

OHIO CAMPAIGN FINANCE HANDBOOK

**CHAPTER 13: DUTIES OF THE
SECRETARY OF STATE AND
COUNTY BOARDS OF ELECTIONS**

DUTIES OF THE SECRETARY OF STATE AND COUNTY BOARDS OF ELECTIONS

Duty to Examine and Investigate

The secretary of state and county boards of elections have the duty to examine all original campaign finance reports filed with their offices. They also have the power to investigate irregularities, non-performance of campaign finance-related duties by election officials or violations of election and campaign finance laws.

[R.C. 3501.05, 3517.11]

The secretary of state examines the reports of all statewide candidates, general assembly candidates, statewide political action committees, statewide political contributing entities, statewide parties, statewide ballot-issue committees and legislative campaign funds. County boards of election examine the reports of all village, township, city and county candidates, county political parties, county political action committees, county political contributing entities and county ballot-issue committees.

How an Examination is Conducted

The secretary of state examines reports for compliance with all of Ohio's campaign finance statutes and administrative rules. From the most basic items, such as complete names and addresses for contributions received, to more complex issues, such as contribution limits and personal funds use, a routine examination includes more than 65 items to review.

When an entity has failed to provide all the necessary information or has accepted contributions or has made expenditures that appear illegal or suspect, the entity is contacted by letter detailing what information or action is needed for compliance or clarification. The statute gives the entity 21 days to respond and provide the additional information.

Many examination letters are mailed out each week from the secretary of state's campaign-finance audit staff. It is very important that an entity reply to any correspondence issued by the secretary of state that requires additional information for compliance with Ohio's campaign finance laws. Failure to respond is certain to result in a referral to the Ohio Elections Commission.

Top 15 Reasons for an Examination Letter

1. Blank fields: addresses and dates, etc.
2. No canceled checks provided for expenditures greater than \$25.
3. Contributions reported as received from corporations.
4. Cover page not calculated correctly or does not reflect contributions or expenditures reported.
5. Failure to provide employer information, when required.

6. Violating contribution limits.
7. Contribution or expenditure entries to or from other reporting entities not properly reported.
8. Reporting contributions and expenditures in wrong reporting period.
9. Failure to use correct balance forward.
10. Failure to update a Designation of Treasurer.
11. Improper use of a contribution.
12. Receiving cash contributions greater than \$100.
13. Improper reporting of contributions received at a fundraiser.
14. Lack of contribution attribution, listing joint contributions.
15. Failure to attribute contributions from partnerships or unincorporated associations.

COMPLETING REPORTS - GENERAL RULES

When a Report is Due

With the exception of FSL PAC reports (see *Chapter 6, Political Action Committees*, for more information), all reports must be physically received by the secretary of state or board of elections to meet the filing deadline requirement. A report postmarked, but not received by the deadline, is a late filing and must be referred to the Ohio Elections Commission.

Treasurer Duties and Liability

Ohio law states that the treasurer is legally responsible for keeping detailed records of everything received, given or expended. If other persons assist, then the treasurer is responsible for ensuring that they are properly trained. The cover page of every report filed must be signed by the treasurer or deputy treasurer. Each report must contain a statement that the report is correct, subject to penalty for election falsification.

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



Faxing a Report

With the exception of the *Two Business-Day Statements* report filed by statewide candidates, campaign finance reports may not be faxed and must bear an original signature. Reports filed by federal political committees may be faxed as the secretary of state is not the initial repository of federal filings.

Report Forms

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

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

[OAC 111-5-11]

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

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

Every form has a place for the committee's name. This is for the committee's protection in the event that pages become detached from the report.

If a form would contain no information, then it does not have to be included in a report.

Record Retention

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

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

Keeping Reports in Balance

Errors and mistakes in the report can easily affect the balance on hand (Line 6) on a report's cover page, causing it to be incorrect. There are two easy steps that a treasurer should take to avoid or detect potential problems in the report. First, when a report is completed, the balance on hand (Line 6) on the cover page should equal the balance listed in the committee checkbook. If the treasurer has reported all the necessary contributions and expenditures (including service charges, interest and voided checks), then these two figures should be the same. Second, the treasurer should reconcile the statements received from the bank are balanced against the checkbook in a regular and timely fashion. These two steps will go a long way to help a treasurer ensure that no contribution or expenditure information is incorrect or has been omitted.

Ohio Campaign Finance Law Penalties

Penalties for campaign finance and practices violations are specified in the Revised Code. Some of the most commonly requested penalties appear below.

Violation	Possible Penalty	Code Citation
Failure to place a disclaimer on a political communication in violation of <i>R.C. 3517.20</i>	Fine of not more than \$500.	<i>R.C. 3517.992(U)</i>
Failure to file a complete and accurate report required by a candidate’s campaign committee in violation of <i>R.C. 3517.13(A)</i> .	Fine of not more than \$100 per day.	<i>R.C. 3517.992(A)(1)</i>
Failure to file a complete and accurate report required report by a political party or PAC in violation of <i>R.C. 3517.13(A)</i> .	Fine of not more than \$100 per day.	<i>R.C. 3517.992(A)(2)</i>
An individual, campaign committee, PAC, party or legislative campaign fund making or receiving contributions in excess of the limits in violation of <i>R.C. 3517.102</i> . <i>(Violation by an individual must be made knowingly.)</i>	Fine of three times the amount accepted or contributed, which was in excess of the permitted amount, unless it is refunded within five days after it is accepted or is refunded within ten days after notification by the secretary of state or a board of elections that an excess transfer has occurred.	<i>R.C. 3517.992(I), (J)</i>
Improper solicitation of contributions by statewide or county officials or candidates in violation of <i>R.C. 3517.092</i> .	First-degree misdemeanor.	<i>R.C. 3517.992(M)(1)</i>
Knowing acceptance of contribution by statewide or county official, in violation of <i>R.C. 3517.092</i> .	Fine of three times contribution amount and return of contribution.	<i>R.C. 3517.992 (M)(2)</i>
Knowing acceptance of contribution by statewide or county official, in violation of <i>R.C. 3517.092</i> .	Return of contribution.	<i>R.C. 3517.992 (M)(2)</i>
Failure to file a required monthly or two-business day report by a statewide candidate in violation of <i>R.C. 3517.13(A)</i> .	Fine of not more than \$100 per day.	<i>R.C. 3517.992(A)(1)</i>
Knowing failure of a political party to report a gift or misrepresent a gift received by the party’s building fund account in violation of <i>R.C. 3517.101</i> or <i>R.C. 3517.13 (G)</i> .	Fine of not more than \$10,000.	<i>R.C. 3517.992(C)</i>