

LEXSTAT ORC ANN. 3517.992

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\* CURRENT THROUGH LEGISLATION PASSED BY THE 126TH OHIO GENERAL ASSEMBLY \*  
\* AND FILED WITH THE SECRETARY OF STATE THROUGH AUGUST 25, 2006 \*  
\* ANNOTATIONS CURRENT THROUGH APRIL 1, 2006 \*

TITLE 35. ELECTIONS  
CHAPTER 3517. CAMPAIGNS; POLITICAL PARTIES  
POLITICAL PARTY FUND

**GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION**

*ORC Ann. 3517.992 (2006)*

§ 3517.992. Penalties for violations on or after 8-24-95

This section establishes penalties only with respect to acts or failures to act that occur on and after August 24, 1995.

(A) (1) A candidate whose campaign committee violates division (A), (B), (C), (D), or (V) of *section 3517.13 of the Revised Code*, or a treasurer of a campaign committee who violates any of those divisions, shall be fined not more than one hundred dollars for each day of violation.

(2) Whoever violates division (E) or (X)(5) of *section 3517.13 of the Revised Code* shall be fined not more than one hundred dollars for each day of violation.

(B) A political party that violates division (F)(1) of *section 3517.101 [3517.10.1] of the Revised Code* shall be fined not more than one hundred dollars for each day of violation.

(C) Whoever violates division (F)(2) of *section 3517.101 [3517.10.1]* or division (G) of *section 3517.13 of the Revised Code* shall be fined not more than ten thousand dollars or, if the offender is a person who was nominated or elected to public office, shall forfeit the nomination or the office to which the offender was elected, or both.

(D) Whoever violates division (F) of *section 3517.13 of the Revised Code* shall be fined not more than three times the amount contributed.

(E) Whoever violates division (H) of *section 3517.13 of the Revised Code* shall be fined not more than one hundred dollars.

(F) Whoever violates division (O), (P), or (Q) of *section 3517.13 of the Revised Code* is guilty of a misdemeanor of the first degree.

(G) A state or county committee of a political party that violates division (B)(1) of *section 3517.18 of the Revised Code* shall be fined not more than twice the amount of the improper expenditure.

(H) A state or county political party that violates division (G) of *section 3517.101 [3517.10.1] of the Revised Code* shall be fined not more than twice the amount of the improper expenditure or use.

(I) (1) Any individual who violates division (B)(1) of *section 3517.102 [3517.10.2] of the Revised Code* and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(2) Any political action committee that violates division (B)(2) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(3) Any campaign committee that violates division (B)(3) or (5) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(4) (a) Any legislative campaign fund that violates division (B)(6) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable.

(b) Any state political party, county political party, or state candidate fund of a state political party or county political party that violates division (B)(6) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable.

(c) Any political contributing entity that violates division (B)(7) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(5) Any political party that violates division (B)(4) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) of this section, no violation of division (B) of *section 3517.102 [3517.10.2] of the Revised Code* occurs, and the secretary of state shall not refer parties to the Ohio elections commission, if the amount transferred or contributed in excess of the amount permitted by that division meets either of the following conditions:

(a) It is completely refunded within five business days after it is accepted.

(b) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the board of elections or the secretary of state that a transfer or contribution in excess of the permitted amount has been received.

(J) (1) Any campaign committee that violates division (C)(1), (2), (3), or (6) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(2) (a) Any county political party that violates division (C)(4)(a)(ii) or (iii) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount accepted.

(b) Any county political party that violates division (C)(4)(a)(i) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount from its state candidate fund equal to three times the amount accepted in excess of the amount permitted by that division.

(c) Any state political party that violates division (C)(4)(b) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount from its state candidate fund equal to three times the amount accepted in excess of the amount permitted by that division.

