reported as such on the appropriate contribution form(s).

The exception to the general definition and operation of an in-kind contribution is when a political party makes one or more expenditures for the purpose of financing communications advocating the election or defeat of a candidate for judicial office. This type of expense made by a political party, whether or not it is made in coordination with a candidate or campaign committee, shall be deemed to be an independent expenditure and reported as such by the political party on form 31-U, Independent Expenditures Made by a Campaign Committee, PAC, Political Party or Legislative Campaign Fund. As an independent expenditure, the affected judicial candidate campaign committee does not have a duty to disclose the expenditures made by the political party.

[R.C. 3517.105 (D)]

Joint Fund-Raisers

Each candidate committee that engages in a joint fund-raising activity must deposit into its account only the checks that are made out to that particular committee. If a check is received that is made out to more than one committee, it must be refunded to the contributor and not deposited into any committee bank account. The expenses for the activity must be divided equally among the participants, unless they have agreed to divide them in another manner. If the expenses are not divided equally and one committee pays for most or all of the event costs, an in-kind contribution occurs and must be disclosed – both by the maker and the recipient of the contribution.

[R.C. 3517.01 (B)(16); OAC 111-5-18]

Labor Organization Contributions

A candidate’s campaign committee may accept contributions from a PAC sponsored by a labor organization or from a labor organization’s political contributing entity (PCE).

[R.C. 3517.01(B)(21), 3517.082]
Partnerships/Unincorporated Associations

Contributions received from partnerships or unincorporated associations must reflect both the name of the entity and the individual making the contribution. Incorporated professional associations and limited liability companies are considered unincorporated associations or, if applicable, partnerships. Contributions may be transmitted by these entities, but must include, at the time of the distribution, detailed information on the allocation of the contribution amount among the owners or partners of the unincorporated association or partnership. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner, owner or member.

[R.C. 3517.10(I); OAC 111-5-21; OEC Adv. 96ELC-03]

Raffles

The use of raffles or other games of chance to raise money for a campaign committee, political action committee, political party or any other political entity, while not specifically prohibited in the campaign finance statutes, is discouraged for several reasons. First, the collecting and reporting of all the required contributor information for every raffle ticket or chance sold can be very difficult. A campaign treasurer is required to keep a strict account of all contributions received – regardless of the amount of the contribution. Second, the raffle or other games or schemes of chance in which persons pay to play may be a lottery prohibited by Article XV, Section 6 of the Ohio Constitution or may constitute gambling in violation of R.C. 2915. In addition, political fund-raising events involving a raffle or other scheme or game of chance held on the premise of a liquor permit holder may involve a violation of OAC 4301:1-1-53 of the Ohio Department of Commerce, Division of Liquor Control.

Many fund-raising events award door prizes to some of the persons who attend. Giving door prizes of minimal value, such as flower arrangements, is unlikely to constitute a violation because the persons participating would have contributed regardless of the possibility of receiving a prize. However, if the value of the prize is significant enough to encourage contributors to purchase a ticket in the hopes of winning the prize, then a violation may have occurred. Questions or information concerning raffles and other schemes or games of chance should be referred to the county prosecutor in the county where the activity occurs.

[SO S Advisory No. 94-04]

Deposit of Contributions and Other Income

All contributions and other monetary income must be deposited in the candidate's campaign committee account within 30 days of receipt or returned to the donor without having been deposited. A contribution that is clearly illegal must be returned and not deposited. A contribution that appears to be legal (i.e., not from a foreign national, corporation or in excess of contribution limits) may be deposited and used by the committee. Contributions that appear questionable may be
deposited but not spent. The treasurer must make a good faith effort to determine the legality of the contribution. If, within 30 days of receipt, it cannot be determined that the contribution is legal, then it must be returned.

If a contribution that is kept is later found to be illegal, then the committee must refund it within 10 days of discovery.

[R.C. 3517.992; OAC 111-5-12]

**EXPENDITURES**

The value of all expenditures made by a campaign committee must be disclosed. The primary elements for complete disclosure of expenditures include the name and address of each payee as well as the date, amount and detailed purpose of each expenditure. In some cases, additional information or more detailed itemization may be required.

**Permissible Campaign Expenses**

The use of campaign funds for personal or business expense purposes is prohibited. All expenditures made by a campaign committee must be for influencing the result of an election, a campaign expense, the candidate’s duties of public office, or making a charitable contribution. No beneficiary, i.e. the candidate, of a campaign fund shall convert campaign funds for personal use, except as reimbursement for:

» Legitimate and verifiable prior campaign expenses originally paid by using personal funds.

» Legitimate, verifiable, ordinary and necessary expenses incurred in connection with the duties as the holder of a public office.

» Legitimate, verifiable, ordinary and necessary expenses incurred by the beneficiary while:

  » Engaged in activities to support or oppose another candidate, political party, or issue.

  » Raising funds for, or participating in activities of, a political party or other political committee.

  » Attending a political party convention or meeting.

These terms have been defined by the Ohio Elections Commission as follows:

- **Legitimate**: Conforming to recognized principles or accepted rules and standards.
- **Verifiable**: Able to be proven true, confirmed or authenticated.
- **Ordinary**: Taking place according to customary occurrences or procedures.
- **Necessary**: Appropriate and helpful to accomplishing a particular end.
In addition, the Ohio Elections Commission has made clear that these expenses must be reasonable in cost and form.

\[\text{OEC Adv. 87ELC-4}\]

Greeting cards to a candidate’s staff and campaign contributors, holiday parties for a candidate’s staff, a candidate’s inauguration party, gifts to employees for birthdays, weddings and retirements and flowers to employees or their family members due to illness or death have been deemed permissible campaign expenses.

The Ohio Elections Commission has also advised that campaign expenditures for legal fees are permissible when the fees are associated with furthering the candidate’s campaign committee or in carrying out the proper duties of a public office holder.

\[\text{OEC Adv’s. 87ELC-9, 87ELC-15, 88ELC-1, 90ELC-4, 96ELC-06, 96ELC-08, 2000ELC-05, 2006ELC-01}\]

Candidates and treasurers must ensure that items purchased with campaign funds are permitted and are used appropriately. For example, the purchase of postage with campaign funds is a common occurrence – both for candidate campaign committees as well as other reporting entities. The postage must be used by the entity to influence the result of an election, for making a charitable donation or, if purchased by a campaign committee, the performance of the candidate’s duties of public office. It is prohibited for an item which was purchased with campaign funds to be used for the personal benefit of the candidate or other person.

Attendance to political party conventions or other political meetings for the candidate or officeholder is a permitted expense of a campaign committee. The committee may reimburse such expenses for an employee of the campaign committee. It cannot pay the expenses for contributors, constituents or family members – unless their attendance is necessary in furtherance of the candidate’s campaign or while pursuing policy initiatives of the candidate in connection with the performance of the duties of the holder of the public office.

A campaign committee may directly pay for any item only if the expense relates exclusively to one of the permitted uses (e.g. campaign expense or in connection with the duties of public office).

If the expense was incurred by a mix of campaign and personal use, the beneficiary must pay the expense and then seek reimbursement from the campaign committee for that part of the payment that was campaign related.

\[\text{R.C. 3517.13 (O) – (R); OEC Adv. 87ELC-3}\]

Charitable contributions are those made to a charity that has been designated as exempt from federal income taxation under subsection 501(a) and described in subsections 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code or to any charity approved by advisory opinion of the Ohio Elections Commission.

\[\text{R.C. 3517.08(G)}\]
Campaign committees may not make any refund of any contribution, unless the purpose is to refund a contribution in excess of the applicable contribution limit or to refund a contribution that has been determined to be illegal.

[OEC Adv. 99ELC-03]

**Credit Cards**

A campaign committee may obtain a credit card to purchase goods and services on behalf of the committee. If the committee pays the credit card company directly, each credit card purchase should be listed separately as an expenditure on form 31-B, Statement of Expenditures, or on form 31-F, Statement of Expenditures for a Social or Fund-Raising Event, with the vendor name, address, date and amount of purchase. The credit card statement should be attached to the report along with a copy of the canceled check to the credit card company.

[OAC 111-5-14]

If the candidate or another individual uses a personal or non-committee credit card and then seeks reimbursement from the committee for the purchases, then the reimbursement expenditure must be reported on the expenditure form. The treasurer must obtain receipts for all reimbursements issued in order to verify the legitimacy of each campaign expense. The underlying documentation for an expenditure may be requested by a county board of elections or the secretary of state.

**Expenditure Verification**

Every expenditure in excess of $25 must have a corresponding canceled check or receipt photocopy attached to the report. A paid receipt is one that has been marked “PAID” by the vendor. In addition, the secretary of state or the county board of elections may request a log for certain items, such as mileage reimbursements, so that the expenditure and its appropriateness may be verified. If canceled checks are not returned or provided by the banking institution of the committee, a copy or printout of the campaign committee’s bank statements will suffice for the receipt requirement so long as the name of the vendor, date of transaction and amount of the expenditure are all provided. Additionally, printouts of cancelled check images as provided by the campaign committee’s banking institution satisfy the expenditure verification requirement.

[R.C. 3517.10(D); OAC 111-5-14; OEC Adv. 87ELC-03 and 87ELC-12]
Reimbursement of Campaign Expenses

The candidate and employees or volunteers of a campaign committee may be reimbursed by the campaign committee for permissible campaign expenses they incur, so long as the expense is permissible and not otherwise prohibited by law. The campaign may not advance funds in any form (e.g. cash or check) to a candidate, employee or volunteer; the expense must be incurred prior to reimbursement. The treasurer must obtain receipts for all reimbursements issued in order to verify the legitimacy of each campaign expense. Reimbursements for items or services purchased on behalf of the committee that are not reimbursed during the reporting period must be reported as outstanding debt. The secretary of state or the county board of elections may request a log (e.g. for mileage reimbursement) or receipts for reimbursements so that the expenditure and its appropriateness may be verified.

[R.C. 3517.13(O)]

REPORTING

Disclosure of campaign finance activity is a crucial element in monitoring compliance with and effectiveness of Ohio’s campaign finance laws and regulations. When a report is filed, it must be a full, true and itemized accounting of contributions and expenditures for the reporting period.

Corrections and Amendments

When a correction is necessary or additional information is obtained by the committee or required by the auditing authority relating to a report that has already been filed, an amended report must be filed. Amendments filed on paper consist of only corrections to previously submitted information or additional information. The amendment should include either a report cover page or a cover letter clearly indicating the name of the committee that is filing and what report is being amended. Amendments filed electronically consist of all report data – that which was originally filed and new or modified records.

When an error is found, or when checks are received that could not earlier be attached to a report, the amendment should be filed immediately. When an auditing authority requests additional information or a correction to a report, the committee has 21 days to provide the information or correction.

[R.C. 3517.11(B); OAC 111-5-08, 111-5-09]

Expenses Not Required to Be Reported

There are some financial transactions which are not considered either a contribution to or an expenditure by or on behalf of the candidate campaign committee. These include the personal expenses of a candidate for which reimbursement is not requested or made do not need to be reported. Also, the unreimbursed personal expenses of unpaid volunteers and ordinary home hospitality need not be reported.

[R.C. 3517.01(B)(5), 3517.08(A)]
Fund-Raiser Exemption

Individual contributions totaling $25 or less per person received at a specific fund-raising activity do not need to be itemized (listed by person) within a report. These contributions should be reported as a single line item with an aggregate amount on form 31-E, Statement of Contributions Received at a Social or Fund-Raising Event. Also, in-kind contributions totaling $325 or less from one contributor at a single fund-raising activity need not be itemized. These contributions should be reported as a single line item with an aggregate amount on form 31-J-1, Statement of In-kind Contributions Received. However, in both instances, the treasurer is responsible for keeping itemized records of any of these contributions, in case such records are requested by the secretary of state.

[R.C. 3517.10(B)(4)(e)]

Record Retention

Committees must keep their records for six years. The county boards of elections and the secretary of state must also keep all reports filed with them for six years. The secretary of state must keep all reports filed by electronic means of transmission for six years. This requirement includes all bank records (including deposit records), reports, amendments, correspondence, receipts, invoices and notices.

[R.C. 3517.10(D), 3517.106 (D); OAC 111-5-14]

Late Reports

When a required report is filed late, the county board of elections or the secretary of state must refer the matter to the Ohio Elections Commission.

[R.C. 3517.11(C)]

Closing the Committee

A committee must have a zero balance, no outstanding debts and no outstanding loans before it can terminate. When these criteria have been met, a committee must file a final report. This report should list all activity, if any, that has occurred since the previous report. The termination box must also be marked when the committee wants to terminate. There is no separate form for terminating.

[R.C. 3517.10(A)]
Issuance of Certificate

A successful candidate will receive his or her certificate of nomination or election, as appropriate, only after complying with all campaign finance filing requirements.

[R.C. 3517.11(D)]
Chapter 3: Additional Requirements for Statewide and General Assembly Candidates
SPECIAL RULES

Election Periods

Several of the special rules and reports for statewide or general assembly candidates require an understanding of election periods, including being able to determine a candidate’s primary and general election period date ranges.

The primary election period begins on the latest (e.g. most recent) of the three following dates:

1. January 1 of the year following a general election at which that specific office was up for election.

2. January 1 of the year following a general election at which the person last ran as a candidate for any office.

3. The first day of the month following a primary election at which the person last ran as a candidate for any office and was unsuccessful.

[R.C. 3517.102(A)(5), 3517.109(A)(9)]

Examples:

A candidate ran for Ohio Senate in 2008 and lost in the primary election and intends to run for state treasurer in 2010. The primary election period for this candidate’s run for state treasurer would begin on the first day of the month following the primary election in 2008, which was April 1, 2008.

A candidate runs for municipal clerk in 2009, but loses the general election. This person then decides to run for an Ohio House of Representatives seat (two-year term) in 2010. The primary election period for this candidate would begin January 1, 2010.

A candidate ran for city council in 2007 and won the general election. The candidate intends to run for governor in 2010. The primary election period would begin January 1, 2008.

A candidate ran for the Ohio House of Representatives in 2008 and won the general election. The candidate intends to run for re-election in 2010. The primary election period would begin January 1, 2009.
The primary election period ends on the day of the primary election. The length of a primary election period could vary widely, from in excess of three years to just a few months, depending on the facts and circumstances specific to the candidate and the office being sought.

The general election period begins the day after the primary election at which the candidate seeks office and ends December 31, following the subsequent general election.

\[ R.C. 3517.102(A)(5) \]

**Contribution Limits**

Ohio law limits the campaign contribution amount that individuals, PACs, PCEs, parties, LCFs and campaign committees can contribute to statewide and general assembly candidate campaign committees. The contribution limit chart included as part of this Guide is intended to be a visual representation of the limit law. While the chart details the limits placed on most contribution transactions, it does not include every possible transaction circumstance that may occur.

The limitations do not apply to contributions made by a candidate to his/her own campaign committee. However, the limitations do apply to contributions received by the candidate’s spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law or grandparents by marriage.

\[ R.C. 3517.102 \]

**Contribution Limit Adjustment**

The secretary of state must adjust statutory contribution limits that apply to statewide and general assembly candidates in January of each odd-numbered year. The adjustment is based on the yearly average increase or decrease of the previous two years in the Consumer Price Index for All Urban Consumers or its successive equivalent, as determined by the U.S. Department of Labor, Bureau of Labor Statistics. The adjustment calculations made by the secretary of state are certified by the auditor of state and become effective on or before February 25th of that year. The certified calculations and an updated contribution limit chart are available at the secretary of state’s website.

\[ R.C. 3517.104 \]

**Designated State Campaign Committees**

This term is used to define a special type of relationship between specific political entities that are making or receiving contributions to and from other specific political entities. A “designated state campaign committee” means:

» In the case of contributions to or from a state political party: a campaign committee of a statewide candidate, statewide officeholder, senate candidate, house candidate or member of the general assembly.
Chapter 3: Additional Requirements for Candidates

» In the case of contributions to or from a county political party: a campaign committee of a statewide candidate, statewide officeholder, senate candidate or house candidate whose candidacy is to be submitted to some or all of the electors in that county or member of the general assembly whose district contains all or part of that county.

» In the case of contributions to or from a legislative campaign fund: a campaign committee of any senate or house candidate who, if elected, will be a member of the same party that established the legislative campaign fund and the same chamber (e.g. House or Senate) with which the legislative campaign fund is associated, or a state senator or state representative who is a member of the same party that established the legislative campaign fund and the same chamber with which the legislative campaign fund is associated.

A campaign committee is no longer a “designated state campaign committee” after the campaign committee’s candidate changes the designation of treasurer required to be filed under division (D)(1) of section 3517.10 of the Revised Code to indicate that the person intends to be a candidate for, or becomes a candidate for nomination or election to, any office that, if elected, would not qualify that candidate’s campaign committee as a “designated state campaign committee.”

[R.C. 3517.102(A)(9)]

Employer/Occupation Information

Statewide and general assembly campaign committees filing campaign finance statements must report the name of an individual contributor’s current employer or, if self-employed, his or her occupation and the name of the individual’s business, if the individual makes a contribution of more than $100. If a campaign committee does not receive the information when the contribution is received, it must make its best effort to obtain this information.

[R.C. 3517.10(B)(4)(b)(ii), 3517.10(E)(2)]

The campaign committee of a statewide or legislative candidate that receives contributions that aggregate more than $100 and are made through employee wage deduction plans involving two or more employees must report the employer’s name and the name of the employee’s labor organization, if any. The employer must furnish that information to the recipient of the contribution. The reporting entity is considered to have met this requirement if it exercises its best effort to obtain the information.

[R.C. 3517.10(B)(4)(b)(iii), 3517.10(E)(3) and 3599.031(D)]

“Best effort” is defined as including a written request for the employer information in all written solicitations and at least one oral or written follow-up attempt to obtain the employer information.

[R.C. 3517.10(E)(3); OAC 111-1-05]
Electronic Filing

All statewide, general assembly and court of appeals candidate campaign committees are subject to mandatory electronic filing of campaign finance reports. Please see Chapter 11, Electronic Filing, for more information.

Federal Transfers

A person who is a candidate for state elective office and who previously sought nomination or election to a federal office is prohibited from transferring any funds or assets from his or her federal campaign committee for nomination or election to the federal office to his or her campaign committee as a candidate for state elective office.

[R.C. 3517.13(S)]

Persons Doing Business

State elected officials or members of the general assembly are required to separately report the names and addresses of each person doing business with an elected officer in his or her official capacity who makes a contribution to the officer's campaign committee, and the existence of any contract. A person doing business is one who enters into one or more contracts for goods or services with a state elected officer or member of the general assembly in his or her official capacity or anyone authorized to enter into contracts on behalf of the officer to receive goods or services if the payments total, in the aggregate, more than $5,000 during a calendar year. Such contributions should be reported on form 31-T, Contributors Doing Business with State Elected Officers.

[R.C. 3517.10(B)(4)(f)]

Reimbursements

Statewide and general assembly candidates who make campaign related expenditures from personal funds and then seek periodic reimbursement from their campaign committee should realize that there is a running $500 cap on the amount of un-reimbursed personal funds that may accumulate. Candidates should take steps to ensure adequate funds are present in their campaign account so that periodic reimbursement can be accomplished. Once a candidate has been reimbursed for a particular amount of personal expenditures, that amount is no longer counted toward the $500 limit.

[R.C. 3517.103(B)]

State Income Tax Credit

Ohio law allows a state income tax credit for monetary contributions made to the campaign committee of a candidate for statewide office or member of the general assembly up to an annual limit of $50 for single filers and $100 for joint filers.

[R.C. 5747.29]
Contributions of money made to the campaign committee of a candidate for any of the following public offices are eligible for credit:

» governor and lieutenant governor
» secretary of state
» auditor of state
» treasurer of state
» attorney general
» member of the state board of education
» chief justice of the supreme court
» justice of the supreme court
» member of the general assembly (house or state senate)

The amount of the credit equals the lesser of the combined total of contributions made during the year by each taxpayer filing a return of $50, in the case of an individual return, or $100 in the case of a joint return.

[R.C. 5747.29]

Questions related to this section of Ohio’s tax law should be directed to:

OHIO DEPARTMENT OF TAXATION
P.O. BOX 530
COLUMBUS, OHIO 43216-0530
(800) 282-1780

Tax deductibility of federal contributions is under the jurisdiction of the Internal Revenue Service.

Unpaid Debts/Debt Retirement

If a campaign committee has any outstanding loans owed or other unpaid debt at the end of a primary or general election period, then the committee may accept additional contributions in the election period immediately following, as long as the total received from each contributor, when added to the contributions received from that contributor in the period when the debt was incurred, does not exceed the contribution limitation applicable to the contributor during the period when the debt was incurred. A contributor who did not make any contributions to the campaign committee during the period when the debt was incurred may make contributions for debt retirement up to the applicable limit for the prior contribution limit period.
The additional contributions accepted by a campaign committee to retire unpaid debt do not count toward the applicable limitations during the election period when they are accepted, as long as the campaign committee reported unpaid debt in its pre-election or post-election report, and:

1. The additional money is deposited into an account separate from the campaign committee’s regular account.
2. The additional money is used only to reduce or pay off previously incurred and reported debt.
3. Debt reduction fund-raising ceases once the debt is eliminated.
4. The additional money is raised in the period immediately following the election period in which unpaid debt was accrued.
5. Any excess money is given back to the contributors or to a 501(c) charity.
6. The committee separately reports all of the additional contributions for debt reduction purposes, how the contributions are applied to the outstanding debt and the balance of the unpaid debt.

[R.C. 3517.108, OAC 111-5-02]

**SPECIAL REPORTS**

**Monthly Reports**

The campaign committee of a statewide candidate must file a monthly statement of contributions received during each of the months of July, August and September in the year of the general election in which the candidate seeks office. These monthly reports are required to list only contributions received during the covered period. Although only contributions are required to be disclosed, a campaign committee may choose to also disclose any expenditure and loan/debt transactions from the reporting period. Otherwise, expenditures made and any loan/debt transactions occurring during the reporting time period must be included in the next pre-general or post-general report, whichever is required to be filed first.

The monthly statement must be filed no later than three business days after the last day of the month covered by the statement. Monthly reports are stand-alone reports; therefore, the contributions reflected within these reports should not appear again in any subsequent report.

[R.C. 3517.10(A), 3517.13(A); OAC 111-5-08]

**Two-Business-Day Reports**

From the 19th day before the general election through the day of the general election, each time a campaign committee of the joint candidates for governor and lieutenant governor or of a candidate for secretary of state, treasurer of state, auditor of state or attorney general receives a contribution
that causes the aggregate amount of contributions from a contributor to equal or exceed $10,000 during that period, and each time a campaign committee of a candidate for chief justice or justice of the supreme court receives a contribution that causes the aggregate amount of contributions from a contributor to exceed $10,000 during that period, the committee must file with the secretary of state a two-business-day statement reflecting that contribution. The report must be filed with the secretary of state within two business days after receipt of the contribution. These contributions must also be reflected in the post-general report. This information is disclosed on form 30-C, Two Business-Day Statement.

[R.C. 3517.10(A), 3517.13(A)(2); OAC 111-5-09]

DECLARATION OF FILING-DAY FINANCES / PERMISSIVE FUNDS REPORTS

When a person files petitions to run for an office subject to contribution limits, the statute requires that person’s campaign committee to review its accounts and contribution history and dispose of any excess funds or excess aggregate contributions. For example, if a current city mayor - an office not subject to state contribution limits - decides to run for state representative - an office to which state contribution limits apply - the mechanics of section 3517.109 of the Revised Code may require the mayor’s campaign committee to dispose of a portion of its balance on hand prior to submitting nominating petitions or a declaration of candidacy.

What Must Be Filed

During a year in which its candidate is on the ballot, the campaign committee of a candidate for statewide office or member of the general assembly must file one or two special reports required by R.C. 3517.109 regarding permissive or excess funds. Candidates for Ohio Supreme Court justice or chief justice are not required to file these reports.

Who Must File

Campaign committees of candidates who file nominating petitions or a declaration of candidacy for statewide office or member of the general assembly are subject to the filing requirements of the Declaration of Filing-Day Finances and Permissive Funds Reports in R.C. 3517.109. The definition of “state office” includes State Board of Education, but does not include Ohio Supreme Court.

When To File

These reports are due no later than seven days following the declaration of candidacy or nominating petition filing deadline. The reports are filed at the same location that the declaration or petitions are filed.
**Pre-Filing Period**

Determining the pre-filing period of the campaign committee is important for both the *Declaration of Filing-Day Finances* and the *Permissive Funds* reports. The pre-filing period of a campaign committee begins on the same day as its primary election period. See the section on election periods at the beginning of this chapter. The pre-filing period ends on the declaration of candidacy or nominating petition filing deadline.

[R.C. 3517.109 (A)(9)]

**Declaration of Filing-Day Finances**

Every campaign committee of candidates for statewide office or member of the general assembly must file either form 31-W, *Declaration of Filing-Day Finances*, or form 31-AA, *Waiver of Declaration of Filing-Day Finances*, no later than seven days following the declaration of candidacy or nominating petition filing deadline.

**Waiver**

A committee may qualify to file the *Waiver of Declaration of Filing-Day Finances* if the following two conditions are met:

1. The campaign committee did not accept any contributions during the pre-filing period in excess of the contributions limits in [R.C. 3517.102].

2. The campaign committee had a cash-on-hand balance less than the carry-in amount at the beginning of the pre-filing period for the office being sought.

<table>
<thead>
<tr>
<th>Office</th>
<th>Carry-In Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>House or State Board of Education</td>
<td>$35,000</td>
</tr>
<tr>
<td>Senate</td>
<td>$100,000</td>
</tr>
<tr>
<td>Statewide</td>
<td>$200,000</td>
</tr>
</tbody>
</table>

If the committee meets both these criteria, it may file a Waiver in lieu of a *Declaration of Filing-Day Finances*. If the committee accepted excess contributions or had a balance on hand larger than the carry-in amount, then it must file the *Declaration of Filing-Day Finances*.

[R.C. 3517.109(G)]

**Permissive Funds Report**

The campaign committee of a candidate for statewide office or member of the general assembly that has “excess funds” must file form 31-W, *Permissive Funds Report*, no later than seven days following the declaration of candidacy or nominating petition filing deadline.

[R.C. 3517.109(E)]
Chapter 3: Additional Requirements for Candidates

Excess Funds

There are two ways a campaign committee could end up with excess funds. The first is to accept a contribution that exceeds the applicable contribution limit (as set forth in R.C. 3517.102 and periodically adjusted pursuant to R.C. 3517.104). These contributions over the applicable limits are also called excess aggregate contributions.

Example:

Accepting $12,000, in aggregate, from an individual during a primary election period ($604.44 in excess funds).

The second way is for a campaign committee to have a cash-on-hand balance and total campaign assets at the declaration of candidacy or petition filing deadline greater than the amount of a committee’s permitted funds.

[R.C. 3517.109(A)]

Campaign Assets Included in Calculation of Excess Funds

Campaign assets are prepaid, purchased or donated items or services that are available for use by the campaign committee. For the purpose of these reports, campaign assets must have a value greater than $500 and must be consumed or depleted during the campaign. Examples include prepaid media time, postage or prepaid consulting or advertising services.

[R.C. 3517.109(A)(12) & 3517.109 (F)(2)(b)]

Permitted Funds

A committee’s permitted funds equals the sum of the contributions received within the contribution limits set forth in R.C. 3517.102 plus the applicable carry-in limit for the office sought.

Example:

A campaign committee of a house candidate received contributions totaling $8,000 during the pre-filing period, all of which were within the contribution limits in R.C. 3517.102. The carry-in limit for a house candidate is $35,000. Therefore, this committee’s permitted funds equal $43,000.

If the cash-on-hand balance, plus the value of campaign assets of this campaign committee at the declaration of candidacy or nominating petition filing deadline, exceeds $43,000, then the amount that it is over is considered excess funds. If the cash-on-hand balance and the value of campaign assets is less than or equal to $43,000, then this committee has no excess funds.

If a committee has accepted excess aggregate contributions during the pre-filing period, then it has excess funds even if the committee’s cash-on-hand balance is less than the permitted funds’ total at the declaration of candidacy or petition filing deadline.

[R.C. 3517.109(A)(13)]
Disposing of Excess Funds

The campaign committee of a candidate for statewide office or member of the general assembly that has excess funds must dispose of the excess amount by the declaration of candidacy or nominating petition-filing deadline. Any candidate whose campaign committee fails to dispose of the excess amount is prohibited from appearing on the ballot.

The campaign committee may dispose of excess funds in any of the following ways:

- Refund the excess amount of the contribution to the contributor.
- Give the excess to a tax-exempt corporation.
- Give the excess to the Ohio Elections Commission Fund.

Disposal of excess funds should be reported on form 31-Z. The refund of any excess aggregate contribution at any time during the pre-filing period must be reported on this form. [R.C. 3517.109(B) through (D)]

Forms

Declaration of Filing-Day Finances and Permissive Funds forms are available from the secretary of state’s office and the secretary of state’s website.
LEGISLATIVE CAMPAIGN FUNDS

What is a Legislative Campaign Fund?

A legislative campaign fund (LCF) is a fund that is associated with one of the caucuses of the general assembly and is established as an auxiliary of a state political party. 

\[R.C.~3517.01(B)(15)\]

The four LCFs are:

- House Democratic Caucus Fund
- Ohio House Republican Organizational Committee
- Ohio Senate Democrats
- Republican Senate Campaign Committee

What to Do First

Before receiving or giving money or goods or services, form 30-D, Designation of Treasurer, must be filed. This form is considered a “registration” form. It includes basic information, such as the treasurer’s name and address and the name of the LCF. 

\[R.C.~3517.10(D)\]

Where to File Reports

LCFs file their reports with the secretary of state. 

\[R.C.~3517.11(A)(1)\]

When to File Reports

LCF reports are due based on the nature and timing of the activity in which the fund engages. All reports must be physically received by the secretary of state to meet the filing deadline requirement. A report postmarked, but not received, by the deadline is a late filing and must be referred to the Ohio Elections Commission.

There are four types of reporting deadlines:

A pre-election report is due by 4:00 p.m. 12 days before an election if the LCF spent or received $1,000 or more to influence that election between the time the last report was filed and the 20th day before the election. 

\[R.C.~3517.10(A)(1)\]
A **post-election** report is due by 4:00 p.m. 38 days after the election if the LCF received contributions or made expenditures to influence that election between the time the last report was filed and the 31st day after the election.  
[R.C. 3517.10(A)(2)]

A **semiannual** report is due by 4:00 p.m. on the last business day of July if the LCF was not required to file a report after the immediately preceding primary election. It should cover the time period since the last report through the last day of June. A semiannual report should only reflect the activity that has occurred since the last report was filed.  
[R.C. 3517.10(A)(4)]

An **annual** report is due by 4:00 p.m. on the last business day of January if the fund was not required to file a post-election report after the immediately preceding November election. The annual report must cover the time period since the last report through the last day of December. The report should reflect only activity that occurred since the last previous report was filed.  
[R.C. 3517.10(A)(3)]

The use of the fund’s contribution is the key to when a report will be required. The need for pre- and post-election reports will be determined by whether the recipient of an LCF contribution will appear on a particular election ballot. A contribution made by a LCF to a political party is presumed to have been made to influence whatever election is imminent.  
[R.C. 3517.01(B)(5) and (6)]

If a required report is filed late, the secretary of state must file a complaint against the LCF with the Ohio Elections Commission. The commission determines whether the LCF will be penalized.  
[R.C. 3517.11]

**Report Forms**

All reporting forms, along with instructions for their use, are available at the secretary of state’s website: [www.OhioSecretaryofState.gov](http://www.OhioSecretaryofState.gov)

Filers may choose to download the forms and use them for creating reports eligible for filing in paper form. Filers may choose to create their own forms for use in paper filing, with the approval of the secretary of state’s office, as long as they are substantially similar to the forms prescribed by the secretary of state’s office.  
[OAC 111-5-11]

Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms to:

**OHIO SECRETARY OF STATE**  
CAMPAIGN FINANCE DIVISION  
180 E. BROAD ST., 15TH FLOOR  
COLUMBUS, OH 43215
Chapter 4: Legislative Campaign Funds

General Rules

Treasurer Duties and Liability

The treasurer of an LCF is legally responsible for keeping detailed records of everything received or given. The cover page of every report filed should be signed by the treasurer or deputy treasurer. Each report must contain a statement that the report is correct, subject to the penalty for election falsification. Whoever commits election falsification is guilty of a felony of the fifth degree.

