



Campaign Finance Handbook

CHAPTER 12: DISCLAIMERS

What is a Disclaimer

A disclaimer is the portion of a political message that identifies the name of the entity that paid for the item on which the disclaimer appears. A readable disclaimer must appear on almost everything that is created to influence an election, including electronic messages.

Individuals acting alone to distribute material and certain political action committees and political contributing entities limited in size and the amount of their expenditures are not required to include a disclaimer. Candidates are not considered individuals for this exemption and must include a proper disclaimer.

[R.C. 3517.105](#), [3517.20](#); [OEC Adv. 96ELC-10](#) and [2012ELC-04](#)

Electioneering communications are different from messages intended to influence the outcome of an election. Electioneering communications require identification similar, but not identical, to a disclaimer. Please see [Chapter 11, Electioneering Communication](#), for more information.

Disclaimer Required

A sign, newspaper advertisement, literature, or other political communication not listed in [Disclaimer Exemptions](#) below must include the applicable disclaimer in a conspicuous place on the political publication. The entity producing or distributing the political message has discretion for the size and placement of the disclaimer, considering the size of the item and ensuring the disclaimer is large enough to be read and easily found.

[R.C. 3517.20](#); [OEC Adv. 2012ELC-04](#)

Updating a Disclaimer

A committee must ensure the disclaimer on campaign signs or other materials is accurate when the signs are displayed or the materials are distributed. The committee need not include the treasurer's name and address in a disclaimer, but if the committee chooses to include it this information must remain updated. A committee may update the disclaimer on signs and other materials by placing a label with the updated content over the original disclaimer printed on the item.



Disclaimer Exemptions

Items that are not required to include a disclaimer are found in [OAC 111:2-4-18](#) and include:

- Airplane banners.
- Badges and buttons.
- Balloons.
- Chip clips.
- Clothing and hats.
- Combs.
- Cups and mugs.
- Emery boards.
- Facial coverings (masks).
- Flyswatters.
- Golf balls and golf tees.
- Individually wrapped candy.
- Insulated beverage sleeves.
- Key tags, key rings, or key fobs.
- Lapel pins and other jewelry.
- Letter openers.
- Paint stirrers.
- Pencils and pens.
- Plastic bags.
- Plastic discs designed to be sailed with a flip of the wrist.
- Rulers – 12".
- Sponges.

Personal correspondence not reproduced by machine for general distribution and status updates or messages posted on a social media website where a home page for the committee exists that properly identifies the committee are exempt from the disclaimer requirement. Magnets and stickers measuring two and one-half inches by three inches or less, or seven and one-half square inches or less, or three inches in diameter or less, are also specifically exempt from the disclaimer requirement.

[OAC 111:2-4-18](#)

A committee may obtain a disclaimer exemption for items not listed in [OAC 111:2-4-18](#) by making a written request to the Secretary of State, before distribution of the item. When requesting an exemption, state your name and contact information, describe in detail the size and material of the item you wish to have exempted, and include a brief statement explaining why the exemption should be granted. The Secretary of State will respond in writing to all written exemption requests. Exemption requests should be sent via email to CFinance@OhioSoS.gov or to:

Office of the Ohio Secretary of State
Campaign Finance Unit
180 Civic Center Dr.
Columbus, Ohio 43215

Intent to Influence an Election

An advertisement or item that might, even in part, be bought with the intent of influencing a current or future election or to build or maintain name recognition are reportable and must bear a disclaimer. This would include items bought with the personal funds of the candidate or officeholder. Examples include items distributed at public events, such as high school basketball program ads or free items.

[OEC Adv. 89-04](#)



Individuals

Any individual acting completely alone is not required to place a disclaimer on a political communication. Candidates are not considered individuals for purposes of the disclaimer requirement and must include a disclaimer on all political communication unless the item is specifically exempted by rule or given an exemption by the Secretary of State.

Candidate Campaign Committee Disclaimer Wording

A complete disclaimer for a candidate's campaign committee includes the phrase, "Paid for by," followed by the name of the candidate's campaign committee, in a conspicuous place.

[*R.C. 3517.20; OEC Adv. 2012ELC-04*](#)

Any independent expenditure made by a candidate's campaign committee in support of or opposition to a candidate or ballot issue must also include the disclaimer of the campaign committee that made the independent expenditure. The name of the committee used in a disclaimer must always match the name of the committee on the most recently filed Designation of Treasurer form.

Political Action Committees and Political Contributing Entities

Every political publication or independent expenditure made in support of or opposition to any candidate or ballot issue that is issued by a PAC with 10 or more members, or a PCE with ten or more members, must include a disclaimer. A proper disclaimer for a PAC or PCE consists of the name of the PAC or PCE.

Any independent expenditure made by a PAC or PCE in support of or opposition to a candidate or ballot issue must also include the disclaimer of the PAC or PCE that made the independent expenditure. The name of the PAC or PCE used in a disclaimer must always match the name of the PAC or PCE on the most recently filed Designation of Treasurer form.

[*R.C. 3517.105\(A\)*](#)

Limited PAC or PCE

A PAC or PCE with fewer than 10 members that makes an independent expenditure of \$500 or less on a political publication or advertisement involving a statewide candidate or ballot issue, \$250 or less for a general assembly candidate, or \$100 or less for a local candidate or issue, is a "limited PAC" or "limited PCE" and is not subject to the disclaimer requirement.

In determining whether a PAC or PCE is a "limited PAC" or "limited PCE" having 10 or fewer members, "member" is defined as a person who makes one or more contributions to that PAC or PCE.

[*R.C. 3517.105\(A\)*](#)

Radio and Television Advertisements

Radio and television advertisement disclaimers must contain a proper disclaimer. This information may be either spoken, appear on the screen, or both.

[*R.C. 3517.20*](#)



Telephone Banks/Pre-Recorded Phone Messages

A candidate, campaign committee, legislative campaign fund, political party, political action committee, political contributing entity, or other person or entity conducts that holds a phone bank to support or oppose a candidate or issue or to influence the voters in an election, must identify in the telephone call the identity of the committee or other entity paying for the telephone bank.

A telephone bank occurs when all of the next conditions are met:

- The entity places 500 or more calls.
- The content of the telephone call is identical or substantially similar.
- The telephone calls are made within any 30-day period.

The telephone bank definition and disclosure requirements apply whether the telephone calls are made by individuals or by recording.

[R.C. 3517.20\(A\)\(12\)](#)

Social Media/Email Messages

Social media posts and emails are generally subject to the disclaimer requirement. However, individual status updates or messages posted on social media websites need not contain a disclaimer so long as the committee home page properly identifies the committee.

[OEC Adv. 96ELC-10; OAC 111:2-4-18](#)

Multi-piece Mailings

If more than one piece of printed material is mailed as a single packet, then only one of the pieces of the packet, whether on the envelope or on a piece within the envelope, must contain the disclaimer of the entity responsible for the communication.

[R.C. 3517.20\(C\)](#)

Use of Political Party Bulk Mailing Permit

A campaign committee's disclaimer should appear when a political party allows a candidate's committee to use the party's bulk mailing permit, and the postage is paid for by the candidate's committee.

Questions about bulk mailing permits use, acquisition, and cost should be directed to the United States Postal Service (USPS) at 800-275-8777 or [USPS.com](https://usps.com).

Permits and Placement

Some municipalities or community associations have local ordinances or charter provisions that restrict the posting of political publications. Questions about local ordinances or charter provisions should be directed to your county prosecutor or city attorney.