(3) Any legislative campaign fund that violates division (C)(5) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(4) Any political action committee or political contributing entity that violates division (C)(7) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of this section, no violation of division (C) of *section 3517.102 [3517.10.2] of the Revised Code* occurs, and the secretary of state shall not refer parties to the Ohio elections commission, if the amount transferred or contributed in excess of the amount permitted to be accepted by that division meets either of the following conditions:

(a) It is completely refunded within five business days after its acceptance.

(b) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the board of elections or the secretary of state that a transfer or contribution in excess of the permitted amount has been received.

(K) (1) Any legislative campaign fund that violates division (F)(1) of *section 3517.102 [3517.10.2] of the Revised Code* shall be fined twenty-five dollars for each day of violation.

(2) Any legislative campaign fund that violates division (F)(2) of *section 3517.102 [3517.10.2] of the Revised Code* shall give to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund all excess contributions not disposed of as required by division (E) of *section 3517.102 [3517.10.2] of the Revised Code*.

(L) Whoever violates *section 3517.105 [3517.10.5] of the Revised Code* shall be fined one thousand dollars.

(M) (1) Whoever solicits a contribution in violation of *section 3517.092 [3517.09.2]* or violates division (B) of *section 3517.09 of the Revised Code* is guilty of a misdemeanor of the first degree.

(2) Whoever knowingly accepts a contribution in violation of division (B) or (C) of *section 3517.092 [3517.09.2] of the Revised Code* shall be fined an amount equal to three times the amount accepted in violation of either of those divisions and shall return to the contributor any amount so accepted. Whoever unknowingly accepts a contribution in violation of division (B) or (C) of *section 3517.092 [3517.09.2] of the Revised Code* shall return to the contributor any amount so accepted.

(N) Whoever violates division (S) of *section 3517.13 of the Revised Code* shall be fined an amount equal to three times the amount of funds transferred or three times the value of the assets transferred in violation of that division.

(O) Any campaign committee that accepts a contribution or contributions in violation of *section 3517.108 [3517.10.8] of the Revised Code*, uses a contribution in violation of that section, or fails to dispose of excess contributions in violation of that section shall be fined an amount equal to three times the amount accepted, used, or kept in violation of that section.

(P) Any political party, state candidate fund, legislative candidate fund, or campaign committee that violates division (T) of *section 3517.13 of the Revised Code* shall be fined an amount equal to three times the amount contributed or accepted in violation of that section.

(Q) A treasurer of a committee or another person who violates division (U) of *section 3517.13 of the Revised Code* shall be fined not more than two hundred fifty dollars.

(R) Whoever violates division (I) or (J) of *section 3517.13 of the Revised Code* shall be fined not more than one thousand dollars. Whenever a person is found guilty of violating division (I) or (J) of *section 3517.13 of the Revised Code*, the contract awarded in violation of either of those divisions shall be rescinded if its terms have not yet been performed.

(S) A candidate whose campaign committee violates or a treasurer of a campaign committee who violates *section 3517.081 [3517.08.1] of the Revised Code*, and a candidate whose campaign committee violates or a treasurer of a campaign committee or another person who violates division (C) of *section 3517.10 of the Revised Code*, shall be fined not more than five hundred dollars.

(T) A candidate whose campaign committee violates or a treasurer of a committee who violates division (B) of *section 3517.09 of the Revised Code*, or a candidate whose campaign committee violates or a treasurer of a campaign committee or another person who violates division (C) of *section 3517.09 of the Revised Code* shall be fined not more than one thousand dollars.

(U) Whoever violates *section 3517.20 of the Revised Code* shall be fined not more than five hundred dollars.

(V) Whoever violates *section 3517.21 or 3517.22 of the Revised Code* shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

(W) A campaign committee that is required to file a declaration of no limits under division (D)(2) of *section 3517.103 [3517.10.3] of the Revised Code* that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in *section 3517.102 [3517.10.2] of the Revised Code*, shall return that contribution or those contributions to the contributor.