[R.C. 3517.10(C) and (D), 3517.992, 3599.36; OAC 111-5-12, 111-5-14]

Contributions

Generally speaking, the value of all contributions received by a LCF must be disclosed. With the exception of those received at a fund-raising event, all contributions must be separately itemized. The primary elements for complete disclosure of a contribution are the name and address of each contributor as well as the date and amount of each contribution.

Anonymous Contributions

Contributors may not remain anonymous by request. If a donor does not want to be identified, the contribution should not be made. However, if an anonymous contribution is received, efforts must be made by the LCF receiving it to identify the donor. If the efforts are unsuccessful, the contribution should have an explanation of the circumstances that caused it to be anonymous and a description of the efforts made to determine the donor’s identity. This information should appear in the address portion of form 31-A, Statement of Contributions Received.

[R.C. 3517.10 (C)(2)]

Cash Contribution Limits

A contributor may not give more than $100 per election in cash. Cash includes only currency or coin.

[R.C. 3517.13(F); OAC 111-5-06]

Contribution Limits

In most cases, contributions to a LCF are limited by statute. Contributions given to a LCF from a “designated state campaign committee” are not limited. For information regarding “designated state campaign committees”, see Chapter 3. A contribution limit chart is available from the secretary of state’s website as part of the Campaign Finance Compliance & Disclosure Guide.

[R.C. 3517.102]
Contributions from Minor Children

Legislative campaign funds are prohibited from knowingly accepting a contribution from an individual who is under seven years of age.

[R.C. 3517.102 (C)(5)(a)]

Corporate Professional Association Contributions

Corporations are prohibited from directly or indirectly supporting or opposing any candidate. This prohibition applies to the provision of corporate funds or property to a candidate or campaign committee. The use of a corporate logo on an endorsement or solicitation letter is also a prohibited corporate contribution.

[R.C. 3599.03; OEC Adv. 97ELC-05]

Legal professional associations and other professional associations under R.C. 1785 as limited liability companies under R.C. 1705, or partnerships as defined by R.C. 1775 through 1783, are not “corporations” under R.C. 3599.03. These entities are considered either partnerships or unincorporated businesses. A partnership or other unincorporated business may use its checking account to transmit a contribution to a LCF. The contribution must be accompanied by detailed information about each partner, owner or member and their allocated portion of the contribution. The recipient of such a contribution must itemize each allocated portion according to the information provided. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner, owner or member.

[R.C. 3517.10 (l); OAC 111-5-21; OEC Adv. 96ELC-03]

To determine the status of a business or a corporation registered in Ohio, you may contact the secretary of state’s Business Services Division at (614) 466-3910. Also, the complete database of business entity filings are available and can be searched at the secretary of state’s website: www.OhioSecretaryofState.gov

Follow the links for Business / Corporations and Search Filings or Search Database.

In-Kind Contributions Received

An in-kind contribution is a non-monetary contribution of goods or services that was made with the consent of, in coordination or cooperation with, or at the request or suggestion of, the benefited LCF. Examples include receiving postage or signs, receiving rent-free office space, having personnel assistance compensated by a third party, or having a third party buy media advertising on behalf of the fund. These contributions are reported on form 31-J-1, In-Kind Contributions Received.

[R.C. 3517.01(B)(16)]
Joint Fund-Raisers

Each LCF that engages in a joint fund-raising activity may deposit into its account only the checks that are made out to that particular LCF. If a check is received that is made out to more than one reporting entity, then it must be refunded to the contributor and not deposited into the LCF bank account. The expenses for the event are divided equally among the participants unless they have agreed to divide them in another manner.

[OAC 111-5-18]

Labor Organization Contributions

A LCF may accept contributions from a PAC sponsored by a labor organization or from a labor organization’s political contributing entity (PCE).

[R.C. 3517.01(B)(21), 3517.082]

Partnerships/Unincorporated Associations

Contributions received from partnerships or unincorporated associations must reflect the name of that entity, as well as the name of the individuals making the contribution. A partnership or other unincorporated business may use its checking account to transmit a contribution, but the contribution must be accompanied by detailed information of each partner, owner or member and his or her allocated portion of the contribution. The recipient of such a contribution must itemize each allocated portion according to the information provided. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner(s), owner(s) or member(s).

[R.C. 3517.10(I); OAC 111-5-20; OEC Adv. 96ELC-03]

Public Employee Solicitations/Contributions

Public employees are prohibited from soliciting contributions, or from being solicited for contributions while performing their official duties or while they are in those areas of a public building where official business is transacted or conducted. For the purpose of these prohibitions, the term “public employee” does not include any person holding an elective office.

[R.C. 3517.092]

Deposit of Contributions or Other Income

All contributions and other monetary income must be deposited in an account within 30 days of receipt or returned to the donor without having been deposited. A contribution that is clearly illegal must be returned and not deposited. A contribution that appears on its face to be legal (e.g., not from a foreign national, corporation or in excess of contribution limits) may be deposited and used by the LCF.
Contributions that appear questionable may be deposited, but not spent. The treasurer must make a
good-faith effort to determine the legality of the contribution. If, within 30 days of receipt, it cannot
be determined that the contribution is legal, then it must be returned. If a contribution is kept that is
later found to be illegal, then the LCF must refund it within 10 days of the discovery.

\[OAC\ 111-5-12\]

**EXPENDITURES**

The value of all expenditures made by a LCF must be disclosed. The primary elements for complete
disclosure of expenditures include the name and address of each payee as well as the date, amount
and detailed purpose of each expenditure. In some cases, additional information or more detailed
itemization may be required.

**Permissible Campaign Expenses**

The use of campaign funds for personal or business purposes is prohibited. All expenditures made
by an LCF must be to influence the result of an election or for making a charitable contribution. No
beneficiary of a LCF or other person may convert for personal use anything of value from the LCF,
except as reimbursement for:

» Legitimate and verifiable prior campaign expenses.

» Legitimate, verifiable, ordinary and necessary expenses incurred in connection with the
duties as the holder of a public office.

» Legitimate, verifiable, ordinary and necessary expenses incurred by the beneficiary while:
  » Engaged in activities to support or oppose another candidate, political party, or issue.
  » Raising funds for, or participating in activities of, a political party or other political
committee.
  » Attending a political party convention or meeting.

These terms have been defined by the Ohio Elections Commission as follows:

- **Legitimate** Conforming to recognized principles or accepted rules and standards.
- **Verifiable** Able to be proven true, confirmed or authenticated.
- **Ordinary** Taking place according to customary occurrences or procedures.
- **Necessary** Appropriate and helpful to accomplishing a particular end.

In addition, the Ohio Elections Commission has made clear that these expenses must be reasonable
in cost and form.

\[OEC\ Adv. 87ELC-4\]
Gifts to employees for birthdays, weddings and retirements and flowers to employees or their family 
members due to illness or death have been deemed permissible. The Ohio Elections Commission has 
also advised that campaign expenditures for legal fees are permissible when the fees are associated 
with representing the LCF on matters before the Commission.

[OEC Adv’s. 87ELC-9, 87ELC-15, 88ELC-1, 90ELC-4, 96ELC-06, 96ELC-08, 2000ELC-05, 
2006ELC-01]

Charitable contributions are those made to a charity that has been designated as exempt from federal 
income taxation under subsection 501(a) and described in subsections 501(c)(3), 501(c)(4), 501(c) 
(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, or to any charity approved by advisory 
opinion of the Ohio Elections Commission.

[R.C. 3517.08(G)]

Credit Cards

An LCF may use a credit card to purchase goods and services on 
behalf of the fund. If the LCF pays the credit card company directly, 
then each credit card purchase should be listed separately as an 
expenditure on form 31-B, Statement of Expenditures, or on form 31-F, 
Statement of Expenditures for a Social or Fund-Raising Event, with the 
vendor name, address, date and amount of purchase. The credit card 
statement or memo should be attached to the report along with a copy 
of the canceled check to the credit card company. If an individual used 
a credit card and seeks reimbursement from the LCF for the purchases, 
then the reimbursement expenditure is reported on the expenditure 
form.

[OAC 111-5-14]

The treasurer must obtain receipts for all reimbursements issued in order to verify the legitimacy of 
each campaign expense. The underlying documentation for an expenditure may be requested by a 
county board of elections or the secretary of state.

Independent Expenditures

An independent expenditure is one that is made in support of or in opposition to either a candidate 
or a ballot issue without the consent of, and not in coordination, cooperation or consultation with, 
or at the request of or suggestion of, the candidate or ballot issue. Such expenditures are reported by 
the entity that makes them, but not by the benefited committee.

[R.C. 3517.01(B)(17), 3517.105; OAC 111-3-02, 111-3-03]
In-Kind Contributions Made

An in-kind contribution is a non-monetary contribution of goods or services that was made with the consent of, in coordination or cooperation with, or at the request or suggestion of, the benefited candidate, fund or party. An LCF may contribute to a candidate’s campaign committee any item or service it has purchased rather than, or in addition to, making a monetary contribution. For example, an LCF may have purchased a large block of radio airtime at a particular radio station. When the LCF gives a portion of this asset to a campaign committee, an in-kind contribution has been made by the LCF and received by the campaign committee. Therefore, both entities have a responsibility to disclose this transaction.

Receipts

Every expenditure in excess of $25 must have a corresponding canceled check or receipt photocopy attached to the report. A paid receipt is one that has been marked “PAID” by the vendor. If canceled checks are not returned or provided by the banking institution of the LCF, a copy or printout of the campaign committee’s bank account will suffice for the receipt requirement so long as the name of the vendor, date of transaction and amount of the expenditure are all provided.

[R.C. 3517.10(D); OAC 111-5-14; OEC Adv. 87ELC-03 and 87ELC-12]

Reimbursement of Campaign Expenses

Campaign related expenses incurred by employees or volunteers may be reimbursed by the LCF if they are legitimate and verifiable prior expenses and not otherwise prohibited by law. The LCF may not advance funds to a candidate, employee or volunteer; the expense must be incurred prior to reimbursement. The treasurer must obtain receipts for all reimbursements issued in order to verify the legitimacy of each campaign expense. Reimbursements for items or services purchased on behalf of the committee that are not reimbursed during the reporting period must be reported as outstanding debt.

[R.C. 3517.13(O)]
Chapter 4: Legislative Campaign Funds

Reporting

Disclosure of campaign finance activity is a crucial element in monitoring compliance with and effectiveness of Ohio’s campaign finance laws and regulations. When a report is filed, it must be a full, true and itemized accounting of contributions and expenditures for the reporting period.

Corrections and Amendments

When a correction is necessary or additional information is obtained by the LCF or required by the secretary of state relating to a report that has already been filed, an amended report must be filed. Amendments filed on paper consist of only corrections to previously submitted information or additional information. The amendment should include either a report cover page or a cover letter clearly indicating the name of the LCF and what report is being amended. Amendments filed electronically consist of all report data – both that which was originally filed and new or modified records.

When an error is found, or when checks are received that could not earlier be attached to a report, the amendment should be filed immediately. When an auditing authority requests additional information or a correction to a report, the LCF has 21 days to provide the information or correction.

[R.C. 3517.11(B); OAC 111-5-08, 111-5-09]

Fund-Raiser Exemption

Individual contributions totaling $25 or less per person received at a specific fund-raising activity do not need to be itemized (listed by person) within a report. These contributions should be reported as a single line item with an aggregate amount on form 31-E, Statement of Contributions Received at a Social or Fund-Raising Event. Also, in-kind contributions totaling $325 or less from one contributor at a single fund-raising activity need not be itemized. These contributions should be reported as a single line item with an aggregate amount on form 31-J-1, Statement of In-kind Contributions Received. However, in both instances, the treasurer is responsible for keeping itemized records of any of these contributions, in case such records are requested by the secretary of state.

[R.C. 3517.10(B)(4)(e)]

Record Retention

LCFs must keep their records for six years. The secretary of state must also keep all paper reports filed with them for six years. The secretary of state must keep all reports filed by electronic means of transmission for six years.

[R.C. 3517.10(D), 3517.106 (D); OAC 111-5-14]
Excess Funds

The amount of contributions that may be retained after the general election by an LCF is limited to $206,036.04. Excess amounts are determined as of the close of business on the seventh day before the post-general election statement is filed. Any excess money retained by an LCF must be disposed of within 90 days after the filing of the post-general election campaign finance report. The excess money can be given to either the Ohio Elections Commission fund, individual contributors up to the amount of their contribution, or certain 501(c) nonprofit corporations. The LCF must file a report on the 90th day disclosing its balance on hand at the close of business on the seventh day before the post-general election statement is filed, and attesting that the excess funds were disposed of according to law, and any other information required by the secretary of state.

[R.C. 3517.102(E)]

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1This amount is valid until February 25, 2015. All amounts specified in R.C. 3517.102 are adjusted for inflation in January of each odd-numbered year.

[R.C. 3517.104]
Chapter 5: Political Party Accounts

POLITICAL PARTY ACCOUNTS

What is a Political Party

A major political party is any group of voters that garners and maintains at least 20% of the total vote in a gubernatorial or presidential election. Both the Democratic party and the Republican party are major political parties in the state of Ohio. In addition to having a statewide party apparatus, each major political party has separate, local organizations in each of Ohio’s 88 counties.

[R.C. 3517.01 (A)]

ACCOUNT TYPES

A political party may have several basic types of accounts. They include:

» building account
» general political account
» restricted funds account
» state candidate fund
» judicial account
» Levin account (state party only)

Except for a judicial account, each of these accounts requires a separate bank account and designation of treasurer.

Building Account

Building account funds may be used only for the construction, renovation or purchase of office facilities that are not used solely for the purpose of influencing the election of any individual candidate in any particular election for any office. Any person may make a gift to a state or county political party building account. Funds in a building account must be kept in a separate bank account because contributions may be accepted directly from corporations doing business in Ohio. Each corporate gift of money may not exceed 10% of the cost of the construction, renovation or purchase. The building account fund may not be used for the operating, leasing or rental costs of the office, only the construction, renovation or purchase of office facilities.

[R.C. 3517.101; OEC Adv. 2000ELC-04]
General Political Account

The general political account is the fund used by a state or county political party to support candidates not subject to the state contribution limits, such as candidates for mayor, city council or county commissioner. This account is also known as the local political account or the non-state candidate fund. However, a county political party in a county with a population less than 150,000 may support certain candidates from the general political account, but at a very low dollar limit. Currently, the limitation is $2,848.89 per election period. See State Candidate Fund section on next page for more detail.

Restricted Funds

A county or state party shall deposit any funds received from the Ohio political party fund (also known as tax check off or public funds money) into its restricted fund. Political parties may also deposit other funds into this account, including gifts from corporations or labor organizations, as long as those gifts do not exceed $10,000 per calendar year.

[R.C. 3517.1012, 3517.13(X)]

Money in the restricted fund may not be used for supporting or opposing specific candidates, to influence the outcome of any candidate or issue election, to pay party debts incurred as a result of elections, or to make payment in excess of the market value of the item or service received for payment. Restricted funds money may be used for party headquarters, including staff salaries, get-out-the-vote campaigns, administration costs for party fund-raising drives, computers, or for direct mailings that do not target a particular candidate or issue.

[R.C. 3517.18]

A county or state party must report its restricted fund activity at the semiannual and annual reporting deadlines. A county or state political party restricted fund report must be filed by electronic means with the secretary of state if the fund has accepted any gifts from a corporation or labor organization. The secretary of state or the county board of elections review a restricted funds deposit and disbursement statements to ensure they were filed on time and completed in full. Because some of the restricted funds could be derived from tax dollars, the auditor of state reviews these reports to determine that the funds were spent in accordance with law.

[R.C. 3517.1012, 3517.17]
Chapter 5: Political Party Accounts

State Candidate Fund

A state candidate fund is used to support statewide and general assembly candidates. A state political party must use this fund to support its statewide or general assembly candidates. A county political party in a county that has a population of 150,000 or more must establish a separate state candidate fund in order to support statewide or general assembly candidates. A county political party affiliated with a county having a population of less than 150,000 may establish a state candidate fund, but is not required to do so.

If a county political party affiliated with a county having a population of less than 150,000 does not establish a state candidate fund, it may still support statewide or general assembly candidates, but may do so only at a reduced monetary level. Currently, the limitation is $3,038.88 per election period.

A county political party’s state candidate fund may not accept contributions from any of the following sources:

» A political action committee (PAC).
» A political contributing entity (PCE).
» Any individual whose designated Ohio residence is outside the county.
» A campaign committee of a candidate whose name will not appear on the ballot in that county or does not represent all or part of the county as an elected public office holder.
» Another county political party state candidate fund.
» Any county or state political party non-state candidate fund, such as a general political account or restricted fund.

[R.C. 3517.102(C)(4)(a)(i)]

All contributions made by all county political party state candidate funds shall be aggregated together for the purpose of determining a statewide or general assembly candidate’s contributions limits.

[R.C. 3517.102 (A) and (B); OAC 111-1-10]
Judicial Account

Although it is not addressed in Title 35 of the Revised Code, a judicial account is an option available to a political party for the purpose of making one or more contributions to the campaign committee of a candidate for judicial office. The Ohio Supreme Court has adopted a Code of Judicial Conduct that governs candidates for judicial office. Pursuant to Rule 4.4 of the Code, the campaign committee of a judicial candidate is prohibited from receiving a contribution from a political party, unless the contribution is made from a separate fund established by the political party solely to receive donations for judicial candidates.

For more information on judicial candidate regulations, including access to read or download the Code of Judicial Conduct, please visit the Ohio Supreme Court's website:
www.supremecourt.ohio.gov/Judiciary/candidates

Levin Account

A Levin account is a fund that only a state political party may establish. Levin account funds may be used for voter registration, voter identification, get-out-the-vote or generic campaign activities that would not otherwise be considered a contribution or expenditure. Levin account funds may not be used to influence the election of any individual candidate. Corporations or labor organizations may make a gift to a Levin account not to exceed $10,000 per calendar year and only in years in which a candidate for federal office will appear on the ballot. Levin account activity is reported at the semiannual and annual reporting deadlines. These reports must be filed by electronic means with the secretary of state.

[R.C. 3517.1013]

Where to File Reports

Statewide political parties file their reports with the secretary of state. County political parties file most of their reports with the county board of elections. County political party state candidate funds and county political party restricted funds that have received deposits from a corporation or labor organization must file their reports by electronic means with the secretary of state.

[R.C. 3517.11(A), 3517.106(E)(3), 3517.1012(B)]

When to File Reports

Reports are due based on the nature and timing of the activity in which the party engages. A political party is required to file pre- or post-election reports only when the party has activity supporting or opposing candidates or ballot issues appearing on the ballot.

Filing dates refer to the date that the report is received by the county boards of elections or the secretary of state, not the postmark date.
There are four types of reporting deadlines:

A **pre-election** report is due by 4:00 p.m., 12 days before an election if the party had activity to influence that election and if $1,000 or more was spent or received between the time the last report was filed and the 20th day before the election.

[R.C. 3517.10(A)(1)]

A **post-election** report is due by 4:00 p.m., 38 days after the election if the party had activity to influence that election between the time the last report was filed and the 31st day after the election.

[R.C. 3517.10(A)(2)]

A **semiannual** report is due by 4:00 p.m. on the last business day of July if the party was not required to file a report after the immediately preceding primary election. It should cover the time period since the last report through the last day of June. A semiannual report should only reflect the activity that has occurred since the last report was filed.

[R.C. 3517.10(A)(4)]

An **annual** report is due by 4:00 p.m. on the last business day of January if the party was not required to file a report after the immediately preceding November election. It should cover the time period since the last report through the last day of December. An annual report should reflect only the activity that has occurred since the last report was filed.

[R.C. 3517.10(A)(3)]

The restricted funds (formerly public funds), Levin accounts and building fund reports are filed only as semiannual and annual reports.

[R.C. 3517.10(A), 3517.101, 3517.102, 3517.103, 3517.17]

Report Forms

All reporting forms, along with instructions for their use, are available at the secretary of state's website: www.OhioSecretaryofState.gov

Filers may choose to download the forms and use them for creating reports eligible for filing in paper form. Filers may choose to create their own forms for use in paper filing, with the approval of the secretary of state's office, as long as they are substantially similar to the forms prescribed by the secretary of state's office.

[OAC 111-5-11]

Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms, to:

OHIO SECRETARY OF STATE
CAMPAIGN FINANCE DIVISION
180 E. BROAD ST. 15TH FLOOR
COLUMBUS, OH 43215
GENERAL RULES

Treasurer's Duties and Liability

The treasurer is legally responsible for keeping detailed records of everything received by or given

to the political party fund. Each report must contain a statement that the report is correct, subject to

the penalty for election falsification. Whoever commits election falsification is guilty of a fifth degree

felony. The cover page of every report filed must be signed by the treasurer or deputy treasurer. A

treasurer must retain accurate records of all activity for six years.

[R.C. 3517.081, 3517.10, 3517.13, 3517.992(A), 3599.36; OAC 111-5-12, 111-5-14]

Anonymous Contributions

Contributors may not remain anonymous by request. If a donor does not want to be identified, then

the contribution should not be made. However, if an anonymous contribution is received, then

efforts must be made by the party receiving it to identify the donor. If the efforts are unsuccessful,

then the contribution should have an explanation of the circumstances that caused it to be

anonymous and a description of the efforts made to determine the donor's identity. This information

should appear in the address portion of form 31-A, Statement of Contributions Received.

[R.C. 3517.10 (C)(2)]

Cash Contribution Limits

A contributor, including the candidate, may not give more than $100 per election in cash. Cash

includes only currency or coin.

[R.C. 3517.13(F); OAC 111-5-06]

Contribution Limits

The amounts that some of the political party funds may contribute or accept are shown on

the contribution limit chart. The limits to statewide or legislative candidates are based on the

contributions having been made to designated state campaign committees. These are, in the case of

the contributions to or from a state political party state candidate fund, a campaign committee of a

statewide candidate, statewide officeholder, candidate for or member of the general assembly.

In the case of contributions to or from a county political party state candidate fund, a designated

state campaign committee is the campaign committee of a statewide candidate, statewide

officeholder, state senate candidate or state house of representatives candidate whose candidacy is to

be submitted to some or all of the electors in that county, or member of the general assembly whose

district contains all or part of that county.

[R.C. 3517.102(A)(9)]
A county political party, or its state candidate fund when required, is only permitted to make a contribution to a campaign committee of a candidate for the state senate or state house of representatives when the candidate’s legislative district lies, in whole or in part, within the party’s county. A county with a population of less than 150,000 that has no state-candidate fund may make contributions to any statewide candidate or any candidate for the state senate or state house of representatives whose district lies, in whole or in part, within the party’s county in the amount of $3,038.88\(^1\) per election period.

\[R.C. 3517.102 (A)(9), (B)(6)\]

**Deposit of Contributions and Other Income**

All contributions or other monetary income must be deposited in an account within 30 days of receipt or returned to the donor without having been deposited. A contribution that is clearly illegal must be returned and not deposited. A contribution that appears on its face to be legal (e.g., not from a foreign national, corporation, or in excess of contribution limits) may be deposited and used by the political party.

Contributions that appear questionable may be deposited, but not spent. The treasurer must make a good-faith effort to determine the legality of the contribution. If, within 30 days of receipt, it cannot be determined that the contribution is legal, it must be returned.

If a contribution is kept that is later found to be illegal, then the political party fund must refund it within 10 days of the discovery.

\[OAC 111-5-12\]

**Contributions from Minor Children**

Political parties are prohibited from knowingly accepting a contribution from an individual who is under seven years of age.

\[R.C. 3517.102 (C)(4)\]

**Partnerships/Unincorporated Associations**

Contributions received from partnerships or unincorporated associations must reflect both the name of the entity and the individual making the contribution. Incorporated professional associations and limited liability companies are considered unincorporated associations or, if applicable, partnerships. Contributions may be transmitted by these entities but must include, at the time of the distribution, detailed information on the allocation of the contribution amount among the owners or partners of the unincorporated association or partnership. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner(s), owner(s) or member(s).

\[R.C. 3517.10(I); OAC 111-5-20; OEC Adv. 96ELC-03\]

\(^1\) This amount is valid until February 25, 2015. All amounts specified in R.C. 3517.102 are adjusted for inflation in January of each odd-numbered year.

\[R.C. 3517.104\]
Contributor Address Exemption

Political parties are not required to include the addresses of contributors within their reports.

[R.C. 3517.10(B)(4)(b)]

Employer/Occupation Disclosure

When a state or county political party is required to file its campaign finance report by electronic means, the party is also required to provide the employer information for all contributions greater than $100 received from individuals. If the individual is self-employed, then the occupation and name of the business, if any, must also be disclosed.

Independent Expenditures

Any expenditure by a political party for the purpose of financing communications advocating the election or defeat of a candidate for judicial office should be reported by the political party as an independent expenditure on form 31-U and not as an in-kind contribution made.

[R.C. 3517.105(D)]

Expenditure Verification

Every expenditure in excess of $25 must have a corresponding canceled check or receipt photocopy attached to the report. A paid receipt is one that has been marked “PAID” by the vendor. In addition, the secretary of state or the county board of elections may request a log for certain items, such as mileage reimbursements, so that the expenditure and its appropriateness may be verified. If canceled checks are not returned or provided by the banking institution of the political party, a copy or printout of the political party’s bank statements will suffice for the receipt requirement so long as the name of the vendor, date of transaction and amount of the expenditure are all provided. Additionally, printouts of cancelled check images as provided by the political party’s banking institution satisfy the expenditure verification requirement.

[R.C. 3517.10(D); OAC 111-5-14; OEC Advs. 87ELC-03 and 87ELC-12]
Record Retention

Committees must keep their records for six years. The boards of elections and the secretary of state must also keep all reports filed with them for six years. This requirement includes all bank records (including deposit records), reports, amendments, correspondence, receipts, logs, invoices and notices.

[R.C. 3517.10(C), (D); OAC 111-5-14]

Closing an Account

A political party account must have a zero balance, no outstanding debts and no outstanding loans before it can terminate. When these criteria have been met, a committee must file a final report. This report should list all activity, if any, that has occurred since the previous report. The termination box must also be marked when the committee wants to terminate. There is no separate form for terminating.

[R.C. 3517.10(A)]

Because the Restricted Fund must be established to receive and use monies from the Ohio political party fund (also known as tax check off or public funds money), it is unlikely a political party can terminate its Restricted Fund.
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POLITICAL ACTION COMMITTEES

What is a Political Action Committee (PAC)

A combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate, political party, or issue, or to influence the result of any election through express advocacy.

A PAC does not include candidate committees, legislative campaign funds, political parties, political contributing entities or political clubs.

To determine whether a purpose is a primary or major purpose, the following should be considered:

» Whether the combination of two or more persons receives money or any other thing of value in a common account for the specific purpose of supporting or opposing any candidate, political party, legislative campaign fund, political action committee, political contributing entity or ballot issue.

» Whether the combination of two or more persons has or will make a continuing pattern of expenditures from a common account to support or oppose any candidate, political party, legislative campaign fund, political action committee, political contributing entity or ballot issue.

» Whether the combination of two or more persons constitutes an entity that was not in existence prior to supporting or opposing any candidate, political party, legislative campaign fund, political action committee, political contributing entity or ballot issue.

» Whether the total dollar value of the combination of two or more persons’ activity described in the above paragraphs during a calendar year exceeds $100.

[R.C. 3517.01(B)(8); OAC 111-1-02(K)(1)]

A “combination of two or more persons” does not include persons making separate individual contributions to the same campaign committee, political party or other entity.

[OAC 111-1-02 (K)(2)]
TYPES OF PACS

Corporate PACs

A corporation may sponsor a PAC and pay its administrative, establishment or solicitation costs. Corporations may not give and a corporate PAC may not accept money or property from the corporation for use by the corporate sponsored PAC in supporting or opposing candidates or another partisan political purpose. The Ohio Administrative Code gives detailed information on corporate PAC activity, including reporting and disclosure requirements; corporate payments of the administrative, establishment and solicitation expenses of its PAC; social and fund raising requirements; permitted communications between the corporation and its PAC; and prohibited uses of corporate money or property.

[R.C. 3517.082, 3599.03; OAC 111-4-01 through 111-4-08]

Federal, State and Local PACs

A PAC registered with the Federal Election Commission (FEC) may use its federal PAC account to make Ohio non-federal disbursements. Such PACs are called federal, state and local PACs (FSLs). Before such a disbursement is made, the FSL PAC must register with the secretary of state’s office by filing a copy of its most recent Statement of Organization, a federal form. Thereafter, whenever information listed on the form changes, a copy of the revised form must be filed with the secretary of state at the same time it is filed with the FEC. Whenever an FSL PAC files a report that includes Ohio non-federal activity, a copy of that same report must be filed with the secretary of state. The only necessary pages are the summary page, the detailed summary page and any disbursement pages that reflect Ohio non-federal activity. FSL reports must be postmarked by federal, not Ohio, reporting deadlines.

The campaign committees of a candidate for federal office wishing to make expenditures to Ohio non-federal candidate committees, Ohio PACs or Ohio PCEs, legislative campaign funds, state political party funds or county political party funds must first register as an FSL PAC before making such expenditures. The PAC is then subject to the reporting requirements and contributions limits of any other FSL PAC.

[R.C. 3517.107; OAC 111-1-08]

If an FSL makes a contribution during a calendar year from its federal account in connection with a state or local election in Ohio to an affiliated state or local PAC, then the FSL must file form 31-R, Ohio Residents Receipt Report with the secretary of state by the last business day in January of the next calendar year. The statement shall list the name(s) and addresses of each contributor residing in Ohio that made contributions to the FSL during the calendar year covered by the statement. The statement shall also list the aggregate amount of each contributor’s contribution received during that calendar year.

