



Campaign Finance Handbook

CHAPTER 3: ADDITIONAL REQUIREMENTS FOR STATEWIDE AND GENERAL ASSEMBLY CANDIDATES

Statewide and General Assembly candidates should use the information in this chapter alongside Chapter 2.

SPECIAL RULES

Election Periods

Several rules and reports for statewide or General Assembly candidates require an understanding of election periods, including determining a candidate's primary and general election period.

Primary Election Period

The primary election period begins on the latest (e.g., most recent) of the three following dates:

- January 1 of the year following a general election at which that specific office was up for election;
- January 1 of the year following a general election at which the person last ran as a candidate for any office; or
- The first day of the month following a primary election at which the person last ran as a candidate for any office and did not succeed.

[R.C. 3517.102\(A\)\(5\), 3517.109\(A\)\(9\)](#)

Examples:

- ❖ An Ohio Senate candidate lost in the 2016 March primary election and intends to run for Treasurer of State in 2018. The primary election period for this candidate's run for Treasurer of State would begin on the first day of the month following the primary election in 2016, which was April 1, 2016.
- ❖ A municipal clerk candidate lost in the 2019 general election. This person then decides to run for an Ohio House of Representatives seat in 2022. The primary election period for this candidate would begin January 1, 2020.
- ❖ A city council candidate won in the 2021 general election. The candidate intends to run for governor in 2022. The primary election period would begin January 1, 2022.
- ❖ An Ohio House of Representatives candidate won in the 2020 general election. The candidate intends to run for re-election in 2022. The primary election period would begin January 1, 2021.



The primary election period ends on the day of the primary election. The length of a primary election period could vary widely, from more than three years to just a few months, depending on the facts specific to the candidate and the office being sought.

General Election Period

The general election period begins the day after the primary election at which the candidate seeks office and ends December 31, following the general election.

[R.C. 3517.102\(A\)\(5\)](#)

Contribution Limits

Ohio law limits the campaign contribution amount that individuals, PACs, PCEs, parties, LCFs, and campaign committees can contribute to statewide and General Assembly campaign committees. A [contribution limit chart](#) can be found on the [Secretary of State's website](#). While the chart details the limits placed on most contribution transactions, it does not include every possible transaction circumstance that may occur.

The limitations do not apply to contributions made by a candidate to their own campaign committee. But the limitations do apply to contributions received from the candidate's family, including the candidate's spouse, parents, and children.

[R.C. 3517.102](#)

Contribution Limit Adjustment

By law, the Secretary of State must update statutory contribution limits for statewide and General Assembly candidates in January of each odd-numbered year. The adjustment is based on the yearly average increase or decrease of the previous two years in the Consumer Price Index for All Urban Consumers or its successive equivalent, as determined by the U.S. Department of Labor, Bureau of Labor Statistics. The Secretary of State's calculations are certified by the Auditor of State and become effective on or before February 25th of that year. The certified calculations and an updated [contribution limit chart](#) are maintained on the [Secretary of State's website](#).

[R.C. 3517.104](#)



Designated State Campaign Committees

A “designated state campaign committee” is a defined relationship between specific political entities that are making or receiving contributions to and from other specific political entities. A designated state campaign committee means:

- In the case of contributions to or from a state political party: a campaign committee of a statewide candidate, statewide officeholder, senate candidate, house candidate, or member of the General Assembly;
- In the case of contributions to or from a county political party: a campaign committee of a statewide candidate, statewide officeholder, senate candidate or house candidate whose candidacy is to be submitted to some or all of the electors in that county, or member of the General Assembly whose district contains all or part of that county; or
- In the case of contributions to or from a legislative campaign fund: a campaign committee of any senate or house candidate who, if elected, will be a member of the same party that established the legislative campaign fund and the same chamber (i.e., House or Senate) with which the legislative campaign fund is associated, or a state senator or state representative who is a member of the same party that established the legislative campaign fund and the same chamber with which the legislative campaign fund is associated.

A campaign committee is no longer a designated state campaign committee after the campaign committee’s candidate updates the Designation of Treasurer form to indicate that the person intends to be a candidate, or becomes a candidate, for any office that would not qualify that candidate’s campaign committee as a designated state campaign committee.

