

CHAPTER 16

FREQUENTLY-ASKED QUESTIONS

QUESTION: I forgot that today is the deadline to file my campaign finance report. May I get an extension?

ANSWER: No. R.C. 3517.10 sets the dates that campaign finance reports are due. Neither the boards of elections nor the secretary of state's office have the authority to extend a filing deadline.

QUESTION: Do I have to itemize contributions under \$25?

ANSWER: Contributions under \$25 received at a social or fund-raising event and reported on Form 31-E may be reported together as "*Contributions received \$25 or less,*" along with the date and aggregate amount. This exemption is never based on the cost of a ticket to attend the fund-raising event, but on the total amount each contributor contributed during the event. In-kind contributions of \$250 or less that were received at a social or fund-raising event may likewise be listed under the description, "*In-kind contributions received \$250 or less,*" along with the date and amount. It is important to note that the committee is still responsible for collecting and maintaining the underlying contributor information, even when it does not have to itemize it in the report. [R.C. 3517.10(B)] Contributions of any amount reported on form 31-A, *Statement of Contributions Received*, must be itemized.

QUESTION: I received a contribution from a joint checking account. How do I report the contribution?

ANSWER: Unless otherwise instructed by the contributor, report the contribution as coming from the individual signing the check. If there is evidence indicating that the contribution is from both individuals, then report as two separate contribution entries, attributing half of the contribution to each, unless otherwise specified. [OAC 111-5-15]

QUESTION: Please explain the difference between "loan" and debt."

ANSWER: A *loan* is a monetary contribution that is expected to be repaid in the future, while a *debt* is assumed for goods or services secured on behalf of the committee for which reimbursement is expected. Because a loan is a monetary transfer, it must always be deposited into the committee's campaign bank account.



QUESTION: I am a candidate who will not be accepting any contributions or spending any money. Am I still required to file a *Designation Of Treasurer*?

ANSWER: As long as there are no contributions received and no expenditures made (including the candidate's own funds), the filing of form 30-D, *Designation of Treasurer*, is not required. The payment of the filing fee by the candidate from his/her personal funds does not trigger the requirement to file a *Designation of Treasurer*. [OAC 111-5-01]

QUESTION: I am a candidate and I would like to purchase some flowers for my staff members out of my campaign account. Is this a permissible expense?

ANSWER: Yes. Using campaign funds to pay for gifts for staff or campaign workers is permissible, as long as the gifts are reasonable in cost and form. See Chapter 2, *Candidates*, for more information.

QUESTION: The signs I'm using in my re-election this year list the name of my former treasurer in the disclaimer. Is there any way I can use these signs?

ANSWER: The disclaimer information must be current when the communication, publication or other item is posted or distributed. Printing and placing a label with the current disclaimer information over the previous information should remedy the problem and allow for the use of the signs. This would apply to any leftover campaign items seeking to be used in subsequent elections.

QUESTION: After my previous unsuccessful campaign several years ago, I forgave \$2,000 in personal loans to my committee. This year I ran for office again and was elected. I have a balance in my campaign account after the election. May I take the new campaign funds and reimburse myself for the previous loan?

ANSWER: No. The Ohio Elections Commission has ruled that once a loan or debt is forgiven, it cannot be reinstated. (OEC 2001ELC-01)

QUESTION: My campaign committee received a check from a partnership. May I accept it? How should I report the contribution?

ANSWER: A partnership may use its checking account to make a contribution. However, when a partnership issues a contribution check, it must also provide the recipient with details on how the check is to be allocated among one or more of the partners or owners. The partnership may not make a contribution in the name of the partnership alone. The recipient campaign committee must itemize the contribution according to the details provided – as separate individual contributions. [R.C. 3517.10 (I); OAC 111-5-21]

QUESTION: How may a political action committee (PAC) or a political contributing entity (PCE) spend its funds?

ANSWER: They may only spend money for two purposes: either to influence an election or to make a charitable contribution. [R.C. 3517.01(B)(6)]



See Chapter 6, *Political Action Committees*, and Chapter 7, *Political Contributing Entities*, for more information.

QUESTION: Some friends and I want to campaign for a school levy. Do we have to report that information?

ANSWER: Maybe. You may have to register as a ballot-issue committee. A ballot-issue committee, also known as a ballot-issue PAC, does not have to register by filing a *Designation of Treasurer* until the issue or question that the committee is supporting or opposing is certified to the ballot (except in cases involving a possible statewide ballot issue – R.C. 3517.12 and OAC 111-4-11.) If the issue or question is never certified to the ballot, then no reports are required. See Chapter 8, *Ballot-Issue Committees*, for more information.

QUESTION: My local school board has a levy on the ballot in the coming election and the board is using the school building for fund-raising events and sending notes home with my children. Is this legal and where can I go to complain about such activities?

ANSWER: This question deals with the appropriate use of public property and tax monies in regard to an election. This issue is not addressed in Ohio’s campaign finance or election laws; therefore, a board of elections and the secretary of state’s office have no authority. You may contact the law director, prosecutor or auditor in the jurisdiction involved to see if this is permitted activity.

QUESTION: I am a candidate who just won in the primary. May I use campaign funds to throw a party for my campaign workers?

ANSWER: Yes. Parties and events associated with an election or a candidate’s public office are permitted. [OEC 2004ELC-03; 87-13]

QUESTION: I received a letter from the secretary of state’s office asking for more information relative to a report I filed last year. What should I do?

ANSWER: Don’t ignore it! The letter you received is part of the secretary of state’s office fulfilling its duty to examine campaign finance reports for compliance with the law. The information being sought is necessary to complete the report or otherwise complete the examination of the report. State law requires your response within 21 days of receipt of the letter. Call the examiner, whose name and telephone appear on every examination letter, for any help you may need in understanding the content of the letter, the examination process or disclosure compliance.

QUESTION: What if I believe that someone has violated a campaign finance law?

ANSWER: You may either contact a board of elections, or the secretary of state if statewide candidates or committees are involved, who will then consider the complaint and decide whether or not to investigate the matter and/or forward the complaint to the Ohio Elections Commission (OEC). An individual who has personal knowledge of a violation may,



at any time, file a complaint directly with the Ohio Elections Commission. See Chapter 14, *Ohio Elections Commission*, for more information.