This information is not intended to address federal filing and disclosure requirements as enforced by the Federal Election Commission (FEC). Contact the FEC for additional federal filing information. The phone numbers for the FEC are (800) 424-9530 and (202) 694-1000. The FEC website is: www.FEC.gov
Chapter 6: Political Action Committees

Labor Organization PACs

A labor organization may sponsor a PAC and pay its administrative, establishment or solicitation costs. Labor organizations may not give and a labor organization PAC may not accept money or property from the labor organization for use by the labor organization sponsored PAC in supporting or opposing candidates or another partisan political purpose. The Ohio Administrative Code gives detailed information on labor organization PAC activity, including reporting and disclosure requirements; labor organization payments of the administrative, establishment and solicitation expenses of its PAC; social and fund raising requirements; and prohibited uses of labor organization money or property.

[R.C. 3517.082, 3599.03; OAC 111-4-01 through 111-4-08]

Labor organizations may also operate as a political contributing entity, or PCE. For more information, see Chapter 7, Political Contributing Entities.

Non-Ohio PACs

Any non-Ohio PAC wishing to receive contributions and make expenditures to influence state or local elections in Ohio and that is not registered with the Federal Election Commission must comply with Ohio laws and rules regulating PACs. Therefore, prior to receiving contributions or making expenditures, the entity must file form 30-D, Designation of Treasurer. Contributions raised prior to the filing of the Designation of Treasurer may not be transferred into the Ohio-registered PAC. Similar to any other Ohio PAC, expenditures made to influence Ohio state or local elections must be itemized on form 31-B, Statement of Expenditures. Expenditures made to influence elections outside of Ohio do not need to be itemized. These expenditures may be listed on the Statement of Expenditures under the label, “Non-Ohio Activity” with a lump sum aggregate amount. Copies of canceled checks or paid receipts for Ohio-related expenditures over $25 must be provided. Any campaign committee, political action committee, political contributing entity, legislative campaign fund or political party that receives a contribution from a non-Ohio PAC prior to the entity’s filing of a Designation of Treasurer shall be required to return the contribution to the non-Ohio PAC.

[R.C. 3517.10(D); OAC 111-5-03; OEC Adv. 2006ELC-03]

Political Clubs

A political club is not a PAC, and is not required to file a Designation of Treasurer or campaign finance reports. A political club is formed primarily for social purposes and that consists of one hundred members or less, has officers and periodic meetings, has less than $2,500 in its treasury at all times and makes an aggregate total contribution of $1,000 or less per calendar year. Please see Chapter 1, Definitions, for more information.

[R.C. 3517.01(B)(8)(b)]
What to Do First

Before receiving contributions or making expenditures, a Political Action Committee (PAC) must file form 30-D, Designation of Treasurer. This form is considered a “registration” form. It includes basic information such as the treasurer’s name and address and the name of the PAC.

PACs organized only to support or oppose a ballot issue should refer to Chapter 8, Ballot Issue Committees.

The PAC’s name must include the name of its sponsoring organization, if any. PAC checks must contain the full name and address of the PAC, and, if the PAC files with the secretary of state, then it must also include its assigned registration number.

\[ R.C. 3517.10 \text{ (D) and (E); OAC 111-1-04} \]

Bank Account

A PAC must establish a bank account that is separate from a personal or business account of the candidate or of a member of the candidate’s campaign committee. All monetary contributions received must be deposited into this account. Contributions may not be placed in a candidate’s personal or business account. All expenses paid from this account must be disclosed.

\[ R.C. 3517.10 \]

A federal identification number may be required by the committee’s chosen financial institution. This number is issued by the Internal Revenue Service upon request.

Where to File Reports

Where reports are filed is based on the PAC’s activity. Generally, PACs that contribute to county political parties, local candidate campaign committees, or local ballot issue committees will file the PAC’s campaign finance reports with the local county board of elections. PACs that contribute to candidates seeking election to a district office, other than a candidate for member of the general assembly, or a ballot issue to be submitted to a multi-county district will file campaign finance reports with the board of elections in the most populous county of that district. A PAC that makes contributions to candidates for member of the general assembly, statewide candidate, statewide ballot issues, state political parties or to other PACs which contribute to those candidates or issues will file its campaign finance reports with the secretary of state. All entities filing campaign finance reports with the secretary of state’s office are subject to mandatory electronic filing.

\[ R.C. 3517.11(A); 3517.106 \]

With the exception of PACs that are registered with the Federal Election Commission in Washington, D.C., PACs file their reports in only one location. PACs that want to spend money in regard to federal elections should contact the Federal Election Commission for its requirements. If a PAC wishes to engage in both federal and non-federal activity, see the federal PAC section later in this chapter.
A PAC that must change its place of filing does so by first filing a new form 30-D, Designation of Treasurer. The original form should be filed with the new place of filing. A photocopy should be sent to the prior place of filing with a notation or letter clearly indicating that the photocopied form is intended as a termination.

**When to File Reports**

PAC reports are due based on the nature and timing of the activity in which the PAC engages. The reporting clock begins based upon the PAC activity and whether that activity is to influence a future or recent election. All reports must be physically received by the secretary of state or county board of elections in order to be considered timely filed. A report postmarked, but not received by the deadline, is a late filing, and the PAC must be referred to the Ohio Elections Commission.

There are four types of reporting deadlines:

A **pre-election** report is due by 4:00 p.m. 12 days before an election if the PAC spent or received $1,000 or more to influence that election between the time the last report was filed and the 20th day before the election.  

\[ \text{R.C. 3517.10(A)(1); OAC 111-5-04} \]

**Examples:**

A PAC raises $1,200 and spends $875 in a pre-election period. The PAC made a $500 contribution to a campaign committee whose candidate will appear on that election’s ballot. Because the PAC made a contribution to influence the election and had more than $1,000 in contributions in the pre-election period, the PAC must file a pre-election report.

A PAC raises $25,000 and spends $400 in a pre-election period. None of the expenditure activity went to support or oppose any candidate or issue on that election’s ballot. Because the PAC had no activity to influence the result of the election, a pre-election report is not due.

A **post-election** report is due by 4:00 p.m. 38 days after the election if the PAC received contributions or made expenditures to influence that election between the time the last report was filed and the 31st day after the election.

**Examples:**

A PAC raises $500 and spends $25 in a post-election period. The PAC made a $25 contribution to a campaign committee whose candidate appeared on that election’s ballot. Because the PAC made an expenditure to influence the election, the PAC must file a post-election report.
A PAC raises $40,000 and spends $1,400 in the combined pre- and post-election reporting periods. None of the PAC’s expenditure activity in both the pre-election and post-election reporting periods have been to campaign committees whose candidate appeared on the ballot or to issues appearing on the ballot. Therefore, because the PAC had no ballot-related activity, neither a pre-election nor a post-election report is due.

A semianual report is due by 4:00 p.m. on the last business day of July if the PAC was not required to file a report after the immediately preceding primary election. It should cover the time period since the last report through the last day of June. A semianual report should only reflect the activity that has occurred since the last report was filed.

[R.C. 3517.10(A)(4)]

An annual report is due by 4:00 p.m. on the last business day of January if the PAC was not required to file a report after the immediately preceding November election. It should cover the time period since the last-filed report and through the last day of December. An annual report should reflect only the activity that has occurred since the last previous report was filed.

[R.C. 3517.10(A)(3); OAC 111-5-04]

The rules described in the pre-election and post-election sections above apply regardless of when an election is held. For example, a PAC may have activity in regard to a special election in February, a statewide primary in May, or a municipal primary, pursuant to a municipal charter, at a different time. Any of these elections may, based on the PAC’s activity, trigger the “12-day before” or “38-day after” rule.

The purpose of a contribution to the PAC or the use of that contribution are the keys to determining whether a report will be required. The need for pre- and post-election reports will be determined by whether the PAC will be using the contribution to influence a particular election. Making a contribution to a political party generally means that the contribution will be used to influence whatever election is imminent.

[R.C. 3517.01(B)(5), (6)]

If a required report is filed late, then the county board of elections or the secretary of state must refer the PAC to the Ohio Elections Commission. The commission determines if a fine should be imposed.

[R.C. 3517.11]

Report Forms

All reporting forms, along with instructions for their use, are available at the secretary of state’s website: www.OhioSecretaryofState.gov

Filers may choose to download the forms and use them for creating reports eligible for filing in paper form. Filers may choose to create their own forms for use in paper filing, with the approval of the secretary of state’s office, as long as they are substantially similar to the forms prescribed by the secretary of state’s office.

[OAC 111-5-11]
Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms to:

OHIO SECRETARY OF STATE  
CAMPAIGN FINANCE DIVISION  
180 E. BROAD ST., 15TH FLOOR  
COLUMBUS, OH 43215

GENERAL RULES

Treasurer Duties and Liability

The treasurer of a PAC is legally responsible for keeping detailed records of everything received, given or expended. The cover page of every report filed should be signed by the treasurer or deputy treasurer. Each report must contain a statement that the report is correct, subject to the penalty for election falsification.

[R.C. 3517.10(C), (D); 3599.36; OAC 111-5-12, 111-5-14]

Sponsors

The sponsor of a PAC is the organization that establishes or gives administrative support to the PAC. PACs sponsored by corporations should see the section on corporate PACs for more information. PACs sponsored by labor organizations should see the section on labor organization PACs for more information. More information regarding what a corporation or labor organization may do on behalf of its sponsored PAC can be found in Chapter 9, Corporations and Labor Organizations.

[R.C. 3517.082; OAC 111-4-01 through 111-4-08]

Membership

Membership in a PAC is determined by the rules and bylaws of the PAC. In determining whether a PAC meets the qualifications of a “Limited PAC” for the purpose of special disclaimer rules, see Chapter 12, Disclaimers. A “member” for the purpose of the disclaimer requirements is defined as anyone who makes one or more contributions to the PAC.

[R.C. 3517.105, 3517.20; OAC 111-1-02]
Affiliation Between Separate PACs

A PAC is affiliated with another PAC if they are both established, financed, maintained or controlled by the same corporation, organization, labor organization, continuing association or other person, including any parent, subsidiary, division or department of that corporation, organization, labor organization, continuing association or other person.

[R.C. 3517.102(D); OAC 111-1-02(H)]

Registration Number

All statewide PACs are issued a registration number by the secretary of state. Every report submitted and every check issued by a statewide PAC should bear the registration number of the PAC issuing the check or filing the report.

[R.C. 3517.10(D)(1)]

Checks

Any check that a PAC uses to make a contribution or to make an expenditure must contain the full name and address of the committee. If the PAC files with the secretary of state, then it must also include its assigned registration number.

[R.C. 3517.10(E)(4)]

CONTRIBUTIONS

Generally speaking, the value of all contributions received by a campaign committee must be disclosed. With the exception of those received at a fundraising event, all contributions must be separately itemized. The primary elements for complete disclosure of a contribution are the name and address of each contributor as well as the date and amount of each contribution.

Anonymous Contributions

Contributors may not remain anonymous by request. If a donor does not want to be identified, then the contribution should not be made. However, if an anonymous contribution is received, then efforts must be made by the PAC receiving it to identify the donor. If the efforts are unsuccessful, then the contribution should have an explanation of the circumstances that caused it to be anonymous and a description of the efforts made to determine the donor's identity. This information should appear in the address portion of form 31-A, Statement of Contributions.

[R.C. 3517.10 (C)(2)]
Chapter 6: Political Action Committees

Cash Contribution Limits

A contributor may not give more than $100 per election in cash. Cash includes only currency or coin.

[R.C. 3517.13(F); OAC 111-5-06]

Contribution Limits

The amounts that PACs may contribute or accept is shown on the contribution limit chart. Contributions from one PAC to an affiliated PAC are not subject to contribution limits. However, contributions made from affiliated PACs are considered to have been made from a single PAC.

[R.C. 3517.102]

In-Kind Contributions

An in-kind contribution is a non-monetary contribution of goods or services that was made with the consent of, in coordination or cooperation with, or at the request or suggestion of the benefited PAC. Examples include receiving postage or signs, receiving rent-free office space, having personnel assistance compensated by a third party, or having a third party buy media advertising on behalf of the PAC.

[R.C. 3517.01(B)(16)]

Contributions from Minor Children

PACs are prohibited from knowingly accepting contributions from any individual under the age of seven.

[R.C. 3517.102 (C)(7)]

Partnerships/Unincorporated Associations

Contributions received from partnerships or unincorporated associations must reflect both the name of the entity and the individual making the contribution. Incorporated professional associations and limited liability companies are considered unincorporated associations or, if applicable, partnerships. Contributions may be transmitted by these entities but must include, at the time of the distribution, detailed information on the allocation of the contribution amount among the owners or partners of the unincorporated association or partnership. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner(s), owner(s) or member(s).

[R.C. 3517.10(I); OAC 111-5-20; OEC Adv. 96ELC-03]
Public Employee Solicitations

Public employees may not solicit contributions or be solicited for contributions while performing their official duties or while they are in those areas of a public building where official business is transacted or conducted. The term “public employee” does not include any person holding an elective office.

[R.C. 3517.092(F)]

Deposit of Contributions and Other Income

All income must be deposited in an account within 30 days of receipt or returned to the donor without having been deposited. A contribution that is clearly illegal must be returned and not deposited. A contribution that appears on its face to be legal (e.g., not from a foreign national, corporation, or in excess of contribution limits) may be deposited and used by the PAC.

Contributions that appear questionable may be deposited, but not spent. The treasurer must make a good-faith effort to determine the legality of the contribution. If, within 30 days of receipt, it cannot be determined that the contribution is legal, then it must be returned. If a contribution is kept that is later found to be illegal, then the PAC must refund it within 10 days of the discovery.

[OAC 111-5-12]

EXPENDITURES

Independent Expenditures

An independent expenditure is an expenditure that is made in support of or in opposition to either a candidate or a ballot issue without the consent of, and not in coordination, cooperation or consultation with, or at the request or suggestion of the candidate or ballot issue. Such expenditures are reported by the PAC that makes them, but not by the benefited committee.

[R.C. 3517.01(B)(17), 3517.105; OAC 111-3-02, 111-3-03]

Permissible Use of Funds

PACs may use their contributions only in ways that match the definition of expenditure, as defined in R.C. 3517.01(B)(6), or to refund excess or illegal contributions. This means that PACs are allowed to spend money and make in-kind contributions in a manner intended to influence an election or to make a charitable contribution. Charitable contributions are those made to a charity that has been designated as exempt from federal income taxation under subsection 501(a) and described in subsections 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code or to any charity approved by advisory opinion of the Ohio Elections Commission.

[R.C. 3517.08(G)]

No person may convert for personal or business use anything of value from a PAC’s funds.

[R.C. 3517.13(O)]
Chapter 6: Political Action Committees

PACs may not make any refund of any contribution unless the purpose is to refund a contribution in excess of the applicable contribution limit or to refund a contribution that has been determined to be illegal.

[OEC Adv. 99ELC-03]

Expenditure Verification

Every expenditure in excess of $25 must have a corresponding canceled check or receipt photocopy attached to the report. A paid receipt is one that has been marked “PAID” by the vendor. In addition, the secretary of state or the county board of elections may request a log for certain items, such as mileage reimbursements, so that the expenditure and its appropriateness may be verified. If canceled checks are not returned or provided by the banking institution of the PAC, a copy or printout of the campaign committee’s bank statements will suffice for the receipt requirement so long as the name of the vendor, date of transaction and amount of the expenditure are all provided. Additionally, printouts of cancelled check images as provided by the PAC’s banking institution satisfy the expenditure verification requirement.

[R.C. 3517.10(D); OAC 111-5-14; OEC Adv. 87ELC-03 and 87ELC-12]

REPORTING

Corrections and Amendments

When a correction is necessary or additional information is obtained by the PAC or is required by the auditing authority relating to a report that has already been filed, an amended report must be filed. Amendments consist of only corrections to previously submitted information or additional information. The amendment should include either a report cover page or a cover letter clearly indicating the name of the PAC that is filing and what report is being amended. When the error is found, or when checks are received that could not earlier be attached to a report, the amendment should be filed immediately.

When an auditing authority requests additional information or a correction to a report, the PAC has 21 days to provide the information or correction.

[R.C. 3517.11(B)]

The 3 primary pieces of data needed to meet the expenditure verification are:

» Name of payee
» Date of expenditure
» Amount of expenditure
Fund-Raiser Exemption

A political action committee must report the name, address, date and amount for each contribution received. This detail must be provided with each report filed. One exception to that rule is that contributions totaling $25 or less received at a specific fund-raising activity do not need to be itemized within a report. These contributions should be reported as a single line item with an aggregate amount on form 31-E, Statement of Contributions Received at a Social or Fund-Raising Event. Also, in-kind contributions totaling $325 or less from one contributor at a single fund-raising activity need not be itemized. These contributions should be reported as a single line item with an aggregate amount on form 31-J-1, Statement of In-kind Contributions Received. However, in both instances, the treasurer is responsible for keeping itemized records of the contribution, in case such records are requested by the auditing authority.

[R.C. 3517.10(B)(4)(e)]

Payroll Deduction Exemption

A political action committee must report the name, address, date and amount for each contribution received. This detail must be provided with each report filed. An exception to that rule is provided for voluntary contributions to the PAC received via payroll deduction pursuant to R.C. 3599.031 that will aggregate $25 or less per contributor per calendar year. These contributions may be listed together in each report with the description “Voluntary contributions received via payroll deduction aggregating $25 or less per calendar year” along with the date and amount. If the contributions received from a contributor exceed an average of $2 per month, then those contributions should be itemized in the report from the beginning of the calendar year. If the PAC does not know at the beginning of the year the amount of aggregate contributions it will receive from some of its members in a year, it may be easier for the PAC to provide an itemized list of all contributions received for each report filed. This information must be provided at the time the report is filed. If the report must be filed electronically pursuant to R.C. 3517.106, then the underlying contribution information must be included in the electronically filed report.

[R.C. 3517.10(B)(4)(e)]

When a PAC files a report, it must include all contributions received during that reporting period. When a PAC receives contributions via payroll deduction, the PAC is only responsible for reporting contributions that it has actually received during that reporting period. As an example, contributions that were deducted from the contributor's pay during the Pre-Primary reporting period, but which are not be received by the PAC until the Post-Primary reporting period, do not need to be included in the Pre-Primary report. That information may be reported in the Post-Primary report. The date the PAC received the check containing the contributions would be used to determine in which report the data should be included.
Record Retention

PACs must keep their records for six years. The boards of elections and the secretary of state must also keep all reports filed with them for six years. This requirement includes all bank records (including deposit records), reports, amendments, correspondence, receipts, invoices and notices.

[R.C. 3517.10(C), (D); OAC 111-5-14]

Closing the Committee

With the exception of federal committees, including FSL, and non-Ohio committees, a PAC must have a zero balance, no outstanding debts and no outstanding loans before it may terminate. When these criteria have been met, the PAC must file a final report. This report should list all activity, if any, that has occurred since the previous report. The termination box must also be marked when the PAC desires to terminate. There is no separate form for terminating.

When a federal committee, including a FSL, that makes Ohio non-federal disbursements or a statewide non-Ohio PAC wishes to terminate, a letter stating that intent is sufficient. The zero balance is not required in such cases if the PAC indicates that it will engage henceforth only in activity outside of Ohio.

A PAC that is not terminating, but is changing its place of filing, should refer to the last paragraph in Where to File Reports.

[R.C. 3517.10]
POLITICAL CONTRIBUTING ENTITIES

What is a Political Contributing Entity?

A political contributing entity (PCE) is any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures and that is not an individual, political action committee (PAC), continuing association, campaign committee, political party, legislative campaign fund (LCF), designated state campaign fund or state candidate fund. For the purposes of the definition of a PCE, “lawfully” means not prohibited by any section of the Revised Code, or authorized by a final judgment of a court of competent jurisdiction. Corporations may not currently be PCEs. Only labor organizations may make contributions and expenditures in accordance with the decision in *UAW v. Philomena* (1998) 121 Ohio App. 3d 760 (10th District).

[R.C. 3517.01(B)(21)]

What to Do First

Before receiving contributions or making expenditures, *form 30-D, Designation of Treasurer* must be filed. This form is considered a “registration” form. It includes basic information such as the treasurer’s name and address and the name of the PCE. PCEs formed for the sole purpose of supporting or opposing ballot issues should refer to *Chapter 8, Ballot Issue Committees.*

[R.C. 3517.10(D)(1)]

Where to File Reports

Where reports are filed is based on the PCE’s activity. Generally, PCEs that contribute to county political parties, local candidate campaign committees, or local ballot issue committees will file the PCE’s campaign finance reports with the local county board of elections. PCEs that contribute to candidates seeking election to a district office, other than a candidate for member of the general assembly, or a ballot issue to be submitted to a multi-county district will file campaign finance reports with the board of elections in the most populous county of that district. A PCE that makes contributions to candidates for member of the general assembly, statewide candidate, statewide ballot issues, state political parties or to other PCEs which contribute to those candidates or issues will file its campaign finance reports with the secretary of state. All entities filing campaign finance reports with the secretary of state’s office are subject to mandatory electronic filing.

A PCE that must change its place of filing does so by first filing a new *Designation of Treasurer form.* The original form should be filed with the new place of filing. A photocopy should be sent to the prior place of filing with a notation or letter clearly indicating that the photocopied form is intended as a termination.
When to File Reports

PCE reports are due based on the nature and timing of the activity in which the PCE engages. The reporting clock begins based upon the PCE's activity. All reports must be physically received by the secretary of state or board of elections to meet the filing deadline requirement. A report postmarked, but not received by the deadline, is a late filing, and the PCE must be referred to the Ohio Elections Commission.

There are four types of reporting deadlines:

A **pre-election** report is due by 4:00 p.m. 12 days before an election if the PCE spent or received $1,000 or more to influence that election between the time the last report was filed and the 20th day before the election.  

[**R.C. 3517.10(A)(1)**; **OAC 111-5-04**]

**Examples:**

A PCE raises $2,300 and spends $930 in a pre-election period. The PCE made a contribution of $800 to a campaign committee whose candidate will appear on that election’s ballot. Because the PCE made a contribution to influence the election and had more than $1,000 in contributions in the pre-election period, the PCE must file a pre-election report.

A PCE raises $25,000 and spends $400 in a pre-election period. None of the expenditure activity went to support or oppose any candidate or issue on that election’s ballot. Because the PCE had no activity to influence the result of the election, a pre-election report is not due.

A **post-election** report is due by 4:00 p.m. 38 days after the election if the PCE received contributions or made expenditures to influence that election between the time the last report was filed and the 31st day after the election.

[**R.C. 3517.10(A)(2)**; **OAC 111-5-04**]

**Examples:**

A PCE raises $800 and spends $65 in a post-election period. The PCE made a $65 contribution to a campaign committee whose candidate appeared on that election’s ballot. Because the PCE made an expenditure to influence the election, the PCE must file a post-election report.

A PCE raises $40,000 and spends $1,400 in the combined pre- and post-election reporting periods. None of the PCE’s expenditure activity in either the pre-election or post-election reporting periods have been to campaign committees whose candidate appeared on the ballot or to issues appearing on the ballot. Therefore, because the PCE had no ballot-related activity, neither a pre-election nor a post-election report is due.
A **semiannual** report is due by 4:00 p.m. on the last business day of July if the PCE was not required to file a report after the immediately preceding primary election. It should cover the time period since the last report through the last day of June. A semiannual report should only reflect the activity that has occurred since the last report was filed.

[R.C. 3517.10(A)(4)]

An **annual** report is due by 4:00 p.m. on the last business day of January if the PCE was not required to file a report after the immediately preceding November election. It should cover the time period since the last filed report and through the last day of December. An annual report should reflect only the activity that has occurred since the last report was filed.

[R.C. 3517.10(A)(3); OAC 111-5-04]

The rules described in the pre-election and post-election sections above apply regardless of when the election is held. For example, a PCE may have activity in regard to a special election in February, a statewide primary in May, or municipal primary pursuant to a municipal charter at a different time. Any of these elections may, based on the PCE’s activity, trigger the “12-day before” or “38-day after” rule.

The purpose of a contribution to the PCE or the PCE’s use of a contribution are the keys to determining when a report will be required. The need for pre- and post-election reports will be determined by whether the PCE received contributions and/or used its contributions to influence a particular election. Making a contribution to a political party generally means that the contribution will be used to influence whatever election is imminent.

[R.C. 3517.01(B)(5), (6)]

If a required report is filed late, then the board of elections or the secretary of state must refer the matter to the Ohio Elections Commission. The commission determines if a fine should be imposed.

[R.C. 3517.11]

**Report Forms**

All reporting forms, along with instructions for their use, are available at the secretary of state’s website: [www.OhioSecretaryofState.gov](http://www.OhioSecretaryofState.gov)

Filers may choose to download the forms and use them for creating reports eligible for filing in paper form. Filers may choose to create their own forms for use in paper filing, with the approval of the secretary of state’s office, as long as they are substantially similar to the forms prescribed by the secretary of state’s office.

[OAC 111-5-11]

Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms to:

OHIO SECRETARY OF STATE
CAMPAIGN FINANCE DIVISION
180 E. BROAD ST., 15TH FLOOR
COLUMBUS, OH 43215
GENERAL RULES

Treasurer Duties and Liability

The treasurer of a PCE is legally responsible for keeping detailed records of everything received, given or expended. The cover page of every report filed should be signed by the treasurer or deputy treasurer. Each report must contain a statement that the report is correct, subject to the penalty for election falsification.

[R.C. 3517.10(C), (D), 3599.36; OAC 111-5-12, 111-5-14]

Affiliation

A PCE is affiliated with another PCE or PAC if they are both established, financed, maintained or controlled by, or if they are, the same corporation, organization, labor organization, continuing association or other person, including any parent, subsidiary, division or department of that corporation, organization, labor organization, continuing association or other person.

[R.C. 3517.102(D); OAC 111-1-02(H)]

CONTRIBUTIONS

Generally speaking, the value of all contributions received by a campaign committee must be disclosed. With the exception of those received at a fundraising event, all contributions must be separately itemized. The primary elements for complete disclosure of a contribution are the name and address of each contributor as well as the date and amount of each contribution.

Contributions from Dues, Membership Fees or Other Assessments

A PCE that receives contributions from the dues, membership fees or other assessments of its members or from its officers, shareholders and employees may report the aggregate amount of contributions received from those types of contributors and the number of individuals making those contributions. All voluntary contributions received must be fully reported.

[R.C. 3517.10(L)]

Anonymous Contributions

Contributors may not remain anonymous by request. If a donor does not want to be identified, then the contribution should not be made. However, if an anonymous contribution is received, then efforts must be made by the PCE receiving it to identify the donor. If the efforts are unsuccessful, then the contribution should have an explanation of the circumstances that caused it to be anonymous and a description of the efforts made to determine the donor's identity. This information should appear in the address portion of form 31-A, Statement of Contributions Received.

[R.C. 3517.10 (C)(2)]
Chapter 7: Political Contributing Entities

Cash Contribution Limits

A contributor may not give more than $100 per election in cash. Cash includes only currency or coin.

[R.C. 3517.13(F); OAC 111-5-06]

Contribution Limits

The amounts that PCEs may contribute or accept are shown on the contribution limit chart. Contributions from one PCE to another PCE or PAC affiliated with it are not subject to limits. Contributions made from two or more PCEs that are affiliated are considered to have been made from a single PCE. However, expenditures made by a PCE that declares affiliation with a PAC are not combined with that PAC for the purpose of determining contribution limits.

[R.C. 3517.102]

Minors

Political Contributing Entities are prohibited from knowingly accepting contributions from any individual under the age of seven.

[R.C. 3517.102 (C)(7)(a)]

Partnerships/Unincorporated Associations

Contributions received from partnerships or unincorporated associations must reflect both the name of the entity and the individual(s) making the contribution. Incorporated professional associations and limited liability companies are considered unincorporated associations or, if applicable, partnerships. Contributions may be transmitted by these entities but must include, at the time of the distribution, detailed information on the allocation of the contribution amount among the owners or partners of the unincorporated association or partnership. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner(s), owner(s) or member(s).

[R.C. 3517.10(I); OAC 111-5-20; OEC Adv. 96ELC-03]

Deposit of Contributions and Other Income

A PCE primarily accepts contributions from dues, membership fees or other assessments of its members. These funds may be held in the labor organization's general treasury accounts. However, the PCE may elect to establish and deposit dues, membership fees or other assessments of its members into an account separate from the general treasury. The PCE must establish a separate account only if it accepts voluntary contributions. The deposit of voluntary contributions is subject to the time limits prescribed in OAC 111-5-12.
In-Kind Contributions

An in-kind contribution is a non-monetary contribution of goods or services that was made with the consent of, in coordination or cooperation with, or at the request or suggestion of the benefited PCE. Examples include receiving postage or signs, receiving rent-free office space, having personnel assistance compensated by a third party, or having a third party buy media advertising on behalf of the PCE.

[R.C. 3517.01(B)(16)]

EXPENDITURES

Independent Expenditures

An independent expenditure is an expenditure that is made in support of or in opposition to either a candidate or a ballot issue without the consent of, and not in coordination, cooperation or consultation with, or at the request or suggestion of, the candidate or ballot issue. Such expenditures are reported by the PCE that makes them, but not by the benefited committee.

[R.C. 3517.01(B)(17), 3517.105; OAC 111-3-02, 111-3-03]

Permissible Use of Funds

PCEs may use their resources only in ways that match the definition of expenditure as defined in R.C. 3517.01(B)(6) or to refund excess or illegal contributions. This means that PCEs are allowed to spend money and make in-kind contributions in a manner intended to influence an election or to make a charitable contribution. Charitable contributions are those made to a charity that has been designated as exempt from federal income taxation under subsection 501(a) and described in subsections 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code or to any charity approved by advisory opinion of the Ohio Elections Commission.

[R.C. 3517.08(G)]

No person may convert for personal or business use anything of value from a PAC’s funds.

[R.C. 3517.13(O)]

PCEs may not make any refund of any contribution unless the purpose is to refund a contribution in excess of the applicable contribution limit or to refund a contribution that has been determined to be illegal.

[OEC Adv. 99-ELC-03]
Chapter 7: Political Contributing Entities

Expenditure Verification

Every expenditure in excess of $25 must have a corresponding canceled check or receipt photocopy attached to the report. A paid receipt is one that has been marked “PAID” by the vendor. In addition, the secretary of state or the county board of elections may request a log for certain items, such as mileage reimbursements, so that the expenditure and its appropriateness may be verified.

If canceled checks are not returned or provided by the banking institution of the PCE, a copy or printout of the campaign committee’s bank statements will suffice for the receipt requirement so long as the name of the vendor, date of transaction and amount of the expenditure are all provided. Additionally, printouts of cancelled check images as provided by the PCE's banking institution satisfy the expenditure verification requirement.

[R.C. 3517.10(D); OAC 111-5-14; OEC Adv. 87ELC-03 and 87ELC-12]

Reporting

If a PCE makes an expenditure from the proceeds of dues monies, there are two ways that activity can be reported. A labor organization may use either method based on its preferences and needs.

A PCE may set up a separate bank account or it can make expenditures directly from the labor organization’s general fund. If a separate bank account is established, then all contributions into and all expenditures out of that account will be reported. The Balance on Hand (line 6) of the last report will be transferred to the Amount Brought Forward (line 1) of the next report. However, if the PCE makes expenditures out of the labor organization’s general fund, then it is acceptable in each report to show only contributions in a sufficient amount to cover the expenditures made during the reporting period. In this report, both the Amount Brought Forward and the Balance on Hand would be zero. A PCE should report contributions received from the dues or other assessments under the description “Proceeds from Dues Funds,” along with the date and amount of each contribution.