(X) Any campaign committee that fails to file the declaration of filing-day finances required by division (F) of *section 3517.109 [3517.10.9]* or the declaration of primary-day finances or declaration of year-end finances required by division (E) of *section 3517.1010 [3517.10.10] of the Revised Code* shall be fined twenty-five dollars for each day of

violation.

(Y) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under division (B) of *section 3517.109 [3517.10.9] of the Revised Code* in the manner required by division (C) of that section or under division (B) of *section 3517.1010 [3517.10.10] of the Revised Code* in the manner required by division (C) of that section shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (I) of *section 3517.152 [3517.15.2] of the Revised Code* all funds not disposed of pursuant to those divisions.

(Z) Any individual, campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or other entity that violates any provision of *sections 3517.09 to 3517.12 of the Revised Code* for which no penalty is provided for under any other division of this section shall be fined not more than one thousand dollars.

(AA) (1) Whoever knowingly violates division (W)(1) of *section 3517.13 of the Revised Code* shall be fined an amount equal to three times the amount contributed, expended, or promised in violation of that division or ten thousand dollars, whichever amount is greater.

(2) Whoever knowingly violates division (W)(2) of *section 3517.13 of the Revised Code* shall be fined an amount equal to three times the amount solicited or accepted in violation of that division or ten thousand dollars, whichever amount is greater.

(BB) Whoever knowingly violates division (C) or (D) of *section 3517.1011 [3517.10.11] of the Revised Code* shall be fined not more than ten thousand dollars plus not more than one thousand dollars for each day of violation.

(CC) (1) Subject to division (CC)(2) of this section, whoever violates division (H) of *section 3517.1011 [3517.10.11] of the Revised Code* shall be fined an amount up to three times the amount disbursed for the direct costs of airing the communication made in violation of that division.

(2) Whoever has been ordered by the Ohio elections commission or by a court of competent jurisdiction to cease making communications in violation of division (H) of *section 3517.1011 [3517.10.11] of the Revised Code* who again violates that division shall be fined an amount equal to three times the amount disbursed for the direct costs of airing the communication made in violation of that division.

(DD) (1) Any corporation or labor organization that violates division (X)(3)(a) of *section 3517.13 of the Revised Code* shall be fined an amount equal to three times the amount given in excess of the amount permitted by that division.

(2) Any state or county political party that violates division (X)(3)(b) of *section 3517.13 of the Revised Code* shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

**HISTORY:** 146 v S 9 (Eff 8-24-95); 147 v S 116 (Eff 12-9-97); 147 v S 134 (Eff 7-13-98); 148 v H 119. Eff 12-22-99; 150 v H 1, § 1, eff. 3-31-05; 151 v S 115, § 1, eff. 4-26-05.

**NOTES:**

See provisions of § 3 of 151 v S 115 following *RC § 3599.03*.

See provisions, § 3 of HB 119 (148 v—) following *RC § 3517.10.2*.

**EFFECT OF AMENDMENTS**

151 v S 115, effective April 26, 2005, added (I)(4)(c); and inserted "political contributing entity" in (J)(4) and (Z) and made related changes.

150 v H 1 (special session), effective March 31, 2005, deleted (I)(4)(c), pertaining to penalties for violation of division (B)(7) of *RC § 3517.102*; rewrote (J)(2); deleted "or political contributing entity" following "action committee" in (J)(4) and (Z); added (BB) through (DD); and corrected internal references and made minor stylistic changes.

**CROSS-REFERENCES TO RELATED STATUTES**

Fines for violations on or after 8-24-95, *RC § 3517.99.3*.

**CASE NOTES AND OAGS**

**TERMINATION OF CAMPAIGN COMMITTEE.**

In the process of terminating a campaign committee, it is not permissible for the campaign committee to return to individual contributors their identifiable campaign contributions from the remaining balance of campaign funds, except as specifically allowed pursuant to *RC §§ 3517.10.2, 3517.10.9 and 3517.99.2*: Ohio Elections Commission Advisory Opinion 99ELC-03 (1999).