[R.C. 3517.102\(A\)\(9\)](#)

Employer/Occupation Information

If an individual contributes more than \$100, statewide and General Assembly campaign committees must report the name of the individual contributor’s current employer or, if the individual is self-employed, their occupation and the name of the individual’s business. If a campaign committee does not receive the information when the contribution is received, it must make its best efforts to obtain this information.

[R.C. 3517.10\(B\)\(4\)\(b\)\(ii\), 3517.10\(E\)\(2\)](#)



The campaign committee of a statewide or legislative candidate that receives contributions that aggregate more than \$100 and are made through employee wage deduction plans involving two or more employees must report the employer's name and the name of the employee's labor organization, if any. The employer must furnish that information to the recipient of the contribution. The reporting entity is considered to have met this requirement if it exercises its best efforts to obtain the information.

[R.C. 3517.10\(B\)\(4\)\(b\)\(iii\), 3517.10\(E\)\(3\) & 3599.031\(D\)](#)

"Best efforts" is defined as including a written request for the employer information in all written solicitations and at least one written request sent to the contributor or an oral request to the contributor documented in writing.

[R.C. 3517.10\(E\)\(3\); OAC 111:2-1-05](#)

Electronic Filing

The campaign committee for all statewide and General Assembly candidates must file electronic campaign finance reports. Please see [Chapter 13, Electronic Filing of Campaign Finance Reports](#), for more information.

[R.C. 3517.106](#)

Federal Transfers

A person who is a candidate for state elective office and who previously sought nomination or election to a federal office is prohibited from transferring any funds or assets from their federal campaign committee for nomination or election to the federal office to their campaign committee as a candidate for state elective office.

[R.C. 3517.13\(S\)](#)

Persons Doing Business

State elected officials or members of the General Assembly must report the names and addresses of each person they do business with as an elected officer in their official capacity who contributes to the officer's campaign committee. A person doing business is one who enters into one or more contracts for goods or services with a state elected officer or member of the General Assembly in his or her official capacity or anyone authorized to enter into contracts on behalf of the officer to receive goods or services if the payments total, in the aggregate, more than \$5,000 during a



calendar year. Such contributions should be reported on [Form 31-T, Contributors Doing Business with State Elected Officers](#).

[R.C. 3517.10\(B\)\(4\)\(f\)](#)

State Income Tax Credit

Ohio law allows a state income tax credit for monetary contributions made to the campaign committee of a candidate for statewide office or member of the General Assembly up to an annual limit of \$50 for single filers and \$100 for joint filers.

[R.C. 5747.29](#)

A person who contributes money to the campaign committee of a candidate for any of the following public offices may be eligible for a credit on their Ohio income tax:

- Governor and Lieutenant Governor
- Secretary of State
- Auditor of State
- Treasurer of State
- Attorney General
- Member of the State Board of Education
- Chief Justice of the Supreme Court
- Justice of the Supreme Court
- Member of the General Assembly (house or state senate)

The amount of the credit equals the lesser of the combined total of contributions made during the year by each taxpayer filing a return of \$50, for an individual return, or \$100 for a joint return.

[R.C. 5747.29](#)

Questions related to Ohio's tax law should be directed to the Ohio Department of Taxation at 800.282.1780 or tax.ohio.gov.

Tax deductibility of federal contributions is under the jurisdiction of the [Internal Revenue Service](#).

Unpaid Debts/Debt Retirement

If a campaign committee has outstanding loans owed or other unpaid debt at the end of a primary or general election period, then the committee may accept additional contributions in the election



period immediately following, as long as the total received from each contributor, when added to the contributions received from that contributor in the period when the debt was incurred, does not exceed the contribution limitation applicable to the contributor during the period when the debt was incurred. A contributor who did not contribute to the campaign committee during the period when the debt was incurred may contribute for debt retirement up to the applicable limit for the prior contribution limit period.