Corrections and Amendments

When a correction is necessary or additional information is obtained by the PCE or is required by the auditing authority relating to a report that has already been filed, an amended report must be filed. Amendments consist only of corrections to previously submitted information or additional information. The amendment should include either a report cover page or a cover letter clearly indicating the name of the PCE that is filing and what report is being amended. When an error is found, or when checks are received that could not earlier be attached to a report, the amendment should be filed immediately.

When an auditing authority requests additional information or a correction to a report, the PCE has 21 days to provide the information or correction.

[R.C. 3517.11(B)]
Fund-Raiser Exemption

Voluntary contributions, totaling $25 or less, received at a specific fund-raising event do not need to be itemized within a report. These contributions should be reported as a single line item with an aggregate amount on Form 31-E, Statement of Contributions Received at a Social or Fund-Raising Event. Also, in-kind contributions totaling $325 or less from one contributor at a single fund-raising event need not be itemized. These contributions should be reported as a single line item with an aggregate amount on Form 31-J-1, Statement of In-kind Contributions Received. However, in both instances, the treasurer is responsible for keeping itemized records of the contribution in case such records are requested by the auditing authority.

[R.C. 3517.10(B)(4)(e)]

Record Retention

PCEs must keep their records for six years. The boards of elections and the secretary of state must also keep all reports filed with them for six years. This requirement includes all bank records (including deposit records), reports, amendments, correspondence, receipts, invoices and notices.

[R.C. 3517.10(C), (D); OAC 111-5-14]

Closing the PCE

A PCE must have a zero balance, no outstanding debts and no outstanding loans before it may terminate. When these criteria have been met, a PCE must file a final report. This report should list all activity, if any, that has occurred since the previous report. The termination box must also be marked when the committee desires to terminate. There is no separate form for terminating.
BALLOT ISSUE COMMITTEES

What is a Ballot Issue Committee?

A ballot issue committee is a political action committee that is organized to support or oppose a proposed or certified ballot issue or question. This type of committee is often referred to as a ballot issue PAC. Ballot issues include constitutional amendments, liquor options, initiatives and referenda and charter amendments.

Statewide Ballot Issue Committee

In the case of a proposed statewide constitutional amendment, initiated statute, referendum or other issue to be placed on the statewide ballot, the circulator or committee in charge of circulating petitions may constitute a ballot issue PAC prior to petitions being filed or the issue becoming certified. A circulator or committee in charge of such a ballot issue PAC must file a Designation of Treasurer, form 30-D, with the secretary of state before receiving a contribution or making an expenditure. The ballot issue committee consists of the treasurer, the circulator or committee member signing the Designation of Treasurer form, and any committee member engaged in circulating the petition for submission of the issue.

[R.C. 3517.12; OAC 111-4-11]

Local Ballot Issue Committee

In the case of a local, non-statewide ballot issue, a ballot issue committee may be created to support or oppose the issue at any time prior to or after certification of the issue to the ballot. It is important, however, that the ballot issue committee file a Designation of Treasurer prior to receiving any contributions or making any expenditures.

What to Do First

A ballot issue committee must file form 30-D, Designation of Treasurer, prior to receiving any contributions or making any expenditures. This form is considered a “registration” form. It includes basic information such as the name and address of the ballot issue committee, the treasurer and any deputy treasurers.

[R.C. 3517.10 (D)]

Where to File Reports

A ballot issue committee that was formed to support or oppose a statewide ballot issue must register and file with the secretary of state’s office. A committee formed to support or oppose an issue or question that is submitted only to the electors within one county must register and file with the board of elections in that county. If the same issue or question is submitted to the electors in a subdivision or district in more than one county, then the committee must register and file at the board of elections in the most populous county in that subdivision or district.
When to File Reports

Ballot issue committee report filing deadlines are based on the nature and timing of the activity in which the committee engages in relation to any election. All reports must be physically received by the secretary of state or a board of elections to meet the filing deadline requirement. A report postmarked, but not received, by the deadline is a late filing and must be referred to the Ohio Elections Commission.

The purpose of a contribution to a ballot issue committee and the committee's use of its contributions are the key to determining when a report will be required. The need for pre- and post-election reports will be determined by whether the ballot issue committee received contributions and/or used its contributions to influence a particular election. The need to file a pre- or post-election report exists only when the ballot issue committee receives contributions and/or makes expenditures to support or oppose an issue appearing on a ballot.

[R.C. 3517.10, 3517.01(B)(5)]

There are four types of reporting deadlines:

A **pre-election** report is due by 4:00 p.m. 12 days before an election if the ballot issue committee spent or received $1,000 or more to influence a ballot issue in that election between the time the last report was filed and the 20th day before the election.

[R.C. 3517.10(A)(1)]

A **post-election** report is due by 4:00 p.m. 38 days after the election, if the ballot issue committee received contributions or made expenditures to influence a ballot issue in that election between the time the last report was filed and the 31st day after the election.

[R.C. 3517.10(A)(2)]

A **semiannual** report is due by 4:00 p.m. on the last business day of July if the ballot issue committee was not required to file a report after the immediately preceding primary election. It should cover the time period since the last report through the last day of June. A semiannual report should only reflect the activity that has occurred since the last report was filed.

[R.C. 3517.10(A)(4)]

An **annual** report is due by 4:00 p.m. on the last business day of January if the ballot issue committee was not required to file a post-election report after the immediately preceding general election. The annual report must cover the time period since the last report through the last day of December. The report should reflect only activity that occurred since the last previous report was filed.

[R.C. 3517.10(A)(3)]

The rules described above for pre- and post-election reports apply regardless of when an election is held. In addition to the regularly scheduled statewide primary and general elections, a ballot issue may appear on a special election ballot. Therefore, if an issue for which a committee is formed appears on a special election ballot, the pre-election and post-election filing requirements exist at the 12 days prior and 38 days after deadlines, respectively.
Chapter 8: Ballot Issue Committees

If a required report is filed late, then the county board of elections or the secretary of state must refer the matter to the Ohio Elections Commission. The commission determines if a fine should be imposed.  
[R.C. 3517.11]

Report Forms

All reporting forms, along with instructions for their use, are available at the secretary of state's website: www.OhioSecretaryofState.gov

Filers may choose to download the forms and use them for creating reports eligible for filing in paper form. Filers may choose to create their own forms for use in paper filing, with the approval of the secretary of state's office, as long as they are substantially similar to the forms prescribed by the secretary of state's office.  
[OAC 111-5-11]

Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms to:

Ohio Secretary of State  
Campaign Finance Division  
180 E. Broad St., 15th Floor  
Columbus, OH 43215

General Rules

Checks

Any check that a ballot issue committee uses to make expenditures must contain the full name and address of the committee. Additionally, if the ballot issue committee is assigned a registration number by the secretary of state, the registration number must also appear on the face of any committee check.

Circulator Statements

If a person or group of persons circulate petitions in an attempt to place an issue on the statewide ballot, a Statement of Circulator form must be filed with the secretary of state. The form must be filed within 30 days after the petitions themselves have been filed.  
[R.C. 3517.12]

If a person or group of persons circulate petitions in an attempt to place an issue on the local ballot, a Statement of Circulator form must filed with the appropriate county board of elections.  
[R.C. 731.35]
Disclaimers

For the purpose of disclaimer requirements, a ballot issue committee should follow the same guidelines as political action committees. See Chapter 12, Disclaimers, for more information regarding disclaimers.

[R.C. 3517.20]

Registration Number

A ballot issue committee formed to support or oppose a statewide issue or question will be assigned a registration number by the secretary of state's office. Every report, check or piece of correspondence from a statewide ballot issue committee should bear this registration number. A local ballot issue committee filing reports with a county board of elections does not receive, and is not required to use, a registration number.

Treasurer Duties and Liability

The treasurer of a ballot issue committee is legally responsible for keeping detailed records of everything received, given or expended. The cover page of every report filed must be signed by the treasurer or deputy treasurer.

Contributions

Generally speaking, the value of all contributions received by a campaign committee must be disclosed. With the exception of those received at a fundraising event, all contributions must be separately itemized. The primary elements for complete disclosure of a contribution are the name and address of each contributor as well as the date and amount of each contribution.

Corporate / Labor Organization Contributions

Ballot issue committees may accept direct corporate and labor organization contributions. In addition to the committee's reporting requirements, corporate and labor organization contributors are required to disclose their activity by filing a one-page form called a 30-B-1, Contributions from a Corporation or Labor Organization Supporting or Opposing Ballot Issues. The corporation or labor organization must file by the same deadlines and at the same filing locations as the ballot issue committee see Chapter 9, Corporations and Labor Organizations, for more information regarding filing requirements.

[R.C. 3599.03]

Contribution Limits

Ballot issue committees are not subject to contribution limits.

[R.C. 3517.102(D)(2)]
Anonymous Contributions

Contributors may not remain anonymous by request. If a donor does not want to be identified, then the contribution should not be made. However, if an anonymous contribution is received, then efforts must be made by the committee receiving it to identify the donor. If the efforts are unsuccessful, then the contribution should have an explanation of the circumstances that caused it to be anonymous and a description of the efforts made to determine the donor’s identity. This information should appear in the address portion of form 31-A, Statement of Contributions Received.

[R.C. 3517.10 (C)(2)]

Cash Contribution Limits

A contributor may not give more than $100 per election in cash. Cash includes only currency or coin.

[R.C. 3517.13(F); OAC 111-5-06]

Contributions from Minor Children

PACs are prohibited from knowingly accepting contributions from any individual under the age of seven.

[R.C. 3517.102 (C)(7)]

Independent Expenditures

An independent expenditure is one that is made in support of or in opposition to either a candidate or a ballot issue without the consent of, and not in coordination, cooperation or consultation with, or at the request or suggestion of the candidate or ballot issue committee. Such expenditures are reported by the entity that makes them, but not by the benefited committee.

[R.C. 3517.01(B)(17), 3517.105; OAC 111-3-02, 111-3-03]

Corporations or labor organizations making independent expenditures in support of or opposition to a ballot issue or question must file form 30-B-2, Independent Expenditures from a Corporation or Labor Organization Supporting or Opposing Ballot Issues. This form must be filed at the county board of elections if the issue is a city, county, etc. issue or at the secretary of state’s office if the issue is statewide. See Chapter 9, Corporations and Labor Organizations, for more information regarding these filing requirements.

Campaign Committees, PACs, PCEs, or political parties making independent expenditures in support of or opposition to a ballot issue or question must complete form 31-U, Independent Expenditures Made by a Campaign Committee, PAC, Political Party or Legislative Campaign Fund, as part of its next required campaign finance report.
Individuals, partnerships or other entities making more than $100 in independent expenditures in support of or opposition to a ballot issue or question must file form 30-E, Independent Expenditures Made by Individuals, Partnerships or Other Entities. This form must be filed at the county board of elections if the issue is a city, county, etc. issue or at the secretary of state’s office if the issue is statewide. No report is required if a total of $100 or less was expended.

**In-Kind Contributions**

An in-kind contribution is a non-monetary contribution of goods or services that was made with the consent of, in coordination or cooperation with, or at the request or suggestion of the benefited ballot issue committee. Examples include receiving postage or signs, receiving rent-free office space, having personnel assistance compensated by a third party, or having a third party buy media advertising on behalf of a committee.

[R.C. 3517.01(B)(16)]

**Partnerships/Unincorporated Associations**

Contributions received from partnerships or unincorporated associations must reflect the name of that entity, as well as the name of the individual(s) making the contribution. A partnership or other unincorporated business may use its checking account to transmit a contribution, but the contribution must be accompanied by detailed information of each partner, owner or member and their allocated portion of the contribution. The recipient of such a contribution must itemize each allocated portion according to the information provided. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the ballot issue committee has the allocation information necessary to itemize the contribution by the partner(s), owner(s) or member(s).

[R.C. 3517.10(I); OAC 111-5-20; OEC Adv. 96ELC-03]

**Public Employee Solicitations**

Public employees may not solicit or be solicited for contributions while performing their official duties or while they are in those areas of a public building where official business is transacted or conducted. No public employee may solicit contributions while performing official duties or while in areas of a public building where official business is conducted.

The term “public employee” does not include any person holding an elective office.

[R.C. 3517.092(F)]

**Deposit of Contributions or Other Income**

All income must be deposited in an account within 30 days of receipt or returned to the donor without having been deposited.

[OAC 111-5-12]
EXPENDITURES

Permitted Use of Funds

A ballot issue committee may make expenditures to influence the results of an issue or question. They may also make contributions to a charitable organization. Charitable contributions are those made to a charity that has been designated as exempt from federal income taxation under subsection 501(a) and described in subsections 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, or to any charity approved by advisory opinion of the Ohio Elections Commission.

[R.C. 3517.08(G)]

No person may convert for personal or business use anything of value from a PAC’s funds.

[R.C. 3517.13(O)]

Due to the fact that a ballot issue committee may accept contributions that other types of committees are prohibited from accepting, a ballot issue committee may not make a contribution to a candidate's campaign committee, a political party, legislative campaign fund, PCE or a political action committee.

The question of whether a ballot issue committee may use public property or tax monies to support or oppose an issue or question should be referred to the prosecutor or auditor of that jurisdiction.

Expenditure Verification

Every expenditure in excess of $25 must have a corresponding canceled check or receipt photocopy attached to the report. A paid receipt is one that has been marked “PAID” by the vendor. In addition, the secretary of state or the county board of elections may request a log for certain items, such as mileage reimbursements, so that the expenditure and its appropriateness may be verified. If canceled checks are not returned or provided by the banking institution of the committee, a copy or printout of the committee's bank statements will suffice for the receipt requirement so long as the name of the vendor, date of transaction and amount of the expenditure are all provided. Additionally, printouts of cancelled check images as provided by the committee's banking institution satisfy the expenditure verification requirement.

[R.C. 3517.10(D); OAC 111-5-14; OEC Advs. 87ELC-03 and 87ELC-12]

The three primary pieces of data needed to meet the expenditure verification are:

» Name of payee

» Date of expenditure

» Amount of expenditure
Because ballot issue committees may accept direct corporate and labor organization contributions and are not subject to any limitations, any contributions received by the ballot issue committee may not be used to support any candidate, political party, political action committee, political contributing entity or legislative campaign fund. A ballot issue committee may make an expenditure to another ballot issue committee for the purpose of making a contribution.

**REPORTING**

**Electronic Filing**

Any ballot issue committee registered to support or oppose a statewide issue or question must file its campaign finance report electronically if the committee received contributions over $10,000 or made expenditures over $10,000 during the reporting period. See Chapter 11, Electronic Filing, for more information.

**Corrections and Amendments**

When a correction is necessary or additional information is obtained by the committee or required by the auditing authority relating to a report that has already been filed, the committee must file an amended report. Amendments consist only of corrections to previously-submitted information or additional information. The amendment should include either a report cover page or a cover letter clearly indicating the name of the committee that is filing and which report is being amended. When an error is found, or when checks are received that could not earlier be attached to a report, the amendment should be filed immediately.

When an auditing authority requests additional information or a correction to a report, the committee has 21 days to provide the information or correction.

[R.C. 3517.11(B)]

**Fund-Raiser Exemption**

Contributions totaling $25 or less received at a specific fund-raising activity do not need to be itemized within a report. These contributions should be reported as a single line item with an aggregate amount on Form 31-E, Statement of Contributions Received at a Social or Fund-Raising Event. Also, in-kind contributions totaling $325 or less from one contributor at a single fund-raising activity need not be itemized. These contributions should be reported as a single line item with an aggregate amount on Form 31-J-1, Statement of In-Kind Contributions Received. However, in both instance, the treasurer is responsible for keeping itemized records.

[R.C. 3517.10(B)(4)(e)]
Record Retention

Committees must keep their records for six years. The boards of elections and the secretary of state must also keep all reports filed with them for six years.

[R.C. 3517.10(C), (D); OAC 111-5-14]

Closing the Committee

A ballot issue committee must have a zero balance, no outstanding debts and no outstanding loans before it can terminate. In order to spend down to a zero balance, a ballot issue committee may make any expenditure that fits the permissive use of funds criteria listed previously. When these criteria have been met, a committee must file a final report. This report should list all activity, if any, that has occurred since the previous report. The termination box must also be marked when the committee desires to terminate. There is no separate form for terminating.
Chapter 9: Business and Labor Organizations
BUSINESSES AND LABOR ORGANIZATIONS

OVERVIEW

Corporate Business Campaign Finance Activity

A business that has filed articles of incorporation pursuant to R.C. 1701 is considered to be a "corporation" for campaign finance purposes. Under Ohio law, the use of a corporation's money or property for political purposes is severely limited. Corporations, whether for-profit or nonprofit, are prohibited from giving money, items, personnel, space or anything of value to:

- candidates
- non-ballot issue PACs
- legislative campaign funds
- state candidate fund of a political party
- general fund of a political party

Use of a corporate logo in an endorsement or solicitation letter meant to support a candidate or political party is a prohibited use of corporate resources. However, the placement of a campaign sign on the property of a corporation, nonprofit corporation or labor organization is not a violation. [R.C. 3599.03; OEC Adv. 97ELC-05]

Generally, legal professional associations and other professional associations that have incorporated pursuant to R.C. 1785, as well as limited liability companies (LLCs) established via R.C. 1705, are not considered "corporations" for campaign finance purposes under R.C. 3599.03 and therefore are not prohibited from issuing one or more checks for the purpose of making one or more individual contributions to partisan elections by individuals – partners, owners – associated with the organization. For reporting purposes, these entities are considered unincorporated businesses or, if applicable, partnerships.

Unincorporated Business Campaign Finance Activity

Business “partnerships” and businesses that have not filed articles of incorporation are not considered to be a “corporation” for campaign finance purposes. When a partnership or other unincorporated business uses its checking account to transmit a contribution, it must include with the contribution check detailed information of each partner, owner or member and their allocated portion of the contribution. The recipient of such a contribution must itemize each allocated portion according to the information provided. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner(s), owner(s) or member(s).

[R.C. 3599.03; OAC 111-5-20; OEC Adv. 96ELC-03]
**Labor Organization (General Treasury Activity)**

A labor organization may use its money or property, including dues monies, to support or oppose candidates, political parties, non-ballot issue PACs and legislative campaign funds. Prior to making expenditures from dues monies, a labor organization must file form 30-D, Designation of Treasurer, establishing a political contributing entity (PCE). See Chapter 7, Political Contributing Entities, for more information.

[R.C. 3517.10]

**Ballot Issue Support**

A corporation or labor organization may use its money or property to support or oppose a proposed or certified ballot issue or question. If the contribution is made as a monetary or in-kind contribution to a ballot issue committee, then the corporation or labor organization must file form 30-B-1, Contributions from a Corporation or Labor Organization Supporting or Opposing Ballot Issues, at the same filing location and by the same filing deadlines that the ballot issue committee must file its reports. See Chapter 8, Ballot Issue Committees, for more information.

[R.C. 3599.03(C)]

If the corporation or labor organization uses its money or property to make an independent expenditure to support or oppose any ballot issue, then it must file form 30-B-2, Independent Expenditures from a Corporation or Labor Organization Supporting or Opposing Ballot Issues. This form must be filed at the county board of elections if the issue is a local issue or at the secretary of state's office if the issue is statewide.

[R.C. 3517.105(C)(2)]

**Communicating Information**

A corporation or labor organization may use its money or property to communicate information in support of, or in opposition of a political party or candidate for election so long as both of the following conditions are met:

1. The communication is sent exclusively to members, employees, officers, or trustees of the labor organization or the shareholders, employees, officers, or directors of that corporation or to the immediate families of any such individuals.
2. The communication is not made by mass broadcast, such as by radio or television, and is not made by advertising in a newspaper of general circulation.

Examples of how a corporation or labor organization may communicate this information include:

- mail
- letters, flyers, newsletters
- e-mail
Chapter 9: Business and Labor Organizations

» reports and memoranda
» posting of information in non-public areas of the corporation or labor organization facility
» permitting speech by a candidate or other person to individuals included in the set of recipients in item #1 above

[R.C. 3599.03 (F); OAC 111-4-09]

These communications can include an endorsement of one or more candidates, so long as they conform to the above conditions and limitations.

Non-partisan Activity

Corporate and labor organization general treasury funds may be used for programs, such as voter registration drives or debates, that do not promote a particular candidate, PAC or political party.

Nonprofit Corporations

Under campaign finance laws, nonprofit corporations organized pursuant to R.C. 1702, have the same campaign finance restrictions as for-profit corporations.

In addition, nonprofit corporations who communicate information in support of, or in opposition of a political party or candidate for election are subject to the same requirements as for-profit corporations and labor organizations. A nonprofit corporation may use its money or property to communicate with its members, as long as the members, stockholders, donors, trustees or officers are the predominant recipients of the communication - even if the message being communicated is political in nature.

[R.C. 3599.03(F)]

Use of a nonprofit corporation’s money or property for political purposes may or may not impact the tax exempt status of the nonprofit corporation. Questions related to a nonprofit corporation’s permitted or prohibited political activities based on the tax exempt status of the corporation should be directed to the Internal Revenue Service.

Internal Revenue Service
(800) 829-1040
www.irs.gov
Payroll Deduction Plans

Employers, including corporations (both profit and nonprofit), partnerships, limited liability companies, and labor organizations, may make deductions for political use from the wages or salaries of employees who sign authorizations for such deductions. This authorization must be signed separately from an application for membership in, or authorization of payment of dues to, any organization. Employees must indicate in writing how their money is to be spent (e.g. to a PAC or PCE). The actual cost of deducting and forwarding contributions may be paid by the employer or may be deducted from the employee's contribution. All decisions regarding who receives contributions must be made by employees.

Employers may open separate accounts in the name of the employee where the money may be kept until the employee designates a recipient. All checks forwarded to recipients should clearly provide the underlying employee contributor's name, address and amount contributed. Earned interest cannot be distributed in a manner other than by the employee's choice or a ratio based upon the employee's choice. Recipients of donations aggregating $25 or less in a calendar year from individuals contributing via this method do not need to itemize the contributor information.

[R.C. 3517.10, 3599.031; OAC 111-5-13]

Sponsoring a PAC

A corporation (profit or nonprofit) or labor organization may sponsor a PAC. Sponsorship is indicated on the PAC's Designation of Treasurer. Sponsorship permits the corporation or labor organization to pay certain establishment, administrative and solicitation expenses on behalf of the sponsored PAC. Examples of these expenses include attorney fees and computer, copying and bookkeeping costs. The corporation or labor organization is also permitted to pay certain costs related to the solicitation of contributions for the sponsored PAC. These expenses must be paid directly by the corporation or labor organization or be paid into a separate administrative account set up by the PAC. The sponsor may not reimburse the PAC for these expenses. The sponsored PAC must report these expenses on form 31-I, Establishment, Administrative and Solicitation Expenses. Corporate expenditures made to benefit Ohio state or local candidates or political parties are not considered establishment, administrative or solicitation expenses. See Chapter 6, Political Action Committees, for more information.

[R.C. 3517.082; OAC 111-4-01 to 111-4-08]

When a PAC is sponsored by a corporation or labor organization, the name of the sponsor must be included in the name of the PAC.

[OAC 111-1-04]
Chapter 9: Business and Labor Organizations

POLITICAL PARTY SUPPORT

Building Fund

A corporation or labor organization may use general treasury funds to make gifts to the building fund of state and county political parties, as long as the building fund is specifically designated and used to defray any cost incurred for the construction, renovation, or purchase of an office facility. If the gift is from a corporation engaged in business in the state, then the gift may not exceed 10 percent of the total construction, renovation or purchase cost of a building. Political parties may set up a separate account called a building fund and may accept direct corporate gifts for this purpose. Public utilities, however, are prohibited from making such gifts.

[R.C. 3517.101(B), 3599.03(D)]

Restricted Fund

A corporation or labor organization may also use general treasury funds to make gifts to the restricted fund of state and county political parties. These gifts are limited to $10,000 per restricted fund per calendar year. The restricted fund of a political party is established to pay or defray the operational costs of the party and may not be used to support or oppose any particular candidate. For example, the restricted fund may pay for staff salaries, office supplies and equipment, including computer hardware and software.

[R.C. 3517.1012, 3517.18, 3517.13 (X)]

Levin Account

Each state political party may establish a Levin account that may be used to pay or defray the costs of voter registration, voter identification and get-out-the-vote activity. Any corporation or labor organization may make a gift to a Levin account in a calendar year in which a candidate for federal office will appear on an election ballot. These gifts are limited to $10,000 per applicable year. Corporate or labor organization gifts to a Levin account are prohibited during a year in which no candidate for federal office will appear on an election ballot.

[R.C. 3517.1013]

No reporting requirements apply to any corporation or labor organization making gifts to the building, restricted or Levin accounts of a political party. The receipt of these gifts is included in the disclosure statements of the recipient political party fund.
Chapter 10: Electioneering Communication
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ELECTIONEERING COMMUNICATION

What is Electioneering Communication

Generally speaking, electioneering communication is any communication that refers to a candidate and that is distributed via a broadcast, cable or satellite means and is not otherwise considered an “expenditure.” This primarily covers all radio and television communications. The candidate reference within the communication could be by use of the candidate's name, image or likeness or by some other clear and unambiguous reference. Electioneering communication does not include any print media or printed materials.

[R.C. 3517.1011; OAC 111-4-10]

What to Do First

Any person intending to make a disbursement for the direct costs of producing or airing electioneering communications must file form 31-EC, Notice of Intent to Make Electioneering Communication Disbursements, with the office of the secretary of state prior to making such a disbursement. Upon the filing of a form 31-EC, the secretary of state will issue credentials that permit the filing of required detailed reports via the secretary of state’s online filing system. Except for the initial filing of a Notice of Intent to Make Electioneering Communication Disbursements, the prescribed format for filing all electioneering communication reports is through the secretary of state’s online filing system.

[R.C. 3517.1011(C)]

When to File Reports

Any person who makes a disbursement or disbursements for the direct costs of producing and airing electioneering communications aggregating in excess of $10,000 during any calendar year must file, within 24 hours of each disclosure date, a disclosure of electioneering communications statement. After the first disclosure of electioneering communications statement is filed, continued filing is required weekly through that calendar year, so long as additional electioneering communication disbursements are made. These subsequent reports must be filed on the same day of the week as the day of the week that the initial disclosure statement was filed.

[R.C. 3517.1011(A)(6) and (D)]
What a Filing Must Contain

Each electioneering communication disclosure statement must contain all of the following:

a. The full name and address of the person making the disbursement, any person sharing or exercising direction or control over the activities of the person making the disbursement, and the custodian of the books and accounts of the person making the disbursement.

b. The principal place of business of the person making the disbursement, if not an individual.

c. The amount of each disbursement of more than $1 during the period covered by the statement and the identity of the person to whom the disbursement was made.

d. The nominations or elections to which the electioneering communications pertain and the names, if known, of the candidates identified or to be identified.

e. For each contributor who contributed an aggregate amount of $200 or more to the person making the disbursement and whose contributions were used for making the disbursement, all of the following information:
   i. The month, day and year that the contributor made the contribution or contributions aggregating $200 or more.
   ii. The full name and address of the contributor and, if the contributor is a political action committee, its registration number.
   iii. If the contributor is an individual, the name of the individual’s current employer if any, or if the individual is self-employed, the individual’s occupation and the name of the individual’s business, if any.
   iv. A description of the contribution, if other than money.
   v. The value in dollars and cents of the contribution.
   vi. For any contribution transmitted through a payroll deduction, if the amounts deducted from the wages and salaries of two or more employees exceed, in the aggregate, $100, the full name of the employees’ employer and the full name of the labor organization of which the employees are members, if any.

[R.C. 3517.1011(D)]

Coordinated Electioneering Communication

An electioneering communication that is made pursuant to any arrangement, coordination or direction by a candidate or a candidate’s campaign committee, or by the officials, agents, employees or consultants of a candidate or a candidate’s campaign committee, is considered to be coordinated and, as such, becomes an in-kind contribution to the candidate. An in-kind contribution is subject to contribution limits, the corporate prohibition and other requirements of the general campaign finance law.

[R.C. 3517.1011(A)(5), (G) and (H); 3517.102]
Disclaimer Requirement

Within each electioneering communication, a statement must appear or be presented in a conspicuous manner that clearly indicates that the electioneering communication is not authorized by the candidate or the candidate’s campaign committee and that clearly identifies the person making the disbursement for the electioneering communication in accordance with R.C. 3517.20.

[R.C. 3517.1011(F)]

Other General Provisions

During the 30 days preceding a primary or general election, any disbursement to pay the direct costs of producing or airing a broadcast, cable or satellite communication that refers to a clearly identified candidate must be considered to be made for the purpose of influencing the results of that election and must be reported as an expenditure or as an independent expenditure. Therefore, all disbursements made within 30 days of an election must be funded by regulated political entities that fully disclose all campaign finance activity on a regular basis and that are otherwise permitted to make direct contributions to candidate campaign committees.1

[R.C. 3517.01(B)(6), 3517.10]

During the 30 days preceding a primary or general election, persons are prohibited from making any broadcast, cable or satellite communication that refers to a clearly identified candidate using any contributions received from a corporation or labor organization.

[R.C. 3517.1011(H)]

The term “contribution” for the purpose of electioneering communication is not the same as the term “contribution” used in other areas of the campaign finance law.

[R.C. 3517.01(B)(5)(e)]

A person must be considered to have made a disbursement if the person has entered into a contract to make the disbursement.

[R.C. 3517.1011(B)]

Statutory Definitions Relating to Electioneering Communication

“Electioneering communication” means any broadcast, cable or satellite communication that refers to a clearly identified candidate and that is made during either of the following periods of time:

a. If the person becomes a candidate before the day of the primary election at which candidates will be nominated for election to that office, between the date that the person becomes a candidate and the 30th day prior to that primary election and between the date of the primary election and the 30th day prior to the general election at which a candidate will be elected to that office.

b. If the person becomes a candidate after the day of the primary election at which candidates were nominated for election to that office or between the date of the primary election and the 30th day prior to the general election at which a candidate will be elected to that office.2

[R.C. 3517.1011(A)(7)(a)]

“Refers to a clearly identified candidate” means that the candidate’s name, nickname, photograph or drawing appears, or the identity of the candidate is otherwise apparent through an unambiguous reference to the person, such as “the chief justice,” “the governor,” “member of the Ohio Senate,” “member of the Ohio House of Representatives,” and other such examples cited in the act, or through an unambiguous reference to the person’s status as a candidate.

[R.C. 3517.1011(A)(13)]

Electioneering communication does not include any of the following:

a. A communication that is publicly disseminated through a means of communication other than a broadcast, cable or satellite television or radio station, such as communications appearing in print media, mailings, brochures, bumper stickers, yard signs, communications over the internet, including e-mail, or telephone communications.

b. A communication that appears in a news story, commentary, public service announcement, news programming or editorial distributed through the facilities of any broadcast, cable or satellite television or radio station, unless those facilities are owned or controlled by any political party, political committee, or candidate.

c. A communication that constitutes an expenditure or an independent expenditure.

d. A communication that constitutes a candidate debate or forum or that solely promotes a candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum.

