



Campaign Finance Handbook

CHAPTER 14: 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\(N\)](#), [3501.11\(J\)](#), [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.

The examining authority contacts an entity by letter when an entity fails to provide all the necessary information, accepted contributions, made expenditures that appear illegal or suspect, detailing what information or action is needed for compliance or clarification. The statute gives the entity 21 days after receipt to respond and provide the requested information.

Many examination letters are mailed out each week from the Secretary of State's campaign-finance examination staff. It is critical that an entity reply to any correspondence issued by their examining authority that requires more 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 10 Reasons for an Examination Letter

1. missing data - addresses, dates, or other empty fields
2. missing expenditure verification - canceled checks or paid receipts for expenditures greater than \$25;
3. contributions reported as received from corporations
4. cover page balances not calculated correctly, not reflecting all contributions or expenditures reported, or the amount brought forward does not match prior report's balance on hand
5. failure to provide employer information when required
6. reporting contributions and expenditures in wrong reporting period
7. receiving cash contributions greater than \$100
8. improper reporting of contributions received or expenditures made at a fundraiser
9. lack of contribution attribution, listing joint contributions or LLC contributions
10. unverified reimbursements.

Completing Reports - General Rules

When a Report is Due

Except for FSL PAC reports (see [Chapter 7, 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.

[R.C. 3517.10](#)

Emailing a Report

Committees required to file electronically with the Secretary of State's office must file using the Secretary of State's provided [electronic filing system](#). Those committees required to file with the Secretary of State, but not required to file electronically (including federal political committees), may email their scanned paper reports to CFforms@OhioSoS.gov.

Committees required to file with the board of elections should contact their local board about paper and electronic filing options.



Report Forms

All reporting forms, along with instructions for their use, are available at the Secretary of State's [website](#).

Filers may choose to download the forms and use them for creating reports eligible for filing in paper form. Filers may seek written approval from the Secretary of State's office to use their own modified forms, so long as they are substantially similar to the promulgated forms.

[OAC 111:2-4-10](#)

Filers seeking the approval of alternative paper forms may direct their request, along with a sample of each of the alternative forms to CFinance@OhioSoS.gov or to:

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

The committee must include the committee's name on every form submitted. This is for the committee's protection in case pages become detached from the report. A committee does not need to include a form in a report if the form contains no information.

Record Retention

Committees must retain their reports for six years. The Secretary of State and county boards of elections also must keep all filed reports for at least six years after the year in which they are filed.

[R.C. 3517.10\(D\)](#), [OAC 111:2-4-13](#)

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. A treasurer should take two easy steps to avoid or detect potential problems in the report.

1. When a report is completed, the balance on hand (line 6) on the cover page should equal the balance listed on the committee's bank account statement. If the treasurer has reported all the necessary contributions and expenditures (including service charges, interest, and voided checks), then these balance figures should be the same.
2. The treasurer should ensure the statements received from the bank are balanced against the committee's reports 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 R.C. 3517.20	Fine of not more than \$500.	R.C. 3517.992(U)
Failure to file a complete and accurate report required by a candidate's campaign committee in violation of R.C. 3517.13(A) .	Fine of not more than \$100 per day.	R.C. 3517.992(A)(1)
Failure to file a complete and accurate report required by a political party or PAC in violation of R.C. 3517.13(A) .	Fine of not more than \$100 per day.	R.C. 3517.992(A)(2)
A campaign committee, PAC, party, legislative campaign fund, or individual making or receiving contributions in excess of the limits in violation of R.C. 3517.102 . (Violation by an individual must be made knowingly.)	Fine of three times the excess amount contributed, unless it is completely refunded within five business days after it is accepted or within ten business days after notification by the Secretary of State or a board of elections.	R.C. 3517.992(I), (J)
Improper solicitation of contributions by statewide or county officials or candidates in violation of R.C. 3517.092 .	First-degree misdemeanor.	R.C. 3517.992(M)(1)
Knowing acceptance of a contribution by a statewide or county official, in violation of R.C. 3517.092 .	Fine of three times the contribution amount and return of the contribution.	R.C. 3517.992(M)(2)
Unknowing acceptance of contribution by a statewide or county official, in violation of R.C. 3517.092 .	Return of contribution.	R.C. 3517.992(M)(2)
Failure to file a required monthly or two-business-day report by a statewide candidate in violation of	Fine of not more than \$100 per day.	R.C. 3517.992(A)(1)



R.C. 3517.13(A).		
Knowing failure to report a gift or misrepresent a gift received by a political party's Building Fund in violation of R.C. 3517.101(G)(2) , or R.C. 3517.13(G) .	Fine of not more than \$10,000.	R.C. 3517.992(C)
Misrepresentation or concealment of a contribution or expenditure in violation of R.C.3517.13(G) .	Fine of not more than \$10,000; if by a candidate, also possible forfeiture of office.	R.C. 3517.992(C)
Cash contributions in excess of \$100 in violation of R.C. 3517.13 .	Fine of not more than three times the amount contributed.	R.C. 3517.992(D)
Conversion of campaign funds for personal use in violation of R.C. 3517.13(O), (P), or (Q) .	First-degree misdemeanor.	R.C. 3517.992(F)
Election falsification matters, such as signing a false campaign finance report.	Fifth-degree felony.	R.C. 3599.36