



OHIO CAMPAIGN FINANCE HANDBOOK

**CHAPTER 8: BALLOT ISSUE  
COMMITTEES**

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## BALLOT ISSUE COMMITTEES

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### What is a Ballot Issue Committee?

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

### Statewide Ballot Issue Committee

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

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

### Local Ballot Issue Committee

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

### What to Do First

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

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

### Where to File Reports

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

## When to File Reports

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

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

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

There are four types of reporting deadlines:

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

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

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

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

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

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

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

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

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

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

[R.C. 3517.11]

**Report Forms**

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

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

[OAC 111-5-11]

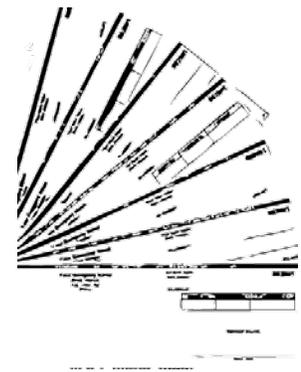
Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms to:

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

**GENERAL RULES**

**Checks**

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



**Circulator Statements**

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

[R.C. 3517.12]

If a person or group of persons circulate petitions in an attempt to place an issue on the local ballot, a *Statement of Circulator form* must be filed with the appropriate county board of elections.

[R.C. 731.35]

## Disclaimers

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

[*R.C. 3517.20*]

## Registration Number

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

## Treasurer Duties and Liability

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

## Contributions

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

## Corporate / Labor Organization Contributions

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

[*R.C. 3599.03*]

## Contribution Limits

Ballot issue committees are not subject to contribution limits.

[*R.C. 3517.102(D)(2)*]

### Anonymous Contributions

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

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

### Cash Contribution Limits

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

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

### Contributions from Minor Children

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

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

### Independent Expenditures

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

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

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

Campaign Committees, PACs, PCEs, or political parties making independent expenditures in support of or opposition to a ballot issue or question must complete *form 31-U, Independent Expenditures Made by a Campaign Committee, PAC, Political Party or Legislative Campaign Fund*, as part of its next required campaign finance report.

Individuals, partnerships or other entities making more than \$100 in independent expenditures in support of or opposition to a ballot issue or question must file *form 30-E, Independent Expenditures Made by Individuals, Partnerships or Other Entities*. This form must be filed at the county board of elections if the issue is a city, county, etc. issue or at the secretary of state's office if the issue is statewide. No report is required if a total of \$100 or less was expended.

## In-Kind Contributions

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

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

## Partnerships/Unincorporated Associations

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

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

## Public Employee Solicitations

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

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

[*R.C. 3517.092(F)*]

## Deposit of Contributions or Other Income

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

[*OAC 111-5-12*]

## EXPENDITURES

### Permitted Use of Funds

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

[*R.C. 3517.08(G)*]

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

[*R.C. 3517.13(O)*]

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

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

### Expenditure Verification

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

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

THE THREE PRIMARY  
PIECES OF DATA  
NEEDED TO MEET  
THE EXPENDITURE  
VERIFICATION ARE:

- » NAME OF PAYEE
- » DATE OF EXPENDITURE
- » AMOUNT OF EXPENDITURE

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

## **REPORTING**

### **Electronic Filing**

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

### **Corrections and Amendments**

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

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

[*R.C. 3517.11(B)*]

### **Fund-Raiser Exemption**

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

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

**Record Retention**

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

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

**Closing the Committee**

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