[R.C. 3517.1011(A)(7)(b)]

2 For purposes of R.C. 3517.1011, “candidate” has the same meaning as in R.C. 3501.01(H)
Chapter 11: Electronic Filing of Campaign Finance Reports
Chapter 11: Electronic Filing of Campaign Finance Reports

ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS

Overview

The secretary of state's office is required by statute to develop one or more methods of accepting campaign finance reports by electronic means of transmission. In developing an electronic filing system, the office sought to provide multiple methods of electronic filing in order to maximize the ability of all entities to take part. The system was developed to allow greater flexibility by providing large campaign operations the ability to use off-the-shelf or custom-made campaign software to manage tens of thousands of records, and those small committees with only dozens of records the ability to easily file their respective reports electronically. Since January 1, 2001, all entities under the auditing authority of the secretary of state have had the option of electronically filing their campaign finance reports.

Who Must File Electronically

The requirement to file electronically at the secretary of state's office applies to statewide candidate committees, the campaign committees of candidates for member of the general assembly, statewide PACs and PCEs, state political parties, and legislative campaign funds. A county political party must file its state candidate fund electronically with the secretary of state. Additionally, a county political party must file its restricted fund electronically IF the party has accepted ANY gifts from a corporation or labor organization into the restricted fund.

Local candidates, local PACs and local PCEs are not required to file with the secretary of state's office or permitted to file their campaign finance reports electronically.

Committees (campaign, PAC, PCE, etc.) that are required to file their reports electronically are required to follow the same statutory report filing deadlines to which all committees are subject.

[R.C. 3517.10, 3517.106]

Filing Electronically

There are two methods for a committee to file its campaign finance reports electronically in compliance with R.C. 3517.106: direct entry online filing and data file upload. The direct entry online filing method will be used by most entities. The data file upload method of filing requires greater than average technical knowledge because the user must have a fairly in-depth understanding of data mapping and file formatting to successfully submit a report. This chapter will primarily address the direct entry online filing system. Information is available at the end of this chapter on use of the data file upload process.

Committees using the direct entry online filing system will key contributions, expenditures, and other transactions directly into screens accessible from the secretary of state's website. Data may be keyed into the committee's report at any time and from any location having Internet access. Keyed data is not “submitted” until the committee enters and completes the submit process through the cover page screen of the direct entry online filing system.
The direct entry online filing system includes several features designed to assist campaigns in the management of data and compliance with state law and agency rules. A few examples of these features include:

» Address book. This feature saves each contribution and each expenditure in separate address books, allowing the entity to be quickly added at subsequent transactions.

» PAC number lookup. This feature allows a user to lookup the proper name and registration number of any active PAC on file with the secretary of state.

» Cover page calculation. When a user intends to submit a report, the only cover page information needed will be the balance brought forward (line 1). After entering this figure, the user clicks a button and the remaining cover page line item totals are automatically calculated based on the transaction information entered.

» Pre-audit checks. At any time prior to or at submission of a report, a user can click a button to have the system “audit” entries on that report. Items such as missing employer information or the receipt of a cash contribution exceeding $100 are part of this “audit” function.

» Easy to read printed version. A user can create and print the contents of any report – whether submitted or pending – in order to review the entries.

Checks and Receipts

Committees filing electronically must continue to submit paper copies of canceled checks or paid receipts for all expenditures greater than $25. Unlike the filing of reports, submitting copies of canceled checks and paid receipts is timely so long as they are postmarked by the filing deadline. [R.C. 3517.10; OAC 111-6-03]

Amendments

Amendments are easily completed via the online filing system by the user opening the report as originally filed and making the modifications necessary to make the report complete. After making the edits or other changes, the user proceeds through the submit process via the cover page and the amendment is filed.
Candidate Campaign Committee Notice of Hardship

If the filing of a committee’s campaign finance report by electronic means would constitute a hardship for the candidate or committee, the candidate or committee may request, through a secretary of state prescribed form, to file reports by paper copy.

The purpose of this form is to permit candidates whose campaign committees are subject to the electronic filing requirements in R.C. 3517.106 to affirm that filing their campaign finance reports by electronic means would constitute a hardship for the candidate or committee. Form 31-DD, Electronic Filing Notice of Hardship must be filed for each report subject to the requirement to file the report by electronic means. It is to be filed with the secretary of state’s office prior to the filing of the report covered.

Once this form is filed, the campaign committee is permitted to file the report on paper and pay a fee covering the cost of having the data entered. A paper report filed under the Notice of Hardship must be received at the secretary of state’s office no later than the applicable deadline set forth in R.C. 3517.10. The paper report should not be filed at the county board of elections.

When the report is filed, it must also be accompanied by a check or money order made payable to the Ohio Secretary of State for the fee to offset the data entry costs. The formula to determine the amount of the fee prescribed in R.C. 3517.106 (L) is listed on the form.

Candidates for statewide office whose campaign committees have $25,000 or more in expenditures during the reporting period may not file this form.

Electioneering Communications

All electioneering communication reports are filed with the secretary of state’s office. The office has prescribed an electronic-only method of filing electioneering communication reports. Upon filing form 31-EC, Notice of Intent to Make Electioneering Communication Disbursements, the person or entity filing the Notice will be assigned access credentials for use of the online filing system. Because the timing and content of electioneering communication reporting differs greatly from the disclosure requirements of political entities such as candidates or parties, the online filing system is customized for reporting this activity.
Ohio Campaign Finance Handbook

CHAPTER 12: DISCLAIMERS

Updated March 2013
DISCLAIMERS

What is a Disclaimer

A disclaimer is the portion of a political message that identifies the name and address of the person or entity that paid for the item on which the disclaimer appears. A readable disclaimer must appear on almost everything that is created in an attempt to influence an election, including electronic messages. However, individuals acting alone to disseminate material and certain political action committees limited in size and the amount of their expenditure are not required to include a disclaimer. Candidates are not considered individuals for this purpose. Personal correspondence that is not reproduced for distribution does not need a disclaimer. Political parties do not need to include addresses as part of their disclaimers. Candidate campaign committees do not need to include address or officer information.

[R.C. 3517.105, 3517.20; OEC Adv. 96ELC-10 and 2012ELC-04]

Communications which constitute electioneering communications are different from messages which are intended to influence the outcome of an election. Electioneering communications require identification similar – but not identical – to a disclaimer, Please see Chapter 10, Electioneering Communication for more information.

Disclaimer Required

A sign, newspaper advertisement, literature or other political communication not listed in the “disclaimer exemptions” paragraph below, must include the applicable full disclaimer in a conspicuous place on the political publication. The detailed content of a full disclaimer varies based on the issuing entity.

[R.C. 3517.20; OEC Adv. 2012ELC-04]

Disclaimer Exemptions

Items that are not required to include a disclaimer include:

- Airplane banners
- Badges & buttons
- Balloons
- Charms
- Clothing & hats
- Combs
- Cups and mugs
- Emery boards
- Figurines
- Golf balls & golf tees
- Individually wrapped candy
- Key tags
- Lapel pins & other jewelry
- Letter openers
- Paint stirrers
- Pencils & pens
- Plastic bags
- Plastic discs (Frisbee1)
- Plastic flyswatters
- Sponges

1 “Frisbee” is a registered trademark of WHAM-O, Inc.
A personal correspondence not reproduced by machine for general distribution also is exempt from the disclaimer requirement.

Magnets and stickers measuring two and one-half inches by three inches or less, or seven and one-half square inches or less, or three inches in diameter or less, are also specifically exempt from the disclaimer requirement.

[R.C. 3517.20(A)(12); OAC 111-5-19]

If an item is not listed in OAC 111-5-19, then a specific exemption must be obtained by written request from the secretary of state prior to distribution of the item. When requesting an exemption, state your name and address and describe, in detail, the size and material of the item you wish to have exempted and a brief statement explaining why the exemption should be granted. In the event secretary of state staff members have questions about the exemption request, provide a telephone number. The secretary of state will respond in writing to all written exemption requests.

Exemption requests should be sent to:

OHIO SECRETARY OF STATE
CAMPAIGN FINANCE DIVISION
180 E. BROAD ST., 15TH FLOOR
COLUMBUS, OH 43215

Intent to Influence an Election

An advertisement or item that might, even in part, be purchased with the intent of influencing a current or future election or to build or maintain name recognition are reportable and must bear a disclaimer. This would include items purchased with the personal funds of the candidate or officeholder. Examples include items distributed at public events, such as high school basketball program ads or free items.

[OEC Adv. 89-04]

Individuals

Any individual acting completely alone does not need to place a disclaimer on a political communication. Candidates are not considered individuals for purposes of the disclaimer requirement and must include a disclaimer on all political communication unless the item is specifically exempted by rule or given an exemption by the secretary of state.

Candidate Campaign Committee Disclaimer Wording

Every political communication or publication or independent expenditure made in support of or opposition to any candidate or ballot issue that is issued by a candidate's campaign committee must include a readable disclaimer. A complete disclaimer for a candidate's campaign committee is comprised of the phrase, “Paid for by,” followed by the name of the candidate's campaign committee. [R.C. 3517.20; OEC Adv. 2012ELC-04]
Any independent expenditure made by a candidate's campaign committee in support of or opposition to a candidate or ballot issue must also include the full disclaimer of the campaign committee that made the independent expenditure. The name of the committee used in a disclaimer must always match the name of the committee on the most recently filed Designation of Treasurer form.

**Political Action Committees and Political Contributing Entities**

Every political publication or independent expenditure made in support of or opposition to any candidate or ballot issue that is issued by a PAC with ten or more members, or a PCE with ten or more members, must include a disclaimer. A proper disclaimer for a PAC or PCE is comprised of the name of the chairperson, treasurer, or secretary and a residence address or business address of the PAC or PCE.

Any independent expenditure made by a PAC or PCE in support of or opposition to a candidate or ballot issue must also include the full disclaimer of the PAC or PCE that made the independent expenditure. The name of the PAC or PCE used in a disclaimer must always match the name of the PAC or PCE on the most recently filed Designation of Treasurer form.

Some PACs and PCEs are not subject to the disclaimer requirement; these are referred to as “limited PACs” or “limited PCEs.” Any PAC or PCE with fewer than ten members that makes an independent expenditure of $500 or less on a political publication or advertisement involving a statewide candidate or ballot issue, $250 or less for a general assembly candidate, or $100 or less for a local candidate or issue, is a “limited PAC” or “limited PCE” and is not subject to the disclaimer requirement. However, a PAC with fewer than ten members is subject to the disclaimer requirement, regardless of the amount spent, if it issues or pays for a political publication or advertisement in conjunction or coordination with any other entity subject to the disclaimer requirement.

For purposes of determining whether a PAC or PCE is a “limited PAC” or “limited PCE” having 10 or fewer members, “member” is defined as a person who makes one or more contributions to that PAC or PCE. [R.C. 3517.105(A)]

**Address**

When an address is required as part of the disclaimer, a street address must appear, although a post office box may also be included in addition to the required street address. [OEC Adv. 91-03]

**Radio and Television Advertisements**

Radio advertisement disclaimers must include the name of the group responsible and an officer of the group, or the name and address of the speaker. If an officer of the group is identified, then the business or home address of the group or officer does not have to be stated on the air, but the radio station must make it available for six months to anyone who requests it. [R.C. 3517.20(B)]

Television advertisement disclaimers must contain the name of the group responsible and an officer of the group, or the name of the
speaker, as well as the business or home address of the group or speaker. This information may be either spoken or appear on the screen, or both.

[R.C. 3517.20]

**Telephone Banks/Pre-Recorded Phone Messages**

When any candidate, campaign committee, legislative campaign fund, political party, political action committee, political contributing entity or other person or entity conducts a telephone bank to support or oppose a candidate or issue or to influence the voters in an election, the identity of the committee or other entity paying for the telephone bank must be included in the telephone call.

For the purpose of this requirement, a telephone bank occurs when all of the following conditions are met:

» The number of telephone calls is 500 or more; and,
» The content of the telephone call is identical or substantially similar; and,
» The telephone calls are made within any thirty-day period.

The telephone bank definition and disclosure requirements apply whether the telephone calls are made by individuals or by machine. [R.C. 3517.20 (A)(1)(l), (C)]

**Electronic Messages**

Electronic messages posted on the Internet or sent via electronic mail are subject to the disclaimer requirement. Specific information to be included in the disclaimer depends on the person, committee, or group responsible for the message.

[OEC Adv. 96ELC-10]

**False Statements**

Statements or information that are not true may not be included within political communications. Further, candidates should not use wording that would lead a person to believe that the candidate is the incumbent or has been elected to the same office if that is not true. For example, only an incumbent or someone who has previously been elected to the office may use the word “re-elect” or “return.” Appointees may use words such as “retain” or “keep.” Others should use terms such as “vote,” “for” or “elect” in a manner that indicates that they are not the incumbent.

[R.C. 3517.21]
Chapter 12: Disclaimers

Multi-piece Mailings
If more than one piece of printed material is mailed as a single packet, then only one of the pieces of the packet – whether on the envelope or on a piece within the envelope – must contain the disclaimer of the organization responsible for the communication.

[R.C. 3517.20(A)(10)]

Use of Political Party Bulk Mailing Permit
When a political party allows someone to use its bulk mailing permit, but the postage was paid for by the candidate’s committee, the campaign committee’s disclaimer should appear. However, if the party made an in-kind gift of the postage, then the party’s disclaimer should appear on the envelope.

[OEC Case No. 87A-08]

Questions regarding bulk mailing permits – use, acquisition, cost, etc. – should be directed to the U.S. Postal Service at (800) 275 – 8777 or www.USPS.com.

Updating a Disclaimer
The Ohio Elections Commission has determined that when a committee uses campaign signs or other materials from a prior campaign, the information within a disclaimer must be current when the signs are posted or the materials are distributed. A committee may update the disclaimer on signs and other materials by placing a label with the updated content over the original disclaimer printed on the item.

Permits and Placement
Some municipalities or community associations have local ordinances or charter provisions that may require a permit to place signs within a political subdivision or limit or prohibit the posting of political publications. The purchase of a sign permit is an ordinary and legitimate expenditure of the committee.
Chapter 13: Duties of the Secretary of State and County Boards of Elections
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DUTIES OF THE SECRETARY OF STATE AND COUNTY BOARDS OF ELECTIONS

Duty to Examine and Investigate

The secretary of state and county boards of elections have the duty to examine all original campaign finance reports filed with their offices. They also have the power to investigate irregularities, non-performance of campaign finance-related duties by election officials or violations of election and campaign finance laws.

[R.C. 3501.05, 3517.11]

The secretary of state examines the reports of all statewide candidates, general assembly candidates, statewide political action committees, statewide political contributing entities, statewide parties, statewide ballot-issue committees and legislative campaign funds. County boards of election examine the reports of all village, township, city and county candidates, county political parties, county political action committees, county political contributing entities and county ballot-issue committees.

How an Examination is Conducted

The secretary of state examines reports for compliance with all of Ohio's campaign finance statutes and administrative rules. From the most basic items, such as complete names and addresses for contributions received, to more complex issues, such as contribution limits and personal funds use, a routine examination includes more than 65 items to review.

When an entity has failed to provide all the necessary information or has accepted contributions or has made expenditures that appear illegal or suspect, the entity is contacted by letter detailing what information or action is needed for compliance or clarification. The statute gives the entity 21 days to respond and provide the additional information.

Many examination letters are mailed out each week from the secretary of state's campaign-finance audit staff. It is very important that an entity reply to any correspondence issued by the secretary of state that requires additional information for compliance with Ohio's campaign finance laws. Failure to respond is certain to result in a referral to the Ohio Elections Commission.

Top 15 Reasons for an Examination Letter

1. Blank fields: addresses and dates, etc.
2. No canceled checks provided for expenditures greater than $25.
3. Contributions reported as received from corporations.
4. Cover page not calculated correctly or does not reflect contributions or expenditures reported.
5. Failure to provide employer information, when required.
7. Contribution or expenditure entries to or from other reporting entities not properly reported.
8. Reporting contributions and expenditures in wrong reporting period.
9. Failure to use correct balance forward.
10. Failure to update a Designation of Treasurer.
11. Improper use of a contribution.
12. Receiving cash contributions greater than $100.
13. Improper reporting of contributions received at a fundraiser.
14. Lack of contribution attribution, listing joint contributions.
15. Failure to attribute contributions from partnerships or unincorporated associations.

COMPLETING REPORTS - GENERAL RULES

When a Report is Due

With the exception of FSL PAC reports (see Chapter 6, Political Action Committees, for more information), all reports must be physically received by the secretary of state or board of elections to meet the filing deadline requirement. A report postmarked, but not received by the deadline, is a late filing and must be referred to the Ohio Elections Commission.

Treasurer Duties and Liability

Ohio law states that the treasurer is legally responsible for keeping detailed records of everything received, given or expended. If other persons assist, then the treasurer is responsible for ensuring that they are properly trained. The cover page of every report filed must be signed by the treasurer or deputy treasurer. Each report must contain a statement that the report is correct, subject to penalty for election falsification.

[R.C. 3517.10(C) and (D), 3599.36; OAC 111-5-12, 111-5-14]

Faxing a Report

With the exception of the Two Business-Day Statements report filed by statewide candidates, campaign finance reports may not be faxed and must bear an original signature. Reports filed by federal political committees may be faxed as the secretary of state is not the initial repository of federal filings.
Chapter 13: Duties of the SoS and County BOEs

Report Forms

All reporting forms, along with instructions for their use, are available at the secretary of state's website: www.OhioSecretaryofState.gov

Filers may choose to download the forms and use them for creating reports eligible for filing in paper form. Filers may choose to create their own forms for use in paper filing, with the approval of the secretary of state's office, as long as they are substantially similar to the forms prescribed by the secretary of state's office.

\[OAC \ 111-5-11\]

Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms to:

OHIO SECRETARY OF STATE
CAMPAIGN FINANCE DIVISION
180 E. BROAD ST., 15TH FLOOR
COLUMBUS, OH 43215

Every form has a place for the committee's name. This is for the committee's protection in the event that pages become detached from the report.

If a form would contain no information, then it does not have to be included in a report.

Record Retention

Committees must retain their reports for six years. The secretary of state and county boards of elections also must keep all reports filed with them for six years.

\[R.C. \ 3517.10(D), OAC \ 111-5-14\]

Keeping Reports in Balance

Errors and mistakes in the report can easily affect the balance on hand (Line 6) on a report's cover page, causing it to be incorrect. There are two easy steps that a treasurer should take to avoid or detect potential problems in the report. First, when a report is completed, the balance on hand (Line 6) on the cover page should equal the balance listed in the committee checkbook. If the treasurer has reported all the necessary contributions and expenditures (including service charges, interest and voided checks), then these two figures should be the same. Second, the treasurer should reconcile the statements received from the bank against the checkbook in a regular and timely fashion. These two steps will go a long way to help a treasurer ensure that no contribution or expenditure information is incorrect or has been omitted.
### Ohio Campaign Finance Law Penalties

Penalties for campaign finance and practices violations are specified in the Revised Code. Some of the most commonly requested penalties appear below.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Possible Penalty</th>
<th>Code Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to place a disclaimer on a political communication in violation of <strong>R.C. 3517.20</strong></td>
<td>Fine of not more than $500.</td>
<td><strong>R.C. 3517.992(U)</strong></td>
</tr>
<tr>
<td>Failure to file a complete and accurate report required by a candidate's campaign committee in violation of <strong>R.C. 3517.13(A)</strong></td>
<td>Fine of not more than $100 per day.</td>
<td><strong>R.C. 3517.992(A)(1)</strong></td>
</tr>
<tr>
<td>Failure to file a complete and accurate report required report by a political party or PAC in violation of <strong>R.C. 3517.13(A)</strong></td>
<td>Fine of not more than $100 per day.</td>
<td><strong>R.C. 3517.992(A)(2)</strong></td>
</tr>
<tr>
<td>An individual, campaign committee, PAC, party or legislative campaign fund making or receiving contributions in excess of the limits in violation of <strong>R.C. 3517.102</strong>. <em>(Violation by an individual must be made knowingly.)</em></td>
<td>Fine of three times the amount accepted or contributed, which was in excess of the permitted amount, unless it is refunded within five days after it is accepted or is refunded within ten days after notification by the secretary of state or a board of elections that an excess transfer has occurred.</td>
<td><strong>R.C. 3517.992(I), (J)</strong></td>
</tr>
<tr>
<td>Improper solicitation of contributions by statewide or county officials or candidates in violation of <strong>R.C. 3517.092</strong>.</td>
<td>First-degree misdemeanor.</td>
<td><strong>R.C. 3517.992(M)(1)</strong></td>
</tr>
<tr>
<td>Knowing acceptance of contribution by statewide or county official, in violation of <strong>R.C. 3517.092</strong>.</td>
<td>Fine of three times contribution amount and return of contribution.</td>
<td><strong>R.C. 3517.992(M)(2)</strong></td>
</tr>
<tr>
<td>Knowing acceptance of contribution by statewide or county official, in violation of <strong>R.C. 3517.092</strong>.</td>
<td>Return of contribution.</td>
<td><strong>R.C. 3517.992(M)(2)</strong></td>
</tr>
<tr>
<td>Failure to file a required monthly or two-business day report by a statewide candidate in violation of <strong>R.C. 3517.13(A)</strong>.</td>
<td>Fine of not more than $100 per day.</td>
<td><strong>R.C. 3517.992(A)(1)</strong></td>
</tr>
<tr>
<td>Knowing failure of a political party to report a gift or misrepresent a gift received by the party's building fund account in violation of <strong>R.C. 3517.101</strong> or <strong>R.C. 3517.13(G)</strong>.</td>
<td>Fine of not more than $10,000.</td>
<td><strong>R.C. 3517.992(C)</strong></td>
</tr>
<tr>
<td>Violation</td>
<td>Possible Penalty</td>
<td>Code Citation</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Misrepresentation or concealment of a contribution or expenditure in violation of R.C. 3517.13(G).</td>
<td>Fine of not more than $10,000; if by a candidate, also possible forfeiture of office.</td>
<td>R.C. 3517.992(C)</td>
</tr>
<tr>
<td>Cash contributions in excess of $100 in violation of R.C. 3517.13.</td>
<td>Fine of not more than three times the amount contributed.</td>
<td>R.C. 3517.992(D)</td>
</tr>
<tr>
<td>Conversion of campaign funds for personal use in violation of R.C. 3517.13(O), (P), or (Q).</td>
<td>First-degree misdemeanor.</td>
<td>R.C. 3517.992(F)</td>
</tr>
<tr>
<td>Election falsification matters, such as signing a false campaign finance report.</td>
<td>Fifth-degree felony.</td>
<td>R.C. 3599.36</td>
</tr>
<tr>
<td>Use of corporate/labor funds for making Electioneering Communications within 30 days of an election.</td>
<td>Fine of up to three times the amount disbursed.</td>
<td>R.C. 3517.992 (CC)</td>
</tr>
</tbody>
</table>
Chapter 14: Ohio Elections Commission

Ohio Elections Commission

The Ohio Elections Commission consists of seven persons, six of whom are appointed by the governor on the recommendation of the combined House and Senate caucuses of each of the major political parties. Three members must be appointed from each of two major political parties with the seventh member being an unaffiliated elector appointed by the other six members. If the six members fail to appoint the seventh member within 30 days, then the chief justice of the Ohio Supreme Court makes the appointment. All members serve five-year terms.

[R.C. 3517.152]

The commission is empowered to hear alleged violations of campaign finance law contained in Revised Code sections 3517.08-3517.13, 3517.17, 3517.18, 3517.20-3517.22, 3599.03 and 3599.031. It is also authorized to interpret and write advisory opinions concerning campaign finance law in response to persons over whose acts it has or may have jurisdiction (e.g., campaign treasurers, committees and candidates). The commission will not give advisory opinions on activity that has already occurred, but only on possible future activity. The opinions that the commission has issued may be used for direction when making decisions.

[R.C. 3517.153]

Note the following advisory opinions may no longer be valid due to legislation enacted after their issuance: 87-7, 88-4, 89-2, 89-5 (part), 90-3 and 96-14.

[R.C. 3517.14]

Required Elements for Filing a Complaint with the Ohio Elections Commission

Anyone may file a complaint with the commission regarding possible violations of Ohio's campaign finance laws, Ohio's campaign disclaimer law, Ohio's campaign false statement law or Ohio's limitation on corporate political activity law. To do so, a complaint must contain all of the following:

1. The name of both the person bringing the complaint, as well as the person(s) or party against whom the allegations are made.
2. Addresses for the parties. Phone numbers also, if available.
3. A statement of the alleged violation.
4. A reference to the section of the Ohio Revised Code alleged to have been violated that is within the commission’s jurisdiction.

The statement must be properly notarized. For the purposes of the commission, a proper notarization includes the phrase “signed and sworn before a Notary Public.”

After a complaint is filed, the executive director of the commission will review the complaint to determine the issues contained in it and how the matter should proceed before the commission. A complaint that alleges that campaign materials contain false statements will be expedited and addressed by a probable cause panel of the commission in an accelerated manner. Complaints that allege other violations will be scheduled before the next meeting of the commission to allow the alleged violator sufficient time to file a response with the commission.
Commission staff will use its best efforts to notify all parties of the date and time at which the commission will review the complaint.

At a Meeting of the Ohio Elections Commission

The commission has two separate tracks for reviewing complaints filed with it. Due to their potential impact on an impending election, complaints alleging the making of false statements during the campaign will be reviewed on an expedited basis by a probable cause panel. A probable cause panel of the commission is composed of at least three members of the commission, but not all seven members. The probable cause panel reviews the complaint and any response in an effort to determine whether the entire commission should hear the matter. If the panel does not find that there is a probability that a violation has occurred, then the complaint is immediately dismissed. If the panel finds probable cause, then the matter is set for a hearing before the full commission.

The commission reviews all other complaints at a regular meeting of the full commission. If the commission believes that it has sufficient evidence in the complaint and response to make a final determination in the matter, then the commission will proceed to a final resolution of the matter immediately. If the evidence at the preliminary review is insufficient, then the commission may schedule a full hearing of the matter for a greater presentation of the evidence at a later date.

Once the commission makes a final determination in the matter pending before it, the commission will notify all parties in writing of the nature of the decision.

What to Do if You are Alleged to Have Violated a Campaign Finance Law

Being referred to the Ohio Elections Commission for violating a campaign finance law is a potentially serious, but often routine, matter. In most cases, a few actions on your committee's part will go a long way to resolve the problem. The first is to make sure that you respond to the OEC's initial letter with the notarized affidavit no later than the due date mentioned in the letter. This affidavit should briefly explain your version of the events relating to the alleged violation. When either a board of elections or the secretary of state's office has referred you, the second thing to do is to contact the referring agency to determine what your committee must do to get into compliance. Often, this means the filing of a report that was not filed or responding to a letter requesting corrections or more information.

When your case is scheduled before the commission, you and/or your legal representative are welcome to be present at the hearing.

More Information

For more information about requesting an advisory opinion or reporting a possible violation, contact the Ohio Elections Commission, 21 W. Broad St., Ste. 600, Columbus, OH 43215; (614) 466-3205.

[R.C. 3517.152-3517.157]
OTHER RESOURCES

Campaign finance is under the jurisdiction of the Secretary of State’s office, the 88 county boards of elections and the Ohio Elections Commission. Questions often arise that appear related to campaign finance but are actually under the jurisdiction of other agencies.

The following is a list of other agencies and organizations that may be helpful resources:

**Board of Commissioners on Grievance and Discipline, Rule 4**

This body is an arm of the Ohio Supreme Court and interprets and administers Rule 4 of the Code of Judicial Conduct concerning rules for judges and judicial candidates.

Board of Commissioners on Grievances and Discipline  
65 S. Front St., 5th Floor  
Columbus, Ohio 43215-3431  
(614) 387-9370  
[http://www.supremecourt.ohio.gov/Boards/BOC/default.asp](http://www.supremecourt.ohio.gov/Boards/BOC/default.asp)

**Federal Election Commission (FEC)**

Federal campaign finance law is under the jurisdiction of this body. The campaign finance information on Ohio’s Congressional delegation is available at the FEC’s website in a searchable database.

Federal Elections Commission  
999 E. St., NW  
Washington, D.C. 20463  
(800) 424-9530  
[www.fec.gov](http://www.fec.gov)

**Internal Revenue Service (IRS)**

Questions regarding investment or interest income, Form 1120 POL, section 527 filing requirements, federal tax identification numbers, whether particular contributions are tax deductible or whether political activity will affect a group’s nonprofit status, should be directed to the IRS.

Internal Revenue Service  
(800) 829-1040  
Joint Legislative Ethics Committee (JLEC)

All legislative agents and executive agency lobbyists and their respective employers must file with JLEC, which is charged with the administration and enforcement of Ohio’s lobbying laws. Information regarding lobbyists, including a complete list of registered legislative agents and executive agency lobbyists, is available from JLEC.

Joint Legislative Ethics Committee  
50 W. Broad St., Ste. 1308  
Columbus, O H 43215-5908  
(614) 728-5100  
www.jlec-olig.state.oh.us

Legislative Service Commission

The Ohio Legislative Service Commission (LSC) was created to provide technical, research, and fiscal services to members of the Ohio General Assembly. Bill documents, budget documents and status reports on pending legislation are several of the resources available at LSC’s website.

www.lsc.state.oh.us

Ohio Ethics Commission (OEC)

This commission reviews ethical issues in regard to elected officials, candidates for elected office and other public persons and has jurisdiction over honoraria. The Ohio Ethics Commission works with public officials, candidates and employees at the state and local levels of government, while the Joint Legislative Ethics Committee works with members and employees of, and candidates for, the general assembly, and employees of the Legislative Service Commission. The Board of Commissioners on Grievances and Discipline (see above) handles ethical questions for judges and judicial candidates. The personal financial disclosure statements of public officials and candidates are on file at the appropriate agency.

Ohio Ethics Commission  
8 E. Long St., 10th Floor  
Columbus, O H 43215-2940  
(614) 466-7090  
www.ethics.state.oh.us
Ohio Municipal League (OML)

The OML was organized by city and village officials who saw the need for a statewide association to serve the interests of Ohio municipal government. Any city or village may become a member. Among the various resources the OML provides is a list of all Ohio municipalities having a charter in place as well as a list of statutory cities.

Ohio Municipal League
175 S. Third St., Suite 510
Columbus, Ohio 43215
(614) 221-4349
www.omunileague.org
Chapter 16: Transition Funds

TRANSITION FUNDS

Officeholders elected or appointed to any elective office may establish a transition fund to receive donations and to pay costs incurred for inaugural and other related activities. The creation of a transition fund is completely optional as a candidate's campaign committee may also pay for these same expenses. A transition fund is separate and distinct from a candidate's campaign committee or any other fund or account. The maximum duration of existence for a transition fund is limited to 120 days. This chapter deals solely with regulations related to transition funds.

[R.C. 3517.1014]

What to Do First

Prior to receiving a donation or making a disbursement for the purpose of transition and inaugural activities, an officeholder - i.e. a person who has been elected or appointed any elective, non-judicial, office - must file a Establishment of transition fund and Designation of transition fund Treasurer (Form 30-T). Though a transition fund must be separate from the officeholder's campaign committee, it is permissible for the same person to serve as treasurer for both entities. Both the designated treasurer and the officeholder must sign the Establishment of transition fund and Designation of transition fund Treasurer form.

A transition fund may be established by an officeholder pursuant to the following circumstances.