The new contributions accepted by a campaign committee to retire unpaid debt do not count toward the applicable limitations during the election period when they are accepted, as long as the campaign committee

- Reported unpaid debt in its pre-election or post-election report;
- The additional money is deposited into an account separate from the campaign committee's regular account;
- The additional money is used only to reduce or pay off previously incurred and reported debt;
- Debt reduction fund-raising ceases once the debt is eliminated;
- The additional money is raised in the period immediately following the election period in which unpaid debt was accrued;
- Any excess money is given back to the contributors or to a 501(c) charity; and
- The committee separately reports the additional contributions for debt retirement purposes, how the contributions are applied to the outstanding debt, and the balance of the unpaid debt.

[R.C. 3517.108, OAC 111:2-4-02](#)

SPECIAL REPORTS

Monthly Reports

The campaign committee of a statewide candidate must file a monthly statement of contributions received during each of the months of July, August, and September in the year of the general election in which the candidate seeks office. These monthly reports are required to list only contributions received during the covered period. Although only contributions are required to be disclosed, a campaign committee may choose to also disclose any expenditure and loan/debt transactions from the reporting period. Otherwise, expenditures made and any loan/debt



transactions during the reporting period must be in the next pre-general or post-general report, whichever must be filed first.

The monthly statement must be filed no later than three business days after the last day of the month covered by the statement. Monthly reports are stand-alone reports. Thus, the contributions reflected within these reports should not appear again in any subsequent report.

[R.C. 3517.10\(A\), 3517.13\(A\); OAC 111:2-4-07](#)

Two-Business-Day Reports

During the period beginning the 19th day before the general election through the day of the general election, each time a campaign committee of the joint candidates for Governor and Lieutenant Governor, Chief Justice, or Justice of the Supreme Court, or of a candidate for Secretary of State, Treasurer of State, Auditor of State, or Attorney General receives a contribution that causes the aggregate amount of contributions from a contributor to equal or exceed \$10,000 during that period, the committee must file with the Secretary of State a two-business-day statement reflecting that contribution. The report must be filed with the Secretary of State within two business days after receipt of the contribution. These contributions must also be reflected in the post-general report. This information is disclosed on [Form 30-C, Two Business-Day Statement](#).

[R.C. 3517.10\(A\), 3517.13\(A\)\(2\); OAC 111:2-4-08](#)

DECLARATION OF FILING-DAY FINANCES / PERMISSIVE FUNDS REPORTS

A person's campaign committee must review its accounts and contribution history and dispose of any excess funds or excess aggregate contributions if the person files to run for an office subject to contribution limits. For example, if a current city mayor – an office not subject to state contribution limits – decides to run for state representative – an office to which state contribution limits apply – the mechanics of [R.C. 3517.109](#) may require the mayor's campaign committee to dispose of a portion of its balance on hand before submitting nominating petitions or a declaration of candidacy.

[R.C. 3517.109](#)



What Must Be Filed

During a year in which its candidate is on the ballot, the campaign committee of a candidate for statewide office or member of the General Assembly must file one or two special reports required by [R.C. 3517.109](#) about permissive or excess funds. Candidates for Chief Justice or Justice of the Ohio Supreme Court are not required to file these reports.

Who Must File

Campaign committees of candidates who file nominating petitions or a declaration of candidacy for statewide office or member of the General Assembly are subject to the filing requirements of the Declaration of Filing-Day Finances and Permissive Funds Report in [R.C. 3517.109](#). The definition of “state office” includes State Board of Education, but does not include Ohio Supreme Court.

When to File

The Declaration of Filing-Day Finances and Permissive Funds Report are due no later than seven days following the declaration of candidacy or nominating petition filing deadline. The reports are filed at the same location that the declaration of candidacy or nominating petitions are filed.

Pre-Filing Period

Determining the pre-filing period of the campaign committee is important for both the Declaration of Filing-Day Finances and the Permissive Funds Report. The pre-filing period of a campaign committee begins on the same day as its primary election period. See the section on election periods at the beginning of this chapter. The pre-filing period ends on the declaration of candidacy or nominating petition filing deadline.

[R.C. 3517.109\(A\)\(9\)](#)

Declaration of Filing-Day Finances

Every campaign committee of candidates for statewide office or member of the General Assembly must file either [Form 31-W, Declaration of Filing-Day Finances](#), or [Form 31-AA, Waiver of Declaration of Filing-Day Finances](#), no later than seven days following the declaration of candidacy or nominating petition filing deadline.



