



OHIO CAMPAIGN FINANCE HANDBOOK

**CAMPAIGN FINANCE
ADMINISTRATIVE RULES**

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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

Promulgated Under: 119.03

Statutory Authority: 3517.23

Rule Amplifies: 3517.10, 3517.102, 3517.105

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.

(l) "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.

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: 3517.01, 3517.08, 3517.082, 3517.10, 3517.102, 3599.03
 Prior Effective Dates: 8/23/1995 (Emer), 11/21/95, 7/13/98 (Emer), 9/24/98, 1/1/02, 1/1/06

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 (J)(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.

(l) 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.

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, 3517.102
 Prior Effective Dates: 8/23/95 (Emer); 11/21/95; 7/13/98(Emer); 9/24/98; 1/1/02

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.

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: 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.

R.C. 119.032 review dates: 05/30/2006 and 01/01/2011
 Promulgated Under: 119.03
 Statutory Authority: 3517.23
 Rule Amplifies: 3517.20, 3599.031
 Prior Effective Dates: 8/23/95 (Emer); 11/21/95; 7/13/98 (Emer); 9/24/98; 1/1/02

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.

R.C. 119.032 review dates: 12/26/2006 and 12/01/2011
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.15
 Rule Amplifies: RC 3517.10, 3517.108, 3517.109
 Prior Effective Dates: 8/23/95 (Emer.), 11/21/95

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
 R.C. 119.032 review dates: 05/02/2006 and 07/01/2011
 Promulgated Under: 119.03
 Statutory Authority: 3517.23
 Rule Amplifies: 3517.102
 Prior Effective Dates: 8/23/95 (Emer), 11/21/95, 1/1/02

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.

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
 Prior Effective Dates: 9/6/74, 8/23/95 (Emer.),
 11/21/95, 7/13/98 (Emer.), 9/24/98, 1/1/02

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 Amplifies: RC 3517.103
 Prior Effective Dates: 8/23/95 (Emer.), 11/21/95,
 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 Amplifies: 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 Amplifies: 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.

R.C. 119.032 review dates: 12/22/2006 and 12/23/2011
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.15
 Rule Amplifies: 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 amplifies: 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. 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) Nonmonetary (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; and
- (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 and 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.

Effective: 07/27/2006

R.C. 119.032 review dates: 07/01/2011

Promulgated Under: 119.03

Statutory Authority: 3517.23

Rule Amplifies: 3517.12

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.

R.C. 119.032 review dates: 12/26/2006
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.23
 Rule Amplifies: RC 3517.10
 Prior Effective Dates: 1/1/02

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.

R.C. 119.032 review dates: 12/26/2006
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.23
 Rule Amplifies: RC 3517.108
 Prior Effective Dates: 1/1/02

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.

R.C. 119.032 review dates: 12/26/2006
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.23
 Rule Amplifies: RC 3517.10, 3517.107
 Prior Effective Dates: 1/1/02, 1/1/06

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 preelection 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 postelection 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 postelection 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 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 that political action committee, political contributing entity, political party, or legislative campaign fund is required to file the preelection 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 postelection 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 postelection 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.

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: 3517.10
 Prior Effective Dates: 9/6/74 (Emer), 11/21/95, 1/1/02, 1/1/06

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.

R.C. 119.032 review dates: 12/26/2006
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.23
 Rule Amplifies: RC 3517.13
 Prior Effective Dates: 9/6/74, 1/1/02

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.

R.C. 119.032 review dates: 12/26/2006
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.23
 Rule Amplifies: RC 3517.10
 Prior Effective Dates: 9/6/74, 7/13/98 (Emer.), 9/14/98, 1/1/02

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.

R.C. 119.032 review dates: 12/26/2006
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.23
 Rule Amplifies: RC 3517.10, 3517.11
 Prior Effective Dates: 8/23/95 (Emer.), 11/21/95,
 7/13/95 (Emer.), 9/24/98, 1/1/02

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.

R.C. 119.032 review dates: 12/26/2006
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.23
 Rule Amplifies: RC 3517.10, 3517.11
 Prior Effective Dates: 8/23/95 (Emer.), 11/21/95,
 7/13/98 (Emer.), 11/24/98, 1/1/02

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.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.10
Prior Effective Dates: 8/23/95, 11/21/95, 7/13/98, 9/24/98, 1/1/02

111-5-11 Forms.

Each statement filed with the office of the secretary of state or a county board of elections by the campaign committee of a candidate or by a political party, political contributing entity, political action committee, ballot issue committee, individual, or legislative campaign fund shall be filed on the appropriate form prescribed by the secretary of state.

Forms may be obtained by writing to the Ohio Secretary of State, 180 East Broad Street, 15th floor,

Columbus, Ohio 43215, from the secretary of state's web site, www.state.oh.us/sos/, or from any county board of elections.

Any individual or entity required to file campaign finance statements under Chapter 3517. of the Revised Code whose statement is filed with a board of elections or with the secretary of state may reproduce the forms that are prescribed by the secretary of state or, with the prior written approval of the secretary of state, may modify the forms prescribed by the secretary of state provided that the modified forms are only for the individual's or entity's own use.

R.C. 119.032 review dates: 12/26/2006
Promulgated Under: 119.03
Statutory Authority: RC 3517.23
Rule Amplifies: RC 3517.10, 3517.11
Prior Effective Dates: 8/23/95, 11/21/95, 7/13/98, 9/24/98, 1/1/02

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. If the committee does not have sufficient funds to cover the refund of the contribution at the time the illegality is discovered, the committee shall first refund an amount equal to the committee's balance on hand and shall refund the balance of the contribution from the next funds it receives.

Contributions which on their face exceed the contribution limits set forth in section 3517.102 of the Revised Code and contributions which on their face are from corporations or foreign nationals shall not be

deposited but shall be returned in their entirety to the contributor within ten days of receipt.

R.C. 119.032 review dates: 12/26/2006

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, 7/13/98, 1/1/02

111-5-13 Checks combining contributions with other payments.

A contributor may not issue a single check to a corporation or labor organization that represents both a contribution to the corporation's or labor organization's political action committee or separate segregated fund and payment of dues or other fees. Checks for contributions and checks for the payment of dues or other fees must be issued separately.

A contributor may issue a single check to an association or other organization which is not a corporation or labor organization that represents both a contribution to the association's or other organization's political action committee and payment of dues or other fees. 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.

R.C. 119.032 review dates: 12/26/2006
 Promulgated Under: 119.03
 Statutory Authority: RC 3517.23
 Rule Amplifies: RC 3599.031
 Prior Effective Dates: 8/23/95, 3/29/96, 1/1/02

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 committee's 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.

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: 3517.10, 3517.081, 3517.109

Prior Effective Dates: 8/23/95 (Emer), 11/21/95, 7/13/98 (Emer), 9/24/98, 1/1/02, 1/1/06

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.

HISTORY: Eff 8-23-95 (Emer.); 11-21-95; 1-1-02

Rule promulgated under: RC 119.03

Rule authorized by: RC 3517.23

Rule amplifies: RC 3517.08, 3517.10

Replaces former: 111-5-21

R.C. 119.032 Review Date: JUN 29 01 JUL 01 2006

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
 Promulgated Under: 119.03
 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.

R.C. 119.032 review dates: 12/26/2006
 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 (I) 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 paragraph (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.
- (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 data 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.

(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.

Effective: 07/27/2006

R.C. 119.032 review dates: 06/13/2010

Promulgated Under: 119.03

Statutory Authority: 3517.106(L), 3517.23

Rule Amplifies: 3517.106(L)

Prior Effective Dates: 6/13/05

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