If elected at a General Election:

» No sooner than the day after the day of the election if, based on the number of ballots outstanding and the unofficial results of the election, it is mathematically possible for the person (officeholder) to have been elected, and

» No later than the last day of December of the year in which the election was held.

If appointed:

» No sooner than after the person (officeholder) has been appointed to fill a vacancy in an unexpired term of a non-judicial elective office, and

» No later than forty-five (45) days after the person is appointed to office.

If elected at a Special Election:

» No sooner than the day after the day of the election, and

» No later than forty-five (45) days after the election was held.
Bank Account

The treasurer must establish a bank or other financial institution account that is separate from any personal or business account and is used solely for the transition fund. All transition funds must be deposited into this separate account. All donations received and deposited, and all disbursements made from this account must be fully disclosed. Donations may only be accepted and disbursements may only be made during the transition fund’s existence.

A federal identification number may be required by the transition fund’s chosen financial institution. This number is issued by the Internal Revenue Service upon request.

Where to File Reports

Although transition funds may be established by officeholders at all levels – e.g. municipal, county, state, etc. – the disclosure reports of all transition funds must be filed by electronic means with the secretary of state.

[R.C. 3517.1014 (D)(2)]

When to File Reports

For the initial disclosure filing, the treasurer of a transition fund must file a full, true, and itemized report of all donations received and disbursements made from the creation of the transition fund to the close of business on the fifth day before the statement is required to be filed on the following dates:

» The fifteenth (15th) day of January of the calendar year following the general election at which the officeholder was elected, or,

» If the officeholder was elected at a special election or appointed to office, the sixty-fifth (65th) day after the transition fund is created.

Further reports are required to be filed on the fifteenth (15th) of each subsequent month of the fund’s existence to reflect donations received and disbursements made from the close of business on the last day reflected in the last previously filed report to the close of business on the fifth (5th) day before the subsequent statement is required to be filed.
What to File

Each disclosure filing is required to be submitted using an online filing system and all of the following information must be provided:

A. The full name and address of the treasurer filing the report, and;
B. The full name and address of the officeholder benefitting from the transition fund, and;
C. The balance brought forward from the most recent filing, if any, and;
D. A statement of donations received, which shall include all of the following:
   1. The month, day, and year on which each donation was received;
   2. The full name and street address of each donor;
   3. The nature of each donation, if other than money;
   4. The value of each donation in dollars and cents; and
   5. If applicable, the name of the donor’s current employer, or, if the donor is self-employed, the donor’s occupation and the name of the donor’s business.
E. A statement of disbursements, which shall include all of the following:
   1. The name and address of the recipient of each disbursement;
   2. The date of each disbursement;
   3. The amount of each disbursement;
   4. The purpose for which each disbursement was made; and
   5. The date the transition fund incurred the cost for which the disbursement was made.
F. The balance remaining in the fund at the close of the reporting period.

The information above is required to be disclosed only once within the transition fund reporting period which covers the date of the transaction (donation or disbursement). A transaction reported in one transition fund reporting period should not be reported again in a different reporting period; nor should one transition fund report be appended to include a transaction(s) for the next reporting period.
Donations

Donations to a transition fund, of both money and in-kind goods and services, may be received from individuals, including for-profit corporations, and campaign committees. All donations must be deposited into the separate account established for the transition fund. No donation may be accepted or deposited unless the officeholder has established a transition fund.

Donation Limits

Donations to the transition fund established for the joint offices of governor and lieutenant governor are limited, per donor, to $10,000. This limit applies to the aggregate value of all donations made by the donor of both money and in-kind goods and services.

[R.C. 3517.1014 (C)(1)(b) & (3)(a)]

Donations to the transition fund established for an officeholder other than governor/lieutenant governor are limited, per donor, to $2,500. This limit applies to the aggregate value of all donations made by the donor of both money and in-kind goods and services.

[R.C. 3517.1014 (C)(1)(c) & (3)(b)]

Disbursements

A transition fund may use any donation to pay for legitimate and verifiable costs incurred for ordinary and necessary transition activities and inaugural celebrations.

[R.C. 3517.1014 (A)]

These costs may include any of the following:

» Office expenses (e.g. leases, supplies)
» Salaries for transition personnel
» Consulting fees
» Food, beverages, and entertainment at an inaugural celebration.

The above-mentioned terms of legitimate and verifiable, ordinary and necessary are defined as follows:

Legitimate conforming to recognized principles or accepted rules and standards;
Verifiable able to be proven true, confirmed or authenticated;
Ordinary taking place according to customary occurrences or procedures;
Necessary appropriate and helpful to accomplishing a particular end.
**Prohibitions**

Donations to a transition fund may not be used for the purpose of influencing the election of any candidate for any office or for influencing the results of any election. While a transition fund may accept donations from candidate campaign committees, it may not make contributions to campaign committees, political action committees, legislative campaign funds, political contributing entities, or political parties.

A transition fund may not make any disbursements to pay for or reimburse any personal expenses of the beneficiary of the transition fund, except for costs incurred for transition activities and inaugural celebrations.

[R.C. 3517.1014 (G)]

**Closing the Transition Fund**

After the payment of all costs incurred for transition activities and inaugural celebrations, the treasurer of the transition fund shall dispose of any money or assets remaining in the transition fund prior to terminating the fund by doing either of the following:

1. Giving the amount, pro rata, to all persons who made donations to that transition fund as a refund of all or part of their donations;

2. Giving the amount to a non-profit corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code

[R.C. 3517.1014 (H)]

In disposing of money or assets, the treasurer of a transition fund shall not refund to any campaign committee any donation received from that campaign committee.

Not later than one hundred twenty (120) days after a transition fund has been established, the treasurer of the transition fund shall file a final report of donations and disbursements. The final report shall be filed with a termination statement along with a copy of all available statements from the bank or other financial institution that held transition fund moneys. The bank or financial institution statements shall demonstrate a zero balance remaining in the transition fund account to confirm that all transition fund moneys were disposed of prior to the termination of the transition fund.

If final bank or financial institution statements are not available at the time of the filing of the final report, the transition fund must file with the secretary of state copies of the final bank or financial institution statements within five days after receiving those statements from the bank or financial institution.

Upon the filing of the final report and termination statement, the transition fund shall cease to exist.

[R.C. 3517.1014 (I)]
If, upon the completion of the official canvass of election returns for the election at which the beneficiary of a transition fund seeks election to office, it is determined that the beneficiary has not been elected to that office, within thirty days after the completion of the canvass the treasurer of the beneficiary’s transition fund shall dispose of all assets remaining in the transition fund and immediately file a final report.
Frequently Asked Questions

**Question:**
I forgot that today is the deadline to file my campaign finance report. May I get an extension?

**Answer:**
No. **R.C. 3517.10** sets the dates that campaign finance reports are due. Neither the boards of elections nor the secretary of state’s office have the authority to extend a filing deadline.

**Question:**
Do I have to itemize contributions under $25?

**Answer:**
Contributions under $25 received at a social or fund-raising event and reported on Form 31-E may be reported together as “Contributions received $25 or less,” along with the date and aggregate amount. This exemption is never based on the cost of a ticket to attend the fund-raising event, but on the total amount each contributor contributed during the event. In-kind contributions of $325 or less that were received at a social or fund-raising event may likewise be listed under the description, “In-kind contributions received $325 or less,” along with the date and amount. It is important to note that the committee is still responsible for collecting and maintaining the underlying contributor information, even when it does not have to itemize it in the report. **[R.C. 3517.10(B)]** Contributions of any amount reported on form 31-A, Statement of Contributions Received, must be itemized.

**Question:**
I received a contribution from a joint checking account. How do I report the contribution?

**Answer:**
Unless otherwise instructed by the contributor, report the contribution as coming from the individual signing the check. If there is evidence indicating that the contribution is from both individuals, then report as two separate contribution entries, attributing half of the contribution to each, unless otherwise specified. **[OAC 111-5-15]**

**Question:**
Please explain the difference between “loan” and debt.

**Answer:**
A loan is a monetary contribution that is expected to be repaid in the future, while a debt is assumed for goods or services secured on behalf of the committee for which reimbursement is expected. Because a loan is a monetary transfer, it must always be deposited into the committee’s campaign bank account.
QUESTION:
I am a candidate who will not be accepting any contributions or spending any money. Am I still required to file a Designation of Treasurer?

ANSWER:
As long as there are no contributions received and no expenditures made (including the candidate’s own funds), the filing of form 30-D, Designation of Treasurer, is not required. The payment of the filing fee by the candidate from his/her personal funds does not trigger the requirement to file a Designation of Treasurer. [OAC 111-5-01]

QUESTION:
I am a candidate and I would like to purchase some flowers for my staff members out of my campaign account. Is this a permissible expense?

ANSWER:
Yes. Using campaign funds to pay for campaign expenses, including gifts for staff or campaign workers, is permissible, as long as the gifts are reasonable in cost and form. See Chapter 2, Candidates, for more information.

QUESTION:
The signs I’m using in my re-election this year list the name of my former treasurer in the disclaimer. Is there any way I can use these signs?

ANSWER:
The disclaimer information must be current when the communication, publication or other item is posted or distributed. Printing and placing a label with the current disclaimer information over the previous information should remedy the problem and allow for the use of the signs. This would apply to any leftover campaign items seeking to be used in subsequent elections.

QUESTION:
After my previous unsuccessful campaign several years ago, I forgave $2,000 in personal loans to my committee. This year I ran for office again and was elected. I have a balance in my campaign account after the election. May I take the new campaign funds and reimburse myself for the previous loan?

ANSWER:
No. The Ohio Elections Commission has ruled that once a loan or debt is forgiven, it cannot be reinstated. [OEC 2001ELC-01]
QUESTION:
My campaign committee received a check from a partnership. May I accept it? How should I report the contribution?

ANSWER:
A partnership may use its checking account to make a contribution. However, when a partnership issues a contribution check, it must also provide the recipient with details on how the check is to be allocated among one or more of the partners or owners. The partnership may not make a contribution in the name of the partnership alone. The recipient campaign committee must itemize the contribution according to the details provided – as separate individual contributions.

[RC. 3517.10 (I); OAC 111-5-21]

QUESTION:
How may a political action committee (PAC) or a political contributing entity (PCE) spend its funds?

ANSWER:
They may only spend money for two purposes: either to influence an election or to make a charitable contribution. [RC. 3517.01(B)(6)]

See Chapter 6, Political Action Committees, and Chapter 7, Political Contributing Entities, for more information.

QUESTION:
Some friends and I want to campaign for a school levy. Do we have to report that information?

ANSWER:
Maybe. If the group will accept and pool resources (contributions) to expressly advocate support for the levy, it will be required to register as a ballot-issue committee. See Chapter 8, Ballot-Issue Committees, for more information.

QUESTION:
My local school board has a levy on the ballot in the coming election and the board is using the school building for fund-raising events and sending notes home with my children. Is this legal and where can I go to complain about such activities?

ANSWER:
This question deals with the appropriate use of public property and tax monies in regard to an election. This issue is not addressed in Ohio’s campaign finance or election laws; therefore, a board of elections and the secretary of state’s office have no authority. You may contact the law director, prosecutor or auditor in the jurisdiction involved to see if this is permitted activity.
QUESTION:
I am a candidate who just won in the primary. May I use campaign funds to throw a party for my campaign workers?

ANSWER:
Yes. Parties and events associated with an election or a candidate’s public office are permitted. [OEC 2004ELC-03; 87-13]

QUESTION:
I received a letter from the secretary of state’s office asking for more information relative to a report I filed last year. What should I do?

ANSWER:
Don’t ignore it! The letter you received is part of the secretary of state’s office fulfilling its duty to examine campaign finance reports for compliance with the law. The information being sought is necessary to complete the report or otherwise complete the examination of the report. State law requires your response within 21 days of receipt of the letter. Call the examiner, whose name and telephone appear on every examination letter, for any help you may need in understanding the content of the letter, the examination process or disclosure compliance.

QUESTION:
What if I believe that someone has violated a campaign finance law?

ANSWER:
You may either contact a board of elections, or the secretary of state if statewide candidates or committees are involved, who will then consider the complaint and decide whether or not to investigate the matter and/or forward the complaint to the Ohio Elections Commission (OEC). An individual who has personal knowledge of a violation may, at any time, file a complaint directly with the Ohio Elections Commission. See Chapter 14, Ohio Elections Commission, for more information.
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111-1-01 Scope.

The rules set forth in Chapters 111-1 to 111-6 of the Administrative Code are issued by the Ohio secretary of state to implement Ohio's campaign finance laws.

The rules set forth in Chapters 111-1 to 111-6 of the Administrative Code shall apply to the nomination or election of candidates or support for or opposition to ballot issues in state and local elections. Nothing in these rules shall be construed as limiting or regulating federal elections, and those committees, parties, candidates, or funds when they participate in such federal elections.

R.C. 119.032 review dates: 05/30/2006 and 01/01/2011
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Prior Effective Dates: 8/23/95(Emer); 11/21/95; 7/13/98 (Emer); 9/24/98; 1/1/02

111-1-02 Definitions.

(A) In-kind contribution includes the provision of goods or services without charge or at a charge which is less than the usual and normal charge for such goods or such services. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the committee, party or fund.

(B) “Usual and normal charge for goods” means the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution; and “usual and normal charge for services”, other than those provided by an unpaid volunteer, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

(C) “Membership association” means a membership organization, trade association, cooperative, corporation without capital stock, political contributing entity, or a local, national or international labor organization that has all or a majority of the following characteristics:

1. Is composed of members, some or all of whom are vested with the power and authority to operate or administer the association, pursuant to the association’s articles, bylaws, constitution, or other formal organizational documents;

2. Expressly states the qualifications and requirements for membership in its articles, bylaws, constitution, or other formal organizational documents;

3. Makes its articles, bylaws, constitution, or other formal organizational documents available to its members upon requests;

4. Expressly solicits persons to become members;

5. Expressly acknowledges the acceptance of membership, such as by sending a membership card or including the member’s name on a membership newsletter list.

(D)(1) “Member” means all persons who are currently satisfying the requirements for membership in a membership association, affirmatively accept the membership association’s invitation to become a member, and who do any of the following:

(a) Have some significant financial attachment to the membership association, such as a significant investment or ownership stake;

(b) Pay membership dues, at least annually, of a specific amount predetermined by the association;

(c) Have a significant organizational attachment to the membership association which includes affirmation of membership on at least an annual basis and direct participatory rights in the governance of the association. For example, such rights could include the right to vote directly or indirectly for at least one individual on the membership association’s highest governing board, the right to vote on policy questions where the highest governing body of the association is obligated to abide by the results, the right to approve the association’s annual budget,
or the right to participate directly in similar aspects of the association’s governance.

(2) Notwithstanding the above requirements for establishing membership, members of a local labor union are considered to be members of any national or international labor union of which the local labor union is a part and of any federation with which the local, national, or international labor union is affiliated.

(3) In the case of a membership association that has a national federation structure or has several levels, including for example, national, state, regional, and/or local affiliates, a person who qualifies as a member of any entity within the federation or of any affiliate by meeting the above requirements for establishing membership shall also qualify as a member of all affiliates.

(4) Notwithstanding the above requirements for establishing membership, the Ohio elections commission may determine, on a case-by-case basis, that persons who do not precisely meet those requirements but have a relatively enduring and independently significant organizational or financial attachment to the membership may be considered members. For example, student members who pay a lower amount of dues while in school, long term dues-paying members who qualify for lifetime membership status with little or no dues obligation, and retired members may be considered members of the organization.

(E) “Stockholder” or “shareholder” means a person who has a vested beneficial interest in stock, has the power to direct how that stock shall be voted, if it is voting stock, and has the right to receive dividends.

(F) “Occupation” means the principal job title or position of an individual and whether or not self-employed.

(G) “Employer” means the organization or person by whom an individual is employed, and not the name of his or her supervisor.

(H)(1) “Affiliation” means with respect to all political action committees and political contributing entities:

(a) Political action committees, established, financed, maintained or controlled by the same corporation, organization, labor organization, continuing association or other person, including any parent, subsidiary, branch, division, or department, of that corporation, organization, labor organization, continuing association or other person.

(b) Political contributing entities established, financed, maintained or controlled by, or that are the same, corporation, organization, labor organization or other person, including any parent, subsidiary, branch, division, or department, of that corporation, organization, labor organization or other person.

(c) Political action committees and political contributing entities established, financed, maintained or controlled by, or that are the same, corporation, organization, labor organization, continuing association or other person, including any parent, subsidiary, branch, division, or department, of that corporation, organization, labor organization, or other person.

(2) “Affiliation” means for purposes of sharing a single contribution limit under section 3517.102 of the Revised Code with respect to political action committees and political contributing entities:

(a) Political action committees sharing a single contribution limit under section 3517.102 of the Revised Code include all political action committees, established, financed, maintained, or controlled by:

(i) A single corporation and its subsidiaries;

(ii) A single national or international labor union and its local labor unions or other subordinate organizations;

(iii) An organization of national or international labor unions and all its state and local central bodies;

(iv) A membership association, other than a political action committee, including
trade or professional associations, and related state and local entities of that organization or group;

(v) The same person or group of persons;

(vi) A continuing association;

(vii) The same political contributing entity.

(b) Political contributing entities sharing a single contribution limit under section 3517.102 of the Revised Code include all political contributing entities established, financed, maintained, or controlled by:

(i) A single corporation and its subsidiaries;

(ii) A single national or international labor union and its local labor unions or other subordinate organizations;

(iii) An organization of national or international labor unions and all its state and local central bodies;

(iv) A membership association, other than a political action committee, including trade or professional associations, and related state and local entities of that organization or group; or

(v) The same person or group of persons

(3) The Ohio elections commission and the secretary of state for purposes of referral to the Ohio elections commission may examine the relationship between organizations, entities, committees, or funds that sponsor committees, between the committees themselves, or between one sponsoring entity or organization and a committee established by another entity or organization to determine whether committees or entities are affiliated.

(4) In determining whether committees or entities not described in paragraph (H)(2) of this rule are affiliated, the Ohio elections commission and the secretary of state will consider the following circumstantial factors in the context of the overall relationship between committees or sponsoring organizations or entities:

(a) Whether a sponsoring organization owns controlling interest in the voting stock or securities of the sponsoring organization of another committee;

(b) Whether a sponsoring organization, committee, or entity has the authority or ability to direct or participate in the governance of another sponsoring organization, committee, or entity through provisions of constitutions, by-laws, contracts, or other rules, or through formal or informal practices, or procedures;

(c) Whether a sponsoring organization, committee or entity has the authority or ability to hire, appoint, demote, or otherwise control the officers, or other decision making employees or members of another sponsoring organization, committee, or entity;

(d) Whether a sponsoring organization, committee, or entity has a common membership with another sponsoring organization, committee, or entity;

(e) Whether a sponsoring organization, committee, or entity has common officers or employees with another sponsoring organization, committee, or entity;

(f) Whether a sponsoring organization, committee, or entity provides funds in a significant amount or on an ongoing basis to another sponsoring organization, committee, or entity, such as through direct or indirect payments for administrative, fund-raising, or other costs, but not including the transfer to a committee of its allocated share of proceeds jointly raised;

(g) Whether a sponsoring organization, committee, or entity causes or arranges for funds in a significant amount or on an ongoing basis to be provided to another sponsoring organization, committee, or entity, but not including the transfer to a committee of its allocated share of proceeds jointly raised; or
(h) Whether the sponsoring organization, committee, or entity have similar patterns of contributions or contributors which indicate a formal or ongoing relationship between the sponsoring organization, committee, or entity. The Ohio elections commission and the secretary of state for purposes of referral to the Ohio elections commission will examine these factors in the context of the overall relationship between committees, sponsoring organizations, or entities to determine whether the presence of any factor or factors is evidence of one committee, sponsoring organization, or entity having been established, financed, maintained, or controlled by another committee or sponsoring organization.

(I) “Solicitation” for purposes of sections 3517.082, 3517.09, 3517.092 and 3599.031 of the Revised Code shall mean an oral or written request for a contribution. Examples of a solicitation include directly or indirectly asking a person for a monetary or an in-kind contribution.

(J) “Political contributing entity” means any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures and that is not an individual or a political action committee, continuing association, campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund. In addition, “political contributing entity” does not include professional associations under section 1702.01 of the Revised Code, limited liability companies under section 1705.01 of the Revised Code or partnerships as defined in Chapters 1775. to 1783. of the Revised Code.

(K)(1) In determining whether a purpose is a “primary or major purpose” as used in the definition of “political action committee” under section 3517.01 of the Revised Code, the following shall be considered:

(a) Whether the combination of two or more persons receives money or any other thing of value in a common account for the specific purpose of supporting or opposing any candidate, political party, legislative campaign fund, political action committee, political contributing entity, or ballot issue;

(b) Whether the combination of two or more persons has or will make a continuing pattern of expenditures from a common account to support or oppose any candidate, political party, legislative campaign fund, political action committee, political contributing entity, or ballot issue;

(c) Whether the combination of two or more persons constitutes an entity that was not in existence prior to supporting or opposing any candidate, political party, legislative campaign fund, political action committee, political contributing entity, or ballot issue;

(d) Whether the total dollar value of the combination of two or more persons' activity described in paragraphs (K)(1)(a), (K)(1)(b) and (K)(1)(c) of this rule during a calendar year exceeds one hundred dollars.

(2) As used in this paragraph, “combination of two or more persons” does not include two or more persons making individual contributions to any campaign committee, political party, legislative campaign fund, political action committee, political contributing entity, or ballot issue.

(L) As provided in division (B)(8)(b) of section 3517.01 of the Revised Code, a political club that is formed primarily for social purposes and that meets the following criteria, is not a “political action committee” as defined by division (B)(8) of section 3517.01 of the Revised Code:

(1) Consists of one hundred members or less; and

(2) Has officers; and

(3) Periodic meetings; and

(4) Has less than two thousand five hundred dollars in its treasury at all times; and

(5) Makes aggregate total contribution(s) of one thousand dollars or less per calendar year.
111-1-03 Loan.

(A) The term “loan” includes a guarantee, endorsement, and any other form of security.

(B) A loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid. The aggregate amount loaned to a candidate or committee by a contributor, when added to other contributions from that individual to that candidate or committee, shall not exceed the contribution limit set forth in section 3517.102 of the Revised Code. A loan, to the extent that it is repaid, is no longer a contribution.

(C) If an individual, political action committee, political contributing entity, political party, campaign committee, or legislative campaign fund makes a loan to any candidate or committee, such loan shall be subject to the limitations set forth in section 3517.102 of the Revised Code. Repayment of the principal amount of such loan to any committee, fund, or party shall not be a contribution by the debtor to the lender, committee, fund, or party. The payment of interest to such committee, fund or party by the debtor shall be a contribution only to the extent that the interest paid exceeds a commercially reasonable rate prevailing at the time the loan is made.

(D) Except as otherwise provided in divisions (I)(6) and (I)(5) of section 3517.992 of the Revised Code, a loan that exceeds the contribution limits of section 3517.102 of the Revised Code shall be unlawful whether or not it is repaid.

(E) Except as provided in this rule, a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. If a third party other than the endorser or guarantor repays all or part of any loan the amount of any or all payments made by that third party constitutes a contribution by that third party.

(F) A candidate may obtain a loan on which his or her spouse’s signature is required when joint assets are used as collateral or security for the loan. The spouse shall not be considered a contributor to the candidate’s campaign if the value of the candidate’s share of the property used as collateral equals or exceeds the amount of the loan which is used for the candidate’s campaign.

(G) A loan obtained by or for the benefit of a statewide, senate or house candidate shall be considered personal funds and subject to the provisions of section 3517.103 of the Revised Code to the extent that such loan is obtained by a statewide, senate or house candidate or for the benefit of such candidate by the candidate’s spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage.

(H) A loan of money by a state bank, a federally chartered depository institution (including a national bank), or a state chartered depository institution whose deposits and accounts are insured is not a contribution by the lending institution if such loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it:

(1) Bears the usual and customary interest rate of the lending institution for the category of loan involved;
(2) Is made on a basis which assures repayment;

(3) Is evidenced by a written instrument; and

(4) Is subject to a due date or amortization schedule.

(I) Such loans shall be reported by the committee, party, or fund in accordance with division (B)(4)(e) of section 3517.10 of the Revised Code. For purposes of Chapter 3517. of the Revised Code, an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless:

(1) The overdraft is made on an account which is subject to automatic overdraft protection;

(2) The overdraft is subject to immediate repayment; or

(3) There is a definite repayment schedule.

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111-1-04 Name of committee.

The name of each candidate’s campaign committee shall include on the designation of treasurer form at least the last name of the candidate who authorized such committee. No committee, other than the candidate’s campaign committee, shall include the name of any candidate in its name. For purposes of this definition, “name” includes any name under which a committee conducts activities, such as solicitations or other communications.

The name of a political action committee formed pursuant to Ohio law shall include the name of its sponsoring organization, if any. Such committee may use a clearly recognized abbreviation or acronym by which the sponsoring organization is commonly known. However, both the full names and such abbreviation or acronym shall be included on the committee’s designation of treasurer form.

The committee may not make contributions solely in its acronym or abbreviated name. A committee established by a corporation or labor organization which has a number of subsidiaries need not include the name of each subsidiary in its name. Similarly, a committee established by a subsidiary need not include in its name the name of its parent or another subsidiary of its parent. For purposes of this rule, “sponsoring organization” means a corporation, nonprofit corporation, or labor organization that establishes or administers a political action committee or a separate segregated fund pursuant to section 3517.082 of the Revised Code.

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Statutory Authority: 3517.23
Rule Amplifies: 3517.10
Prior Effective Dates: 8/23/95 (Emer); 11/21/95; 1/1/02

111-1-05 Best efforts.

When the treasurer of a candidate’s campaign committee, political action committee, political contributing entity or separate segregated fund shows that best efforts have been used to obtain, maintain, and submit the information required by Chapter 3517. of the Revised Code, any report of such committee or fund shall be considered in compliance with such chapter. The treasurer shall make a notation on the form prescribed by the secretary of state, in lieu of the missing or incomplete information, that best efforts have been made to obtain that information.

With regard to reporting the identification of each person whose contribution(s) to the committee or fund and its affiliated committees or funds exceeds one hundred dollars, the treasurer and the committee or fund will be deemed to have exercised best efforts to obtain, maintain and report the required information if:

(A) All written solicitations for contributions in excess of one hundred dollars include a clear request for the contributor’s full name, street address, name of employer, or occupation if self-employed.
(B) For each contribution received in excess of one hundred dollars which lacks required contributor information such as the contributor’s full name, street address, name of employer, or occupation if self-employed, the treasurer makes at least one effort after the receipt of the contributions to obtain the missing information. Such effort shall consist of either a written request sent to the contributor or an oral request to the contributor documented in writing.

(C) The treasurer reports all contributor information not provided by the contributor, but in the campaign committee’s possession; and

(D) If any of the contributor information is received after the contribution has been disclosed on a regularly scheduled report, the campaign committee files, before its next regularly scheduled reporting date, an amendment to the report disclosing the contributions including the contributor’s identification together with the dates and amounts of the contributions.

(E) In accordance with division (L) of section 3517.10 of the Revised Code, this rule does not apply to contributions received by a political contributing entity from the dues, membership fees, or other assessments of its members or from its officeholders, shareholders, or employees to the extent that dues, membership fees, or other assessments may be aggregated for reporting purposes.

111-1-06 Computation of time.

In computing any period of time prescribed or allowed by these rules or Chapter 3517 of the Revised Code, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday.

111-1-08 Limitations pertaining to federal committees.

Any federal political committee that makes a contribution or contributions to a statewide or general assembly candidate, political action committee, political contributing entity, legislative campaign fund, or political party shall be subject to the limits on contributions that may be made by political action committees as set forth in section 3517.102 of the Revised Code.

Effective: 07/27/2006

111-1-09 Local candidate waiver of reporting requirements.

The campaign committee of a candidate that files a “Local Candidate Waiver” in addition to a designation of treasurer is not required to file any campaign finance reports pursuant to section 3517.10 of the Revised Code including any pre-election, post election or annual report.

For purposes of determining if a “Local Candidate Waiver” is appropriate, election period is defined as the period of time beginning when the candidate files his or her candidacy petition through election day. The “Local Candidate Waiver” must be filed not later than ten days after the candidate’s petition has been filed.

Candidates for an elected municipal office that pays an annual salary of five thousand dollars or less, candidates for member of a board of education (including educational service centers) except
for state board of education, and candidates for township trustee and clerk may qualify to file a “Local Candidate Waiver” if all of the following apply:
The campaign committee will not accept during an election period more than two thousand dollars of aggregate contributions; will not accept more than one hundred dollars from any one individual contributor; and will not make aggregate expenditures during an election period greater than two thousand dollars. For purposes of this paragraph, “individual” does not include the candidate whose campaign committee has filed a “Local Candidate Waiver.”

If the campaign committee of a candidate that has filed a “Local Candidate Waiver” subsequently accepts any contributions in excess of the amounts set out above or spends more than two thousand dollars, the waiver is void and the candidate must report all contributions and expenditures received or made from the time the candidacy petition was filed to the date when the excess amount was received or spent.

The waiver covers activity accruing through the postgeneral reporting period of the year in which the waiver is filed. After that time, the campaign committee must either terminate or begin filing the statements required under section 3517.10 of the Revised Code.

R.C. 119.032 review dates: 05/30/2006 and 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3517.10
Prior Effective Dates: 7/13/98 (Emer); 9/24/98; 1/1/02

111-3-02 Independent expenditures.

Independent expenditure means an expenditure by a person for a communication advocating the election or defeat of a clearly identified candidate or ballot issue which is not made with the cooperation or with the prior consent of or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

For purposes of this definition “person” means an individual, partnership, committee, association, or any organization or group of persons, including a separate segregated fund, political contributing entity or political action committee established by a labor organization, corporation or national bank, but does not mean a labor organization, corporation, or national bank unless the labor organization, corporation, or national bank is a political contributing entity.

Notwithstanding any part of this section, any expenditure by a political party for the purpose of financing communications advocating the election or defeat of a candidate for judicial office shall be deemed to be an independent expenditure.

A “communication advocating election or defeat” means a communication that includes, but is not limited to, expressions such as “vote for,” “elect,” “support,” “cast your ballot for,” or “vote against,” “defeat,” or “reject”.

“Clearly identified candidate” means that the name of the candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent.

“Made with cooperation or with the prior consent of, or with the consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate” means any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display or broadcast of the communication. An expenditure will be presumed to be so made when it is:

(A) Based on information about the candidate’s plans, projects, or needs provided to the person making the expenditure by the candidate or by the candidate’s campaign committee or agent, with a view toward having an expenditure made; or

(B) Made by or through any person who is or has been authorized to raise or expend funds, who is or has been an officer of the candidate’s committee or who is or has been, receiving any form of compensation or reimbursement from the candidate, the candidate’s committee, or agent;

(C) Made by a political party in support of a candidate, unless the expenditure is made by a political party to conduct voter registration or voter education efforts.
“Made with cooperation or with prior consent of, or in consultation with or at the request or suggestion of” does not include providing to the expending person upon request Ohio elections commission or secretary of state guidelines on independent expenditures.

“Agent” means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures.

An expenditure not qualifying under this section as an independent expenditure shall be an in-kind contribution to the candidate.

The financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic or other form of campaign materials prepared by the candidate, the candidate’s campaign committee, or authorized agents thereof shall be considered a contribution for the purpose of contribution limits and reporting responsibilities by the person making the expenditure but shall not be considered an expenditure by the candidate or the candidate’s authorized committee unless made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any authorized agent or committee thereof. The value of an individual’s time in the door-to-door distribution or handing out of written campaign materials by that individual is not a contribution or expenditure for purposes of this rule.

No expenditure by an authorized committee of a candidate on behalf of that candidate shall qualify as an independent expenditure.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.10, 3517.105, 3599.03
Prior Effective Dates: 9/6/74, 11/21/95, 7/13/98 (Emer.), 9/24/98, 1/1/02, 1/1/06

111-3-03 Reporting independent expenditures.

(A) Every person or entity who makes an independent expenditure shall file a signed statement with the secretary of state or the board of elections, as appropriate, on a form prescribed by the secretary of state, which shall include:

(1) The reporting person's or entity's name and street address;

(2) The name and street address of the person or entity to whom the expenditure was made;

(3) The amount, date, and purpose of each expenditure;

(4) A statement that indicates whether such expenditure was in support of or in opposition to a candidate, together with the candidate's name and office sought or in support of or opposition to any ballot issue together with the ballot issue number, whether it was a state or local issue, and if a local issue, the county or district it covered;

(5) A signed certification under penalty of election falsification that such expenditure was not made in cooperation, consultation or concert with, or at the request or suggestion of any candidate, ballot issue committee or any authorized committee or agent thereof.

(B) Statements required to be filed under section 3517.105 of the Revised Code shall be filed:

(1) At the same time and place as the person or entity files a statement required by section 3517.10 of the Revised Code and as part of that statement; or

(2) If no statement is required by section 3517.10 of the Revised Code, the individual, partnership, or other entity shall file with the secretary of state in the case of a statewide candidate or issue, or with the board of elections in the county in which the affected candidate files the candidate's petitions or declaration of intent to be a write-in candidate for nomination or election for district or local office.
111-3-04 Limitation on use of personal funds.

No candidate who has failed to file a personal funds notice as required in section 3517.103 of the Revised Code shall knowingly make expenditures from his or her personal funds or the funds of his or her spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage, in connection with his or her campaign for nomination for election to office which exceeds one hundred thousand dollars during a primary election period in the aggregate or one hundred fifty thousand dollars during the general election period in the aggregate, in the case of statewide candidates, and twenty five thousand dollars during a primary election period in the aggregate or twenty-five thousand dollars during the general election period in the aggregate, in the case of senate and house candidates.

Expenditures made using a credit card for which the candidate is jointly or solely liable will count against the limits of this section to the extent that the full amount due, including any finance charge, is not paid by the committee within sixty days after the closing date of the billing statement on which the charges first appear. For purposes of this section the closing date shall be the date indicated on the billing statement which serves as the cutoff date for determining which charges are included on that billing statement.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplies: RC 3517.10, 3517.105
Prior Effective Dates: 9/6/74, 8/23/95 (Emer.), 11/21/95, 7/13/98 (Emer.), 9/24/98, 1/1/02

111-4-01 Establishment of separate segregated fund.

A corporation or labor organization may establish, administer and solicit contributions to a separate segregated fund (SSF) or political action committee (PAC) of the corporation or labor organization for Ohio state and local elections or for both federal elections and Ohio state or local elections. The former shall be known as an Ohio corporate or labor organization political action committee (Ohio corporate/labor PAC) and the latter as a combined federal, state and local political action committee (FSL PAC).

R.C. 119.032 review dates: 05/30/2006 and 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplies: 3517.082
Prior Effective Dates: 7/16/88, 8/23/95 (Emer), 11/21/95, 1/1/02

111-4-02 Which laws govern Ohio corporate/labor PACs and FSL PACs.

(A) All Ohio laws and regulations with respect to political action committees apply to Ohio corporate/ labor PACs.

(B) An FSL PAC is established and governed by federal laws and regulations, except that an FSL PAC shall file such reports and statements required by sections 3517.082, 3517.10, 3517.105 and 3517.107 of the Revised Code and this rule to the extent that an FSL PAC is participating in Ohio elections, and not otherwise governed by federal law, it shall be governed by Ohio law.

R.C. 119.032 review dates: 05/31/2006 and 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplies: 3517.082
Prior Effective Dates: 3/7/88, 8/23/95(Emer), 11/21/95, 1/1/02
111-4-03 FSL corporate/labor PAC must file statement of organization; Ohio corporate/labor PAC must disclose sponsoring corporation.

(A) An FSL PAC must file with the Ohio secretary of state a copy of its most recent federal statement of organization prior to making expenditures in connection with Ohio state or local elections. Thereafter, a copy of any amended statement of organization must be filed at the same time it is filed with the federal election commission. No other form of registration is required.

(B) An Ohio corporate/labor PAC must provide the name of its sponsoring corporation or labor organization on its “Designation of Treasurer” form and on all finance reports filed pursuant to sections 3517.10 and 3517.105 of the Revised Code.

(C) (1) An Ohio corporate/labor PAC formed by a corporation must state on its “Designation of Treasurer” form the names of any other PACs, including FSL PACs, of its sponsoring corporation, wholly owned subsidiaries of its sponsoring corporation, and the parent organization of its sponsoring corporation, which receive contributions or make expenditures in connection with Ohio state or local elections.

(2) An Ohio corporate/labor PAC formed by a labor organization must state on its “Designation of Treasurer” form the names of any other PACs, including FSL PACs, of its sponsoring labor organization and the international, national, or state organization of its sponsoring labor organization which receive contributions or make expenditures in connection with Ohio state or local elections.

Promulgated Under: 119.03
Statutory Authority: RC 3517.15
Rule Amplies: RC 3517.082
Prior Effective Dates: 3/7/88, 8/23/95(Emer.), 11/21/95

111-4-04 Reports to be filed by FSL PACs.

An FSL PAC that makes a contribution, expenditure or independent expenditure in connection with Ohio state or local elections shall file with the secretary of state a copy of the relevant portions of each report that it files with the federal election commission which reflect any disbursement made for the purpose of influencing Ohio state and local elections regardless of amount. The relevant portions of each such report shall include the summary page that contains the total amount of expenditures, contributions or independent expenditures made in connection with Ohio state and local elections, the detailed summary page, and those pages of itemized contributions, expenditures and independent expenditures made in connection with Ohio state or local elections. The copy of the relevant portions of any such report shall be filed with the secretary of state not later than the date the full report is required to be filed with the federal election commission.

If during a federal reporting period, an FSL PAC made disbursements related to both federal and state or local elections in Ohio, it may file with the secretary of state a single copy of the portions of its report required to be filed under Ohio and federal law. If an FSL PAC had no disbursements during a federal reporting period related to state or local elections in Ohio, then it is not required to file a copy of its report with the secretary of state.

An FSL PAC that makes a contribution or contributions to a state or local PAC with which it is affiliated shall file a statement of Ohio contributors with the secretary of state on or before the last business day of January of the year following the year in which the contribution was made by the FSL PAC. Such statement need only contain the name and address of each contributor to the FSL PAC who is or was, at the time of making the contribution, a resident of Ohio and, for each name listed, the aggregate total amount contributed by each contributor during the reporting period.

HISTORY: Eff 3-7-88; 8-23-95 (Emer.); 11-21-95; 7-13-98 (Emer.); 9-24-98; 1-1-02
Rule promulgated under: RC 119.03
Rule authorized by: RC 3517.23
Rule amends: RC 3517.107
R.C. 119.032 Review Dates: JUL 01 2006
111-4-06 Reporting of establishment, administrative and solicitation costs by Ohio corporate/labor PACs and FSL corporate PACs.

(A) A corporation or labor organization may directly pay the establishment, administrative and solicitation expenses of its Ohio PAC or it may transfer funds to an administrative account of the PAC, or both. Funds in the administrative account may not be commingled with funds in the PAC. An Ohio corporate/labor PAC may also pay its expenses directly from the PAC. However, in such event, the PAC may not be reimbursed by the corporation or labor organization.

(B) The establishment, administrative and solicitation expenses required to be reported by a corporation or labor organization to its Ohio PAC and FSL PAC, pursuant to division (C) of section 3517.082 of the Revised Code, include those which have been paid. A labor organization or affiliated organizations, or by a corporation, its wholly owned subsidiaries or its parent organization or from the administrative account of the PAC or FSL PAC. In the case of an Ohio corporate/labor PAC, all reportable expenses paid during the reporting period of each report filed pursuant to division (A) of section 3517.10 of the Revised Code shall be reported to the PAC. An Ohio corporate/labor PAC must report such expenses at the time it files a campaign finance report.

(C) For purposes of divisions (C)(2) and (C)(3) of section 3517.082 of the Revised Code, a corporation or labor organization may use any reasonably accurate method of determining whether an employee's time or the use of equipment relate to establishing, administering and soliciting contributions to its Ohio PAC or FSL PAC exceeds fifty per cent.

(D) As used in division (C)(3) of section 3517.082 of the Revised Code, the term equipment includes, but is not limited to, typewriters, word processors, computers, computer software, internet service, photocopies and photocopiers, adding machines, desks, files, telephones, postage meters, motor vehicles, and any other equipment necessary to meet the requirements of section 3517.106 of the Revised Code. The cost of pens, pencils and similar office supplies and electricity to operate equipment are not reportable. As used in division (C)(4) of section 3517.082 of the Revised Code, professional fees include, but are not limited to, fees paid for the following services: legal; accounting; fund-raising; printing; graphic, mail; computer; catering, and golf greens. Professional fees do not include salaries or wages paid to the corporation's or labor organization's employees.

(E) Equipment costs, employee wages and salaries, professional fees and solicitation expenses required to be reported by a corporation or labor organization to its FSL PAC or Ohio corporate/labor PAC shall be reported as follows: those which are attributable exclusively to Ohio state and local elections are reported in full; those which can not be attributed exclusively to Ohio state or local elections may be reported in full or may be prorated based on the proportion that expenditures of the PAC or disbursements of the FSL PAC in connection with Ohio state and local elections bear to total expenditures or disbursements in connection with all elections during the same period, as described in paragraph (A) of this rule. An activity which related to the PAC or FSL PAC as a whole, such as soliciting contributions, is attributable to all elections influenced during the reporting period. For purposes of determining if the fifty per cent threshold set forth in divisions (C)(2) and (C)(3) of section 3517.082 of the Revised Code is exceeded, all of an employee's time and all of an equipment's use related to the PAC or FSL PAC shall be taken into consideration. For purposes of determining if the fifty per cent threshold set forth in divisions (C)(2) and (C)(3) of section 3517.082 of the Revised Code is exceeded, all of an employee's time and all of an equipment's use related to the PAC or FSL PAC shall be taken into consideration. Proration may be used to determine only the amount of a cost to be reported.

R.C. 119.032 review dates: 05/30/2006 and 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3517.082
Prior Effective Dates: 3/7/88, 8/23/95 (Emer), 11/21/95, 7/13/98 (Emer), 9/24/98, 1/1/02

111-4-07 Social or fund-raising events; gifts, prizes, or other things of value in exchange for contributions.

(A) A corporation, nonprofit corporation, or labor organization may not use its money or property for a social fund-raising event for its Ohio PAC, if an
employee’s or labor organization member’s right to attend the event is predicated on the employee or member contributing or having contributed or agreeing to contribute to the PAC. An informational meeting concerning the PAC is not a social event for purposes of this rule, so long as any provision of food and beverages at the event is insignificant and merely incidental thereto. An Ohio corporate PAC may charge employees or members to attend a social fund-raising event if the corporation’s money or property is not used in connection with the event.

(B) A corporation including a nonprofit corporation, may not pay for a thing of value, such as a prize or gift, in exchange for a contribution to its Ohio PAC. Lapel pins, plaques, certificates, coffee cups, T-shirts, caps and like items of insignificant cost evidencing contributor status in the PAC are not things of value for purposes of this rule. An Ohio corporate PAC may pay for a prize, gift or other thing of value from its political action committee or separate segregated fund in exchange for a contribution to the fund.

R.C. 119.032 review dates: 05/30/2006 and 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3599.03
Prior Effective Dates: 3/7/88, 8/23/95 (Emer), 11/21/95, 1/1/02

111-4-08 Solicitation of contributions for a particular candidate prohibited; administrative expenses which may and may not be paid by a connected corporation.

(A) A corporation, nonprofit corporation, or labor organization may not solicit contributions to its Ohio PAC or FSL PAC for a particular Ohio state or local candidate or a political party. However, an Ohio PAC or FSL PAC may permit their contributors to voluntarily earmark their contributions for any particular candidate, political action committee, political contributing entity, legislative campaign fund, or political party of their choice.

(B) Except as provided in paragraph (D) of this rule, expenses associated with activities of an Ohio PAC or FSL PAC, which aid Ohio state or local candidates, any legislative campaign fund, or any political party, are not administrative expenses under section 3517.082 of the Revised Code, and a corporation including a nonprofit corporation may not use its money or property for such activities. Such activities include, but are not limited to, the following:

1. N onmonetary (in-kind) contributions to Ohio state or local candidates, political parties, and legislative campaign funds;
2. Independent expenditures to influence state or local candidate elections other than ballot issue elections;
3. Receptions or other social events for state or local candidates, political parties, and legislative campaign funds;
4. Communications to stockholders, members, employees, directors, officers, or trustees of the corporation regarding state or local candidates. This provision does not include a regular communication to the PAC’s contributors, reporting how PAC funds were spent, including the names of candidates and officeholders to whom contributions were made and the voting record of such officeholders.

(C) An Ohio corporate PAC or FSL corporate PAC may conduct the activities specified in paragraphs (B)(1), (B)(2), (B)(3), and (B)(4) of this rule if the PAC pays all associated expenses from its political action committee or separate segregated fund established under section 3517.082 of the Revised Code.

(D) A corporation, nonprofit corporation, or labor organization may use its money and property for the following activities of its Ohio PAC or FSL PAC in connection with Ohio state or local elections, but only if such activities are designed so as not to aid any particular candidate or political party:

1. Voter registration and get-out-the-vote activities;
2. Candidate debates and other functions at which candidates are permitted to address or meet voters, but only if each candidate for the same office is offered the same opportunity to appear and speak at such function. No effort may be made at such functions to express support for
a candidate or to solicit contributions for a candidate;

(3) Printed material intended to educate voters as to the qualifications, records and positions of candidates consisting of questions directed to all candidates for the same office and their verbatim responses to such questions, provided that the number of words per response may be limited at the time the questions are sent.

R.C. 119.032 review dates: 05/30/2006 and 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3517.082
Prior Effective Dates: 3/7/88, 1/1/02

111-4-09 Corporation and Labor Organization Communications.

(A) As provided by section 3599.03 of the Revised Code, the placement of a campaign sign on the property of a corporation, nonprofit corporation or labor organization is not a use of property in violation of division (A) of section 3599.03 of the Revised Code. A corporation, nonprofit corporation or labor organization may not produce a campaign sign for placement or pay for the production or placement or erection of a campaign sign on the corporation, nonprofit corporation or labor organization's property.

(B) For the purpose of division (F)(3) of section 3599.03 of the Revised Code, “communicating information” by a corporation or labor organization shall include all of the following:

(1) written communication, including communication and information produced and paid for by a candidate's campaign committee, political party or legislative campaign fund, that is distributed exclusively to members, employees, officers, or trustees of the labor organization or shareholders, employees, officers, or directors of the corporation or to members of the immediate families of any such individual or is unintentionally sent as well to a de minimis number of other individuals by:

   (a) mail either as an individual piece or part of a multi-piece package;

   (b) e-mail;

   (c) memoranda;

   (d) reports

(2) designing, producing or posting, or the permitted posting of a sign or other material, including a sign or other information produced and paid for by a candidate's campaign committee, political party or legislative campaign fund, that is posted in a place viewable exclusively by the members, employees, officers, or trustees of the labor organization or shareholders, employees, officers, or directors of a corporation or to members of the immediate families of any such individual or is unintentionally viewable as well to a de minimis number of other individuals.

(3) Audible speech or the permitted audible speech on the property or through the facilities of the labor organization or corporation so long as such speech or permitted speech is delivered exclusively to the members, employees, officers, or trustees of the labor organization or shareholders, employees, officers, or directors of the corporation or to members of the immediate families of any such individual or is unintentionally delivered as well to a de minimis number of other individuals.

Effective: 01/01/2006
R.C. 119.032 review dates: 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3599.03

111-4-10 Electioneering Communication.

(A) As prohibited by 3517.1011 (H) of the Revised Code, no person shall make, during the thirty days preceding a primary election or during the thirty days preceding a general election, an electioneering communication using any contributions received from a corporation or labor organization. For the purpose of this prohibition, “make” means the airing or running of any electioneering communication.

(B) Division (H) of 3517.1011 does not preclude an individual, partnership or unincorporated association
from making, within the 30 days prior to a primary or
general election, an electioneering communication
so long as no corporation or labor organization has
contributed anything of value toward the making of
the electioneering communication.
Effective: 01/01/2006
R.C. 119.032 review dates: 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3517.1011

111-4-11 Statewide ballot issue political
action committees.

(A) As used in divisions (A) and (C) of section 3517.12
of the Revised Code and this rule, “contribution”
shall mean a loan, gift, deposit, forgiveness of
indebtedness, donation, advance, payment, or transfer
of funds or anything of value, including a transfer
of funds from an inter vivos or testamentary trust or
decedent’s estate, and the payment by any person
other than the person to whom the services are
rendered for the personal services of another person,
which contribution is made, received, or used for
the purpose of influencing the results of an election.
All contributions shall be included on a statement of
contributions filed under those divisions and this rule.

(B) For the purpose of divisions (A) and (C) of
section 3517.12 of the Revised Code and this rule,
“contribution” does not include any of the following:

(1) Services provided without compensation by
individuals volunteering a portion or all of their
time to the creating, copying, distributing or
circulating of the issue petitions or the gathering
of petition signatures;

(2) Ordinary home hospitality;

(3) The personal expenses of a volunteer paid for by
that volunteer.

(C) As used in divisions (A) and (C) of section 3517.12
of the Revised Code and this rule, “expenditure” shall
mean the disbursement or use of a contribution for
the purpose of:

(1) Influencing the results of an election, or;

(2) Making a charitable donation under division (G)
of section 3517.08 of the Revised Code.

(D) As used in this rule, the filing by the circulator or
committee in charge of an initiative or referendum
petition, or supplementary petition for additional
signatures, for the submission of a constitutional
amendment, proposed law, section, or item of any
law of the appointment of a treasurer as required by
division (A) of section 3517.12 of the Revised Code
detailed in paragraph (E) of this rule, creates a
“Ballot Issue Political Action Committee.” A “ballot
issue political action committee” consists of all of the
following:

(1) The treasurer appointed pursuant to division (A)
of section 3517.12 of the Revised Code, and;

(2) The circulator or committee member signing the
designation of treasurer appointing the treasurer,
and;

(3) Any committee member engaged in the
creating, copying, distributing or circulating
the initiative or referendum petition, or
supplementary petition for additional
signatures, for the submission of a constitutional
amendment, proposed law, section or item of
any law.

(E) As required by division (A) of section 3517.12 of
the Revised Code, prior to receiving a contribution or
making an expenditure, the circulator or committee
in charge of an initiative or referendum petition, or
supplementary petition for additional signatures,
for the submission of a constitutional amendment,
proposed law, section, or item of any law shall
appoint a treasurer and shall file with the secretary
of state, on a form prescribed by the secretary of
state, a designation of that appointment, including
the full name and address of the treasurer and of the
circulator or committee.

(1) For the purpose of paragraph (E) of this rule, the
form used to appoint the treasurer and disclose
the full name and address of the treasurer and of
the circulator or committee is the designation of
treasurer, form 30-D.

(2) The circulator or committee filing form 30-D
shall indicate on the designation of treasurer
form that the filing is being made for or on behalf of a ballot issue political action committee. The designation of treasurer form, as prescribed by the secretary of state, shall include an area whereby a circulator or committee may make this indication.

(F) As required by division (C) of section 3517.12 of the Revised Code, the designated treasurer of a ballot issue political action committee shall file statements of contributions and expenditures in accordance with section 3517.10 of the Revised Code regarding all contributions made or received and all expenditures made by that treasurer, the circulator, or committee in connection with the initiative or referendum petition supplementary petition for additional signatures, for the submission of a constitutional amendment, proposed law, section, or item of any law.

(1) For the purpose of paragraph (F) of this rule, all forms used to compile the required statements shall be those prescribed by the secretary of state pursuant to division (C)(6) of section 3517.10 of the Revised Code.

(2) A ballot issue political action committee shall file the statements required by division (A)(1) and (A)(2) of section 3517.10 of the Revised Code if:

(a) In the case of the pre-election statement required by division (A)(1) of that section, the initiative, referendum or constitutional amendment issue will appear on the election ballot and if either contributions received or expenditures made by the ballot issue political action committee for the reporting period are more than one thousand dollars;

(b) In the case of the post-election statement required by division (A)(2) of that section, the initiative, referendum or constitutional amendment issue did appear on the election ballot.

(G) A ballot issue political action committee formed pursuant to division (A) of section 3517.12 of the Revised Code and in compliance with this rule is created to support or oppose a ballot issue or question and makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund or political action committee.

(H) Pursuant to division (D)(2) of section 3517.102 of the Revised Code, a ballot issue political action committee is not subject to the limitations specified in divisions (B)(1)(a)(vii), (B)(3)(d), (B)(4), and (C)(7) of section 3517.102 of the Revised Code.

(I) Nothing in section 3517.12 of the Revised Code or this rule restricts or limits the creation of a political action committee that is organized to support or oppose a certified ballot issue or a proposed ballot issue.

(J) The filing and disclosure requirements of divisions (A) and (C) of section 3517.12 of the Revised Code, as amplified by this rule, are separate and distinct from the filing and disclosure requirements of division (B) of section 3517.12 of the Revised Code.

(K) As used in this rule, “influencing the results of an election” shall include creating, copying, distributing or circulating the initiative or referendum petition, or supplementary petition for additional signatures, for the submission of a constitutional amendment, proposed law, section or item of any law.

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111-5-01 Payment of filing fee by candidate.

The payment of any filing fee required by sections 3513.10 and 3513.261 of the Revised Code by the candidate from the candidate’s own funds shall not be considered an expenditure that requires the filing of a designation of appointment of a treasurer under section 3517.10 of the Revised Code.

If the candidate has filed a designation of appointment of a treasurer under section 3517.10 of the Revised Code, payment of the fee required by section 3513.10 or 3513.261 of the Revised Code may be made by the candidate’s campaign committee from the campaign fund.
111-5-02 Contributions received for debt retirement.

As used in section 3517.108 of the Revised Code, "unpaid debt" includes both unpaid debts and unpaid loans. Payments made toward unpaid debts or loans under section 3517.108 of the Revised Code shall be vouched for pursuant to section 3517.10 of the Revised Code.

For purposes of section 3517.108 of the Revised Code, a campaign committee may accept additional contributions from an individual, political action committee, political contributing entity, or other campaign committee when that individual, committee, or entity has contributed less than the contribution limitations prescribed in section 3517.102 of the Revised Code or has made no contributions to that campaign committee during the primary or general election period for which the debt remains unpaid.

111-5-03 Political action committee contributions.

Any political action committee that is not registered under Section 3517.107 of the Revised Code shall file a designation of appointment of treasurer prior to receiving contributions or making expenditures for the purpose of influencing the results of a state or local election in Ohio. A political action committee not registered under Section 3517.107 of the Revised Code and that is registered in a state other than Ohio may not use any contributions received prior to the filing of the appointment of designation of treasurer to make expenditures to influence the results of a state or local election in Ohio.

Once a political action committee has filed an appointment of designation of treasurer pursuant to Section 3517.10 of the Revised Code, any contribution received or expenditure made by the political action committee in connection with any state or local election in Ohio shall be received or made in accordance with Chapter 3517 of the Revised Code.

Any campaign committee, political action committee, political contributing entity, legislative campaign committee or political party that receives a contribution from a political action committee prior to that political action committee filing a designation of appointment of treasurer under section 3517.10 of the Revised Code and this rule shall return the contribution to the political action committee.

111-5-04 When campaign finance statements must be filed.

Whether and when a campaign finance statement is required to be filed under section 3517.10 of the Revised Code depends upon whether the reporting entity is a campaign committee, political action committee, political contributing entity, political party, or legislative campaign fund and the amount and purpose of the reporting entity's contribution and expenditure activity. Except as otherwise provided in paragraph (C) of this rule, the criteria used for filing a preelection statement under division (A)(1) of section 3517.10 of the Revised Code and a postelection statement under division (A)(2) of section 3517.10 of the Revised Code apply to any primary, general, or special election.

(A)(1) A campaign committee's filing requirements are based upon when the committee's candidate is on the ballot. The campaign committee of a candidate who is not on the ballot during a calendar year is not required to file the statements under division (A)(1) of section 3517.10 or division (A)(2) of 3517.10 of the Revised Code for that year, regardless of
contributions received and expenditures made. In this case, the campaign committee is required to file the annual statement under division (A)(3) of section 3517.10 of the Revised Code reflecting all contributions received and all expenditures made that were not reflected in the last statement required to be filed under section 3517.10 of the Revised Code through the last day of December.

(2) During a year in which the candidate is on the ballot, the pre-election statement required by division (A)(1) of section 3517.10 of the Revised Code is due when the campaign committee has received one thousand dollars or more in contributions or has made expenditures of one thousand dollars or more, from the contributions and expenditures reflected in the last statement required to be filed under section 3517.10 of the Revised Code through the twentieth day before the election. The post-election statement required by division (A)(2) of section 3517.10 of the Revised Code is due when the campaign committee received any contributions or made any expenditures from the contributions and expenditures reflected in the last statement required to be filed under section 3517.10 of the Revised Code through the seventh day before the post-election statement under division (A)(2) of section 3517.10 of the Revised Code is required to be filed.

(B)(1) The filing requirements for political action committees, political contributing entities, political parties, and legislative campaign funds are based on whether the entity attempted to influence the results of an election. For the purpose of determining when any of the entities described in the preceding sentence must file a statement required under paragraph (B)(2), (B)(3), or (B)(4) of this rule, any contributions made to or expenditures made on behalf of a candidate or the campaign committee of a candidate during a calendar year when the candidate is not on a ballot is not considered to be made to influence the results of an election held during that calendar year. If those are the only contributions or expenditures the entity makes during that calendar year, then the entity is required to file only the statement required under division (A)(3) of section 3517.10 of the Revised Code. If the entity makes any other contributions to or expenditures on behalf of a political entity to influence the results of an election held during that calendar year for which a statement is required to be filed under division (A)(1), (A)(2), or (A)(3) of section 3517.10 of the Revised Code, then the entity shall file whichever statement is required under those divisions.

(2) If, from the last statement filed through the twentieth day before the election, a political action committee, political contributing entity, political party, or legislative campaign fund made any expenditures to influence the results of an election and received one thousand dollars or more in contributions or made one thousand dollars or more in expenditures, then the political action committee, political contributing entity, political party, or legislative campaign fund is required to file the pre-election statement required under division (A)(1) of section 3517.10 of the Revised Code.

(3) A political action committee, political contributing entity, political party, or legislative campaign fund is required to file the post-election statement under division (A)(2) of section 3517.10 of the Revised Code when the political action committee, political contributing entity, political party, or legislative campaign fund made any contributions to or made any expenditures on behalf of a candidate or the campaign committee of a candidate to influence the results of that candidate's nomination or election to office from the date of reflection of the contributions and expenditures made on the last statement that was required to be filed under section 3517.10 of the Revised Code through the seventh day before the date the post-election report under division (A)(2) of section 3517.10 of the Revised Code is required to be filed.

(4) During a calendar year in which a political action committee, political contributing entity, political party or legislative campaign fund made no contributions or expenditures to influence the results of an election held during that calendar year, the entity is not required to
file a preelection statement under division (A)
(1) of section 3517.10 of the Revised Code or a
postelection statement under division (A)(2) of
section 3517.10 of the Revised Code. The entity
is required to file an annual statement under
division (A)(3) of section 3517.10 of the Revised
Code reflecting contributions received and
expenditures made from date of reflection of the
contributions and expenditures made on the last
statement that was required to be filed under
section 3517.10 of the Revised Code through
the last day of December of that calendar year.

(C) Any campaign committee that filed a postgeneral
election statement under division (A)(2) of section
3517.10 of the Revised Code is not required to file an
annual statement for that year.

(D)(1) As used in this paragraph, “active campaign
committee” is any campaign committee that has
a designation of appointment of a treasurer on
file with a board of elections or the secretary of
state and has not filed a termination statement
pursuant to section 3517.10 of the Revised
Code.

(2) Any active campaign committee that did not file
a postgeneral election statement under division
(A)(2) of section 3517.10 of the Revised Code
is required to file an annual statement under
division (A)(3) of section 3517.10 of the Revised
Code.

(3) An active campaign committee that did
not receive any contributions or make any
expenditures during a calendar year must file
an annual statement under division (A)(3) of
section 3517.10 of the Revised Code stating
that it received no contributions and made
no expenditures during that calendar year.
A completed form 30-A, prescribed by the
secretary of state, showing the beginning and
ending balances and the total of any outstanding
loans or debts satisfies this requirement.

(E) A candidate who receives a certificate of
nomination pursuant to section 3513.02 of the
Revised Code is not required to file the statements
under division (A)(1) or (A)(2) of section 3517.10 of
the Revised Code in regard to the primary election
that would have been held but was not held pursuant
to section 3513.02 of the Revised Code and for which
the candidate was issued the certificate.

(F) A campaign committee may terminate pursuant
to section 3517.10 of the Revised Code if it has a
zero balance and no outstanding loans or debts.
The termination statement may be made a part of an
otherwise scheduled statement required to be filed
under section 3517.10 of the Revised Code, or may
be filed separately at any other time.

(G) The semiannual statement required by division
(A)(4) of section 3517.10 of the Revised Code is due
to be filed by the last business day of July reflecting
contributions received and expenditures made from
the last statement that was required to be filed under
section 3517.10 of the Revised Code through
the last day of June of that calendar year. A semiannual
statement is not required of any campaign committee,
political action committee, political contributing
entity, political party or legislative campaign fund
if a post-primary election statement, as required by
division (A)(2) of section 3517.10 of the Revised
Code, was filed for that election year.

(1) No campaign committee of a candidate for the
office of chief justice or justice of the supreme
court, and no campaign committee of a
candidate for the office of judge of any court in
this state, shall be required to file a semiannual
statement under division (A)(4) of section
3517.10 of the Revised Code.

(2) The campaign committee of a statewide
candidate and the campaign committee of a
candidate for county office are required to file
the semiannual statement under division (A)(4) of section
3517.10 of the Revised Code for any
year in which the candidate does not appear on
an election ballot.

(3) Except as otherwise provided in this section,
the campaign committee of a candidate
for any nonjudicial office is required to file
a semiannual statement if that campaign
committee receives, during that period,
contributions exceeding ten thousand dollars.
111-5-06 Definition of cash.

For purposes of enforcing section 3517.13 of the Revised Code, the term “cash” means coined or paper money designated as legal tender and circulated from hand to hand as a medium of exchange.