Waiver

A committee may qualify to file the [Waiver of Declaration of Filing-Day Finances](#) if the next two conditions are met:

- The campaign committee did not accept any contributions during the pre-filing period in excess of the contribution's limits in [R.C. 3517.102](#); and
- The campaign committee had a cash-on-hand balance less than the carry-in amount at the beginning of the pre-filing period for the office being sought.

Office	Carry-In Amount
House or State Board of Education	\$35,000
Senate	\$100,000
Statewide	\$200,000

If the committee meets both these criteria, it may file a Waiver instead of a Declaration of Filing-Day Finances. If the committee accepted excess contributions or had a cash-on-hand balance larger than the carry-in amount, then it must file the Declaration of Filing-Day Finances.

[R.C. 3517.109\(G\)](#)

Permissive Funds Report

The campaign committee of a candidate for statewide office or member of the General Assembly that has "excess funds" must file [Form 31-W, Permissive Funds Report](#), no later than seven days following the declaration of candidacy or nominating petition filing deadline.

[R.C. 3517.109\(E\)](#)

Excess Funds

There are two ways a campaign committee could end up with excess funds. The first is to accept a contribution that exceeds the applicable contribution limit (as set forth in [R.C. 3517.102](#) and periodically adjusted by [R.C. 3517.104](#)). These contributions are also called excess aggregate contributions.

Example:

- ❖ Accepting \$14,000, in aggregate, from an individual during a primary election period (\$295.59 in excess funds based on 2021-2023 contribution limits).



The second way is for a campaign committee to have a cash-on-hand balance and total campaign assets at the declaration of candidacy or petition filing deadline greater than the amount of a committee's permitted funds.

[R.C. 3517.109\(A\)](#)

Campaign Assets Included in Calculation of Excess Funds

Campaign assets are prepaid, bought, or donated items or services available for use by the campaign committee and will be consumed or depleted during the candidate's election campaign. For the purpose of these reports, campaign assets must have a value greater than \$500. Examples include prepaid media time, prepaid rent, postage, prepaid advertising, and other prepaid consulting and personal services.

[R.C. 3517.109\(A\)\(12\), 3517.109\(F\)\(2\)\(b\)](#)

Permitted Funds

A committee's permitted funds equals the sum of the contributions received within the contribution limits set forth in [R.C. 3517.102](#) plus the applicable carry-in limit for the office sought.

Example:

- ❖ A campaign committee of a house candidate received contributions totaling \$8,000 during the pre-filing period, all of which were within the contribution limits in [R.C. 3517.102](#). The carry-in limit for a house candidate is \$35,000. Thus, this committee's permitted funds equal \$43,000.

If the cash-on-hand balance, plus the value of campaign assets, at the declaration of candidacy or nominating petition filing deadline exceeds \$43,000, then the amount that it is over is considered excess funds. If the cash-on-hand balance and the value of campaign assets is less than or equal to \$43,000, then this committee has no excess funds.

If a committee has accepted excess aggregate contributions during the pre-filing period, then the committee has excess funds even if the committee's cash-on-hand balance is less than the permitted funds total at the declaration of candidacy or petition filing deadline.

[R.C. 3517.109\(A\)\(13\)](#)



Disposing of Excess Funds

The campaign committee of a candidate for statewide office or member of the General Assembly that has excess funds must dispose of the excess amount by the declaration of candidacy or nominating petition filing deadline. Any candidate whose campaign committee fails to dispose of the excess amount is prohibited from appearing on the ballot.

The campaign committee may dispose of excess funds in any of these ways:

- Refund the excess amount of the contribution to the contributor;
- Give the excess to an IRS 501(c) tax-exempt corporation; or
- Give the excess to the Ohio Elections Commission Fund.

Disposal of excess funds should be reported on [Form 31-Z, Statement of Disposal of Excess Funds and Excess Aggregate Contributions](#). The refund of any excess aggregate contribution at any time during the pre-filing period must be reported on this form.

[R.C. 3517.109\(B\)-\(D\)](#)

Forms

Declaration of Filing-Day Finances and Permissive Funds forms are available from the Secretary of State's Office and the [Secretary of State's website](#).