

OHIO CAMPAIGN FINANCE HANDBOOK

CHAPTER 14: OHIO ELECTIONS
COMMISSION

OHIO ELECTIONS COMMISSION

The Ohio Elections Commission consists of seven persons, six of whom are appointed by the governor on the recommendation of the combined House and Senate caucuses of each of the major political parties. Three members must be appointed from each of two major political parties with the seventh member being an unaffiliated elector appointed by the other six members. If the six members fail to appoint the seventh member within 30 days, then the chief justice of the Ohio Supreme Court makes the appointment. All members serve five-year terms.

[*R.C. 3517.152*]

The commission is empowered to hear alleged violations of campaign finance law contained in *Revised Code sections 3517.08-3517.13, 3517.17, 3517.18, 3517.20-3517.22, 3599.03 and 3599.031*. It is also authorized to interpret and write advisory opinions concerning campaign finance law in response to persons over whose acts it has or may have jurisdiction (e.g., campaign treasurers, committees and candidates). The commission will not give advisory opinions on activity that has already occurred, but only on possible future activity. The opinions that the commission has issued may be used for direction when making decisions.

[*R.C. 3517.153*]

Note the following advisory opinions may no longer be valid due to legislation enacted after their issuance: *87-7, 88-4, 89-2, 89-5 (part), 90-3* and 96-14.

[*R.C. 3517.14*]

Required Elements for Filing a Complaint with the Ohio Elections Commission

Anyone may file a complaint with the commission regarding possible violations of Ohio's campaign finance laws, Ohio's campaign disclaimer law, Ohio's campaign false statement law or Ohio's limitation on corporate political activity law. To do so, a complaint must contain all of the following:

1. The name of both the person bringing the complaint, as well as the person(s) or party against whom the allegations are made.
2. Addresses for the parties. Phone numbers also, if available.
3. A statement of the alleged violation.
4. A reference to the section of the Ohio Revised Code alleged to have been violated that is within the commission's jurisdiction.

The statement must be properly notarized. For the purposes of the commission, a proper notarization includes the phrase "signed and sworn before a Notary Public."

After a complaint is filed, the executive director of the commission will review the complaint to determine the issues contained in it and how the matter should proceed before the commission. A complaint that alleges that campaign materials contain false statements will be expedited and addressed by a probable cause panel of the commission in an accelerated manner. Complaints that allege other violations will be scheduled before the next meeting of the commission to allow the alleged violator sufficient time to file a response with the commission.

Commission staff will use its best efforts to notify all parties of the date and time at which the commission will review the complaint.

At a Meeting of the Ohio Elections Commission

The commission has two separate tracks for reviewing complaints filed with it. Due to their potential impact on an impending election, complaints alleging the making of false statements during the campaign will be reviewed on an expedited basis by a probable cause panel. A probable cause panel of the commission is composed of at least three members of the commission, but not all seven members. The probable cause panel reviews the complaint and any response in an effort to determine whether the entire commission should hear the matter. If the panel does not find that there is a probability that a violation has occurred, then the complaint is immediately dismissed. If the panel finds probable cause, then the matter is set for a hearing before the full commission.

The commission reviews all other complaints at a regular meeting of the full commission. If the commission believes that it has sufficient evidence in the complaint and response to make a final determination in the matter, then the commission will proceed to a final resolution of the matter immediately. If the evidence at the preliminary review is insufficient, then the commission may schedule a full hearing of the matter for a greater presentation of the evidence at a later date.

Once the commission makes a final determination in the matter pending before it, the commission will notify all parties in writing of the nature of the decision.

What to Do if You are Alleged to Have Violated a Campaign Finance Law

Being referred to the Ohio Elections Commission for violating a campaign finance law is a potentially serious, but often routine, matter. In most cases, a few actions on your committee's part will go a long way to resolve the problem. The first is to make sure that you respond to the OEC's initial letter with the notarized affidavit no later than the due date mentioned in the letter. This affidavit should briefly explain your version of the events relating to the alleged violation. When either a board of elections or the secretary of state's office has referred you, the second thing to do is to contact the referring agency to determine what your committee must do to get into compliance. Often, this means the filing of a report that was not filed or responding to a letter requesting corrections or more information.

When your case is scheduled before the commission, you and/or your legal representative are welcome to be present at the hearing.



More Information

For more information about requesting an advisory opinion or reporting a possible violation, contact the Ohio Elections Commission, 21 W. Broad St., Ste. 600, Columbus, OH 43215; (614) 466-3205.

[R.C. 3517.152-3517.157]