111-5-07 Contributions made by a candidate or by the candidate’s campaign committee.

Contributions made by a candidate to the candidate’s own campaign must be reported by the candidate’s campaign committee. Contributions made by a candidate’s campaign committee to a political party, political committee, political contributing entity, or another campaign committee must be reported as expenditures on Form No. 31-B, as prescribed by the secretary of state, and the word “contribution” should be written in the “purpose” portion of the form.

111-5-08 Monthly statements.

Monthly statements shall be filed no later than three business days after the last day of the month covered by such statement. Such statement shall be on a form prescribed by the secretary of state and shall include all of the following:

(A) The full name and address of each person, political party, political contributing entity, campaign committee, legislative campaign fund or political action committee from whom contributions are received and the registration number assigned to the political action committee;

(B) The amount, month, day, and year of the contribution;

(C) If a campaign committee of a statewide candidate receives a contribution from an individual that exceeds one hundred dollars, the name of the individual’s current employer, if any, or, if the individual is self-employed the individual’s occupation;

(D) If a campaign committee of a statewide candidate receives a contribution transmitted pursuant to section 3599.031 of the Revised Code from amounts deducted from the wages and salaries of two or more employees that exceeds one hundred dollars, the full name of the employees’ employer and the full name of the labor organization of which the employees are members, if any.

The information included on a monthly statement shall not be reported again on any subsequent monthly statement, two-business-day statement, or campaign finance statement required by section 3517.10 of the Revised Code.

Any monthly statement required to be filed under section 3517.10 of the Revised Code that is found to be incomplete or inaccurate by the secretary of state shall be accepted on a conditional basis, and the person who filed it shall be notified by certified mail as to the incomplete or inaccurate nature of the report. Within twenty-one days after receipt of a notice, the recipient shall file an addendum to the statement providing the information necessary to complete or correct the statement.

A statement is incomplete or inaccurate if it fails to disclose substantially all contributions that are received from a source and that are required to be reported on the monthly statement required by section 3517.10 of the Revised Code or if the report fails to disclose at least ninety per cent of the total contributions received during the reporting period.
111-5-09 Two-business-day statements.

If any contribution, alone or in aggregation with any other contribution, is received from the same contributor in the amount of five hundred dollars or more by the campaign committee of any candidate for chief justice or any candidate for justice of the supreme court or in the amount of two thousand five hundred dollars or more by the campaign committee of any other statewide candidate on or after the nineteenth day before through midnight of the day of the election, the campaign committee of that candidate shall notify the secretary of state within forty-eight hours of receipt of the contribution. The notification shall be in writing and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution. The notification required by this rule shall be in addition to the reporting of these contributions on the postelection statement required under section 3517.10(A)(2) of the Revised Code.

Any two-business-day statement required to be filed under section 3517.10 of the Revised Code that is found to be incomplete or inaccurate by the secretary of state shall be accepted on a conditional basis, and the person who filed it shall be notified by certified mail as to the incomplete or inaccurate nature of the statement. Within twenty-one days after receipt of a notice, the recipient shall file an addendum to the statement providing the information necessary to complete or correct the statement.

A statement is incomplete or inaccurate if it fails to disclose substantially all of the information required to be reported on the two-business-day statement.

111-5-10 Short form statements.

(A) No campaign committee is required to file a postprimary election campaign finance statement required under division (A)(2) section 3517.10 of the Revised Code if, during the combined preelection and postelection reporting periods, the committee received contributions of five hundred dollars or less and made expenditures of five hundred dollars or less. Instead, the campaign committee may file a short-form statement as prescribed by the secretary of state. The statement shall indicate the total amount of contributions received and expenditures made and the balance on hand, and shall be signed under penalty of election falsification. If either the contributions received or the expenditures made during this period exceed five hundred dollars, the campaign committee must file the postprimary election statement required by section 3517.10(A)(2) of the Revised Code that includes all the information required in divisions (B) and (C) of section 3517.10 of the Revised Code.

(B) No campaign committee is required to file a postgeneral election campaign finance statement required by division (A)(2) of section 3517.10 of the Revised Code if, during the combined preprimary, postprimary, pregeneral, and postgeneral election periods, it received contributions and made expenditures of five hundred dollars or less. Instead, the campaign committee may file a short-form statement as prescribed by the secretary of state. The statement shall indicate the total amount of contributions received and expenditures made and the balance on hand, and shall be signed under penalty of election falsification. If either the contributions received or the expenditures made during the combined periods exceed five hundred dollars, the campaign committee shall file the postgeneral election statement required by division (A)(2) of section 3517.10 of the Revised Code that includes all the information required in divisions (B) and (C) of section 3517.10 of the Revised Code.

(C) Paragraphs (A) and (B) of this rule do not apply if a campaign committee makes expenditures prior to the first day of January of the year of the election at which the candidate seeks nomination or election to office or if the campaign committee does not file a termination statement with its postprimary election statement in the case of an unsuccessful primary
election candidate or with its postgeneral election statement in the case of other candidates.

(D) If a campaign committee of a successful candidate at a primary election has filed a short form in accordance with this rule, then the first statement that committee files in regard to the general election shall reflect all contributions received and all expenditures made during the preprimary and postprimary election periods.

(E) A campaign committee of a candidate that was unsuccessful in its effort to obtain its party’s nomination to office and that fails to terminate may not file a short form statement for the postprimary election statement required under division (A)(2) of section 3517.10 of the Revised Code as provided in this rule, regardless of the amount of contributions received and expenditures made. Instead such campaign committee must file the statements required by divisions (A)(1) and (A)(2) of section 3517.10 of the Revised Code.

(F) A campaign committee of a candidate that was unsuccessful in its effort to seek election to office and that fails to terminate may not file a short form statement as provided in this rule, regardless of the amount of contributions received and expenditures made. Instead such campaign committee must file the statements required by divisions (A)(1) and (A)(2) of section 3517.10 of the Revised Code.

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111-5-12 Deposit of receipts.

(A) As used in this rule, “committee” means a campaign committee, political party, political action committee, political contributing entity, legislative campaign fund, or ballot issue committee.

(B) All contributions received by a committee shall be deposited in an account or accounts established by the committee within thirty days of receipt or shall be returned to the contributor without being deposited. The treasurer of the committee shall be responsible for making such deposits or returns. A committee shall make all disbursements by check or similar draft drawn on an account at its designated campaign depository. Funds may be transferred from the depository for investment purposes, but shall be returned to the depository before such funds are used to make expenditures.

The treasurer of the committee shall be responsible for examining all contributions received for evidence of illegality and for ascertaining whether contributions received, when aggregated with other contributions from the same contributor, exceed the contribution limits of section 3517.102 of the Revised Code.

Contributions that present genuine questions as to whether they were made in excess of the allowable contribution limits or by corporations or foreign
nationals, or in the name of another, may be either deposited in a campaign depository, or returned in their entirety to the contributor. If any such contribution is deposited, the treasurer shall make his or her best efforts to determine the legality of the contribution. No expenditures shall be made using such contributions unless the treasurer has determined that the contribution was not made in excess of the allowable contribution limits, or by a corporation, foreign national, or made in the name of another.

The treasurer shall have been deemed to have made his or her best efforts if he or she has made at least one written or oral request for evidence of the legality of the contribution.

Such evidence includes, but is not limited to, a written statement from the contributor explaining why the contribution is legal, or a written statement by the treasurer memorializing an oral communication explaining why the contribution is legal.

If the contribution cannot be determined to be allowed under Ohio law, the treasurer shall refund the entire contribution to the contributor within thirty days.

If the treasurer, exercising his or her responsibilities, including best efforts in the case of questionable contributions, determines that a contribution was not made illegally, such as in excess of the contribution limits, or by a corporation, foreign national, or made in the name of another, but later discovers that it is illegal based on new evidence not available at the time of receipt and deposit or best efforts determination, the treasurer shall refund the entire contribution to the contributor within ten days of the date on which the illegality is discovered. The treasurer of the association’s or other organization’s political action committee that receives a portion of the proceeds of a single check issued for dues or other fees and a contribution, shall maintain records of the amount received as a contribution to ensure that individual contribution limits are not exceeded and other reporting requirements are met.

Under a payroll deduction plan, an employer may not issue a single check on behalf of its employees which check represents a combined payment of contributions to a political action committee or separate segregated fund of a labor organization of the employer’s employees or to a political action committee or separate segregated fund of an association of which the employer is a member, and dues or other fees to such labor organization or association except when such check is issued to an entity separate from the labor organization or association on behalf of one or more employees for purposes of distribution.
111-5-14 Accounting for contributions and expenditures.

The treasurer of a campaign committee, political action committee, ballot issue committee, political contributing entity, political party, or legislative campaign fund shall fulfill all record-keeping duties as set forth in this rule.

(A) Except as otherwise provided in paragraph (H) of this rule, an account of contributions shall be kept, by any reasonable accounting procedure, of all contributions received by or on behalf of the entity, regardless of the amount of the contribution received or the circumstances of where the contribution was received. The account shall include the name and street address of the contributor, the date the contribution was received, the form in which the contribution was received, and the amount of the contribution. The account shall also include all of the following:

(1) For contributions in excess of one hundred dollars received by a campaign committee of a statewide candidate or candidate for the office of member of the general assembly from two or more employees through a system of payroll deduction, the name and street address of each contributor, the date the contribution was received, the name of the contributors’ employer, and the name of the contributors’ labor organization, if any;

(2) For contributions received by a campaign committee of a statewide candidate or candidate for the office of member of the general assembly from any person in excess of one hundred dollars, the name of the contributor’s employer or, if self-employed, the contributor’s occupation;

(3) For contributions from a political action committee, the full name and street address of the political action committee, the registration number of the committee issued by the secretary of state under section 3517.10 of the Revised Code, if any, and the date of receipt and amount of the contributions.

(B) An account shall be kept of all expenditures made by or on behalf of a campaign committee, political action committee, ballot issue committee, political contributing entity, political party, or legislative campaign fund. Such account shall consist of a record of all of the following:

(1) The name and address of every person or entity to whom any expenditure is made;

(2) The date, amount, and purpose of the expenditure. As used in this paragraph, “purpose” includes a brief statement or description of why the expenditure is made.

(C) In addition to the accounts that must be kept as provided in this rule, each campaign committee, political action committee, ballot issue committee, political party, political contributing entity, or legislative campaign fund shall retain all records related to its contribution and expenditure activity. These records shall include, but are not limited to, all of the following:

(1) Statements received from its campaign depository;

(2) Canceled checks or authentic facsimiles thereof, except that disbursements by share draft or check drawn on a credit union account shall be documented by providing a carbon copy of the share draft or check drawn on the credit union account along with a copy of the monthly account statement showing that the share draft or check was paid by the credit union;

(3) For credit card transactions, the monthly billing statement or customer receipt for each credit card transaction.

(D) The requirement of section 3517.10 of the Revised Code that every expenditure in excess of twenty-five dollars shall be vouched for, is satisfied by providing an original or photocopy of any of the following:
(1) A receipted bill; or

(2) A canceled check; or

(3) An account statement, from the committees financial institution, which contains the name of the payee, amount, date, and check number.

(E) In performing record-keeping duties, the treasurer or the treasurer’s authorized agent shall use his or her best efforts to obtain, maintain, and submit the required information. If there is a showing that best efforts have been made, any records of an entity that is required to file a statement under section 3517.10 of the Revised Code shall be deemed to be in compliance with Chapter 3517. of the Revised Code. With regard to the requirements of this rule concerning receipts, invoices, and canceled checks, the treasurer will not be deemed to have exercised best efforts to obtain, maintain, and submit the records unless the treasurer has made at least one written attempt for each transaction to obtain a duplicate copy of the invoice, receipt, or canceled check.

(F) The treasurer shall preserve all records and accounts required to be kept under this rule for six years after the statement to which such records and accounts relate has been filed.

(G) Except as otherwise provided in section 3517.108 of the Revised Code, contributions received by a candidate or by a candidate’s campaign committee in a particular election period are deemed to have been made for the election period during which they were received.

(H) In accordance with division (L) of section 3517.10 of the Revised Code, paragraph (A) of this rule does not apply to contributions received by a political contributing entity from the dues, membership fees, or other assessments of its members or from its officeholders, shareholders, or employees to the extent that dues, membership fees, or other assessments may be aggregated for reporting purposes.

(I) Pursuant to division (B)(4) of section 3517.081 of the Revised Code, a candidate shall not become a beneficiary of a multi-beneficiary campaign committee without first terminating the candidate’s individual campaign committee, if one exists, by doing any of the following in disposal of any remaining contributions:

(1) Giving the amount to the Ohio elections commission fund;

(2) Giving the amount to individuals who made contributions as a refund of all or part of their contribution;

(3) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 502(c) of the Internal Revenue Code.

A candidate’s individual campaign committee shall not contribute or transfer any contributions into any multi-beneficiary campaign committee by or for the benefit of that candidate.

(J) When terminating a multi-beneficiary campaign committee in accordance with division (B)(3)(a) of section 3517.081 of the Revised Code, the campaign committee shall dispose of any remaining contributions only by doing any of the following:

(1) Giving the amount to the Ohio elections commission fund;

(2) Giving the amount to individuals who made contributions as a refund of all or part of their contribution;

(3) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 502(c) of the Internal Revenue Code.

No contributions from the multi-beneficiary campaign committee shall be contributed or transferred into any candidate’s individual campaign committee. This prohibition on a multi-beneficiary campaign committee contributing or transferring contributions into any candidate’s individual campaign committee, as prescribed in division (B)(3)(b) of section 3517.081 of the Revised Code, applies only when the multi-beneficiary campaign committee is in the process of terminating in accordance with division (B)(3)(a) of section 3517.081 of the Revised Code and paragraph (J) of this rule.
(K) Pursuant to section 3517.081 of the Revised Code, each candidate shall have no more than one campaign committee. As prescribed by divisions (B) (3) and (B)(4) of section 3517.081 of the Revised Code and paragraphs (I) and (J) of this rule, no candidate may have, in concurrent operation, campaign committees for which the candidate is both the sole beneficiary in the case of an individual campaign committee and a beneficiary of a multi-beneficiary campaign committee.

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111-5-15 Uniform reporting of contributions.

If an itemized contribution is made by more than one person in a single instrument, the treasurer of an entity that is required to file statements under section 3517.10 of the Revised Code shall report the amount to be attributed to each contributor as specified in the written instrument.

Absent evidence to the contrary, any contribution made from a joint checking account or by other written instrument shall be reported as a contribution by the person signing or endorsing the joint check or other written instrument.

If a contribution is made from a partnership or unincorporated business account, the treasurer shall report the amount to be attributed to each partner or owner as specified by an authorized partner or owner of the partnership or unincorporated business. If no specified attribution is made, the treasurer shall attribute the contribution equally among all partners of the partnership or owners of the unincorporated business.

If a contribution is made from an inter vivos or testamentary trust or a decedent's estate, the treasurer shall report the amount to be attributed to each beneficiary of the trust or estate who is making the contribution, as specified by the beneficiary.

If no specific attribution is made, the treasurer shall attribute the contribution equally among all beneficiaries of the trust or estate.

If a contribution is refunded to the contributor, the treasurer of the reporting entity making the refund shall report the refund on the statement covering the reporting period in which the refund is made.

If a contributor's name is known to have changed since an earlier contribution reported, the exact name or address previously used shall be noted with the first reported contribution from the contributor subsequent to the name change.

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111-5-16 Allocation of expenses between candidates.

Expenditures including in-kind contributions and independent expenditures made on behalf of more than one clearly identified candidate shall be attributed to each such candidate according to the benefit reasonably expected to be derived. For example, in the case of a publication or broadcast communication, the attribution shall be determined by the proportion of space or time devoted to each candidate as compared to the total space or time devoted to all candidates.

An expenditure made by a candidate or the candidate's campaign committee with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of another candidate or campaign committee shall be reported as an in-kind contribution to the candidate or campaign committee on whose behalf the expenditure was made, except that expenditures made by party committees or legislative campaign funds need only be reported as an expenditure.

Expenditures for rent, personnel, overhead, general administrative, fund-raising, and other day-to-day costs of political parties or legislative campaign funds need not be attributed to individual candidates,
unless these expenditures are made on behalf of a clearly identified candidate and the expenditure can be directly attributed to that candidate.

Expenditures for educational campaign seminars, for training of campaign workers, and for registration or get-out-the-vote drives of political parties or legislative campaign funds need not be attributed to individual candidates unless these expenditures are made on behalf of a clearly identified candidate, and the expenditure can be directly attributed to that candidate.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.08, 3517.10, 3517.102
Prior Effective Dates: 8/23/95 (Emer.), 11/21/95, 1/1/02

111-5-17 Other income.

For purposes of preparing a campaign finance statement required by section 3517.10 of the Revised Code, items of other income such as investment income, interest income, refunds received by the reporting entity, uncashed checks, or the reporting entity's own insufficient funds checks that are returned to the reporting entity shall be reported on a form separate from an account of contributions and expenditures. Such items of other income are presumed, unless shown otherwise, not to count toward the contribution limits set forth in section 3517.102 of the Revised Code.

R.C. 119.032 review dates: 12/26/2006
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Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.10
Prior Effective Dates: 8/23/95 (Emer.), 1/1/02

111-5-18 Joint fund-raising.

Any campaign committee or other reporting entity that engages in a joint fund-raising activity shall do the following:

(A) Require each contributor who desires to make a contribution to more than one participant to write a separate check or make a separate contribution to each participant in the joint fund-raiser subject to the contribution limits in section 3517.102 of the Revised Code;

(B) Report all contributions received in its name or for its benefit on form 31-E;

(C) Return any check or contribution made payable to more than one participant.

Expenses for a joint fund-raising activity shall be equally divided among all participants in the activity and reported accordingly, unless agreed otherwise by the participants.

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Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.10, 3517.102
Prior Effective Dates: 8/23/95, 11/21/95, 1/1/02

111-5-19 Political communications.

(A) The following articles are exempted from the disclaimer or identification requirements of section 3517.20 of the Revised Code:

(1) Badges or buttons;

(2) Balloons;

(3) Cups and mugs;

(4) Combs;

(5) Emery boards;

(6) Key tags;

(7) Lapel pins, charms, tie tacks, rings, and other items of jewelry;

(8) Letter openers;

(9) Pencils;

(10) Pens;

(11) Standard measuring rulers not more than twelve inches long;

(12) Sponges;

(13) Golf balls and golf tees;
(14) Tee shirts, caps, hats, and other articles of clothing;

(15) Individually wrapped candy;

(16) Magnets measuring two and one-half inches by three inches or less, or seven and one-half square inches or less, or three inches in diameter or less;

(17) Stickers, labels, decals, or any other printed material with an adhesive back measuring two and one-half inches by three inches or less, or seven and one-half square inches or less, or three inches in diameter or less.

(18) Plastic discs, designed to be sailed with a flip of the wrist for recreation or competition;

(19) Plastic bags;

(20) Plastic or wooden sticks manufactured for the purpose of stirring paint;

(21) Plastic flyswatters;

(22) Banners that are towed by an aircraft in flight.

(B) Specific exemptions for articles not listed above may be obtained by sending a written request to the “Office of the Secretary of State, Legal Division, 180 E. Broad Street, 16th floor, Columbus, Ohio 43215.” A request for a specific exemption must contain a complete description of the article to be exempted, including a photocopy or other reproduction of the article and the exact dimensions of the article, a brief statement explaining why the exemption should be granted, and the address and telephone number of the person making the request.

(C) Specific exemptions may be granted to articles similar to those listed in paragraph (A) of this rule, the size or nature of which makes it unreasonable to add a disclaimer.

(D) Specific exemptions will not be granted to printed political communications such as placards, posters, signs, newspaper and magazine advertisements, match books, billboards, flyers, handbills, or business cards or any other printed material measuring more than two and one-half by three inches, or more than seven and one-half square inches, or more than three inches in diameter.

Effective: 07/27/2006
R.C. 119.032 review dates: 05/02/2006 and 07/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3517.20
Prior Effective Dates: 8/20/81, 1/1/02

111-5-20 Amendments.

(A) The secretary of state or the board of elections shall examine all statements required to be filed under sections 3517.081 to 3517.17 of the Revised Code for compliance with sections 3517.08 to 3517.17 of the Revised Code. If during the examination conducted under section 3517.11(B)(4), the statement is found to be incomplete or inaccurate, a notice shall be sent by certified mail to the committee or entity that filed the statement detailing the items that are incomplete or inaccurate. Within twenty-one days after the receipt of the notice, the recipient shall file an addendum, amendment or other correction to the statement providing the information necessary to complete or correct the statement. The addendum, amendment or other correction shall be submitted to the officer with whom the original statement was filed.

Effective: 01/01/2006
R.C. 119.032 review dates: 01/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3517.11

111-5-21 Reporting of a contribution from a partnership or other unincorporated business.

(A) As required by division (l) of section 3517.10 of the Revised Code, the recipient of a contribution from a partnership or other unincorporated business must itemize the contribution by listing both the partnership or other unincorporated business and the name of each partner, owner or member for whom the partnership or other unincorporated business issued the contribution. No contribution may be made solely in the name of the partnership or other
unincorporated business.

(B) Simultaneous with the issuance of a check or other instrument which represents one or more individual contributions, a partnership or other unincorporated business must provide one of the following:

(1) The name of each partner, owner, or member as of the date of the contribution or contributions, and a statement that the total contributions are to be allocated equally among all of the partners, owners, or members; or

(2) The name of each partner, owner, or member as of the date of the contribution or contributions who is participating in the contribution or contributions, and a statement that the contribution or contributions are to be allocated to those individuals in accordance with the information provided by the partnership or other unincorporated business to the recipient of the contribution.

(C) When a contribution is received from a partnership or other unincorporated business, the recipient of the contribution must itemize the contribution as directed by the partnership or other unincorporated business pursuant to paragraphs (B)(1) or (B)(2) of this rule. No contribution from a partnership or other unincorporated business may be accepted, deposited or used unless the recipient has the allocation information necessary to itemize the contribution by the partner, owner or member as provided by paragraph (B)(1) or (B)(2) of this rule.

(D) To comply with division (I) of section 3517.10 of the Revised Code and this rule, the recipient of a contribution from a partnership or other unincorporated business must separately list the name, address, date and amount of each allocated contribution as provided by the partnership or other unincorporated business at the time of the contribution. For each entry, whether on paper forms or by electronic means of transmission as prescribed by the secretary of state, the recipient shall utilize the employer/occupation field to disclose the name of the issuing partnership or other unincorporated business.

(E) For purposes of contribution limitations prescribed by section 3517.102 of the Revised Code, a contribution by a partnership or other unincorporated business shall be considered to have been made by the partner(s), owner(s), or member(s) as allocated and itemized pursuant to paragraphs (B)(1) and (B)(2) of this rule and division (I)(2) of section 3517.10 of the Revised Code. The allocated portion of any partnership or other unincorporated business contribution counts toward the limitations prescribed by section 3517.102 of the Revised Code as applied to individuals, political action committees, political contributing entities, political parties, campaign committees and legislative campaign funds. Both the maker and recipient of an allocated partnership or other unincorporated business contribution must ensure that each allocated contribution, when added to any other contribution from the allocated source, does not violate the contribution limitations, as prescribed by section 3517.102 of the Revised Code, of the allocated contributor.

Effective: 07/27/2006
R.C. 119.032 review dates: 07/01/2011
Promulgated Under: 119.03
Statutory Authority: 3517.23
Rule Amplifies: 3517.10, 3517.102

111-6-01 Electronic signature.

(A) Except for section (C) of this rule, no entity shall file a statement by electronic means of transmission, as required by section 3517.10 or 3517.106 of the Revised Code, until that entity:

(1) Files with the secretary of state an Electronic Filing Registration (form 30-D-1) authorizing the establishment of a user name, password, and electronic signature for that entity;

(B) The combination of user name, password, and electronic signature constitutes the electronic signature as required by section 3517.106(H) of the Revised Code of each campaign entity that files statements by electronic means of transmission.

(C) Automatic Issuance

(1) A county political party state candidate fund established pursuant to section 3517.10(D)(3)(c) of the Revised Code and any state political party Levin fund established pursuant to section 3517.1013 of the Revised Code shall be automatically assigned a user name,
password and electronic signature for that entity at the time the entity files a designation of appointment of treasurer form (form 30-D) with the secretary of state.

(2) A person who files a Notice of Intent to Make Electioneering Communication Disbursements (form 31-EC) with the secretary of state pursuant to section 3517.1011 of the Revised Code shall be automatically assigned a user name, password and electronic signature at that time.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.106
Prior Effective Dates: 1/1/02, 1/1/06

111-6-02 Acknowledgement of statement filed by electronic means of transmission.

(A) Except as otherwise provided for in section (D) of this rule, a statement filed by electronic means of transmission pursuant to sections 3517.10, 3517.106, 3517.1011, 3517.1012 or 3517.1013 of the Revised Code shall be filed by either of the following methods:

(1) An on-line application linked to the secretary of state’s home page on the world wide web;

(2) An electronic mail message with a properly constructed and formatted data attachment sent to the secretary of state.

(B)(1) The secretary of state shall immediately acknowledge statements filed by the on-line application by notifying the filer when the statement submitted is successfully processed.

(B)(2) The secretary of state shall immediately acknowledge statements filed by electronic mail message by sending to an e-mail address of the filing entity a notice when the date attachment is successfully processed.

(C) The secretary of state’s method of preserving all statements filed by electronic means of transmission is to store all such statements in a data base maintained by the secretary of state.

(D) All electioneering communication contribution and disbursement statements filed with the secretary of state pursuant to section 3517.1011 of the Revised Code shall be filed only using the on-line application as described in (A)(1) of this rule.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.106
Prior Effective Dates: 1/1/02, 1/1/06

111-6-03 Provision of checks and receipts when filing by electronic means of transmission.

(A) Any entity that files a statement by electronic means of transmission pursuant to section 3517.10 or 3517.106 of the Revised Code shall also file on paper a copy of the canceled checks or paid receipts required by section 3517.10 of the Revised Code.

(B)(1) Prior to January 1, 2003, a campaign committee of a candidate for the office of member of the general assembly that files a campaign finance statement by electronic means of transmission with the secretary of state pursuant to section 3517.106 of the Revised Code shall also file a paper copy of the statement at the board of elections where the candidate is required to file petitions or other papers for nomination or election. The paper copy shall be filed or postmarked not later than the date the statement is required to be filed under section 3517.10 of the Revised Code.

(B)(2) Any campaign committee of a candidate for the office of member of the general assembly that files a campaign finance statement by electronic means of transmission with the secretary of state shall, until January 1, 2003, submit on paper copies of canceled checks or paid receipts with the board of elections where the candidate is required to file petitions for nomination or election to office. On and after January 1, 2003, any campaign committee of a candidate for the office of member of the general assembly that files a campaign finance statement by electronic means of transmission with the secretary of state shall submit to the secretary of state paper
copies of canceled checks or paid receipts for each statement with the secretary of state.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.10, 3517.106
Prior Effective Dates: 1/1/02

111-6-04 Hardship rule.

(A) As used in this rule, “eligible campaign committee” means either of the following:

(1) The campaign committee of a candidate for statewide office that makes expenditures of less than twenty-five thousand dollars during a reporting period under division (A) of section 3517.10 of the Revised Code;

(2) The campaign committee of a candidate for the office of member of the general assembly or for the office of judge of a court of appeals that would otherwise be required to file campaign finance statements by electronic means of transmission under division (E) or (F) of section 3517.106 of the Revised Code.

(B) An eligible campaign committee may file a campaign finance statement for a reporting period under division (A) of section 3517.10 of the Revised Code by paper rather than by electronic means of transmission if both of the following occur:

(1) The candidate of the eligible campaign committee that intends to file a campaign finance statement by paper rather than by electronic means of transmission files with the secretary of state a notice indicating that the candidate’s campaign committee intends to file by paper and stating that filing the statement by electronic means of transmission would constitute a hardship for the candidate or for the eligible campaign committee;

(2) The following requirements shall be met in order to determine the fee structure for campaign committees filing the notice of hardship:

(a) The campaign finance statement is accompanied by a fee not to exceed the actual data entry and data verification costs incurred by the secretary of state to convert the information filed on paper to electronic format. The fee shall be determined using the formula set forth in this division, which results in a fee that does not exceed the secretary’s actual costs.

The number of entries on the report for contributions received shall be added to the number of entries on the report for expenditures made.

(Entries for loans and debts shall not be included.) The resulting number shall be multiplied by the cost per keystroke required to enter the data from the report into the secretary of state’s electronic filing system, as determined by the secretary of state pursuant to the contract with the secretary’s data entry vendor. The resulting number shall be multiplied by a number determined by the secretary of state that is less than the average number of keystrokes per entry required to enter and verify the data from the report into the secretary’s electronic filing system pursuant to the contract with the secretary’s data entry vendor.

(b) The current formula, which shall include an actual multiplier figure derived by the secretary of state pursuant to paragraph (B) (2)(a) of this rule to enable a committee to perform the calculations necessary to determine its fee, shall appear on the electronic filing notice of hardship form (form 31-DD) prescribed by the secretary of state.

(c) Whoever signs the campaign finance statement shall indicate on the statement’s cover page, form 30-A prescribed by the secretary of state, both the total number of contribution entries and the total number of expenditure entries reported in that statement.

(C) An eligible campaign committee that files a campaign finance statement on paper pursuant to division (L) of section 3517.106 of the Revised Code
shall review the contribution and other information made available online by the secretary of state with respect to that paper filing and shall notify the secretary of state of any errors with respect to that filing that appear in the data made available on the secretary of state’s web site.

(D) Campaign finance statements filed on paper pursuant to division (L) of section 3517.106 of the Revised Code shall be filed by the filing deadlines required under division (A) of section 3517.10 of the Revised Code.

(E) Any campaign committee that submits paper campaign finance statements, pursuant to division (L) of section 3517.106 of the Revised Code, shall comply with the following provisions, as applicable.

(1) The candidate of an eligible campaign committee that intends to file a paper statement pursuant to division (L) of section 3517.106 of the Revised Code shall file a notice of hardship for each campaign finance statement that the committee intends to file by paper. A notice of hardship must be filed prior to the filing of the campaign finance statement on paper in order for a campaign committee to file on paper pursuant to division (L) of section 3517.106 of the Revised Code.

(2) A campaign finance statement filed on paper pursuant to division (L) of section 3517.106 of the Revised Code is not timely filed if, by the filing deadline, either of the following occurs:

   (a) The statement is not accompanied by the fee required by division (L) of section 3517.106 of the Revised Code and paragraph (B)(2) of this rule;

   (b) The statement is not filed at the office of the secretary of state.

(3) Electronic filing notices of hardship shall be signed under penalty of election falsification.

111-7-01 Public notice of the adoption, amendment, or rescission of rules.

(A) The manner of giving public notice of the proposed adoption, amendment, or rescission of any rule of the secretary of state under Chapter 119. of the Revised Code shall consist of posting the notice in the register of Ohio at least thirty days prior to such hearing.

(B) The form of such notice shall consist of a statement of the secretary of state’s intention to consider adopting, amending, or rescinding a rule or set of rules, a synopsis of each proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rules relate, and the date, time, and place of the hearing on the proposed action.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 119.037
Rule Amplifies: RC 119.03
Prior Effective Dates: 1/24/77, 12/31/82, 01/01/06