



# Campaign Finance Handbook

## CHAPTER 9: BALLOT ISSUE COMMITTEES

### What is a Ballot Issue Committee?

A ballot issue committee, sometimes called a ballot issue PAC, is a political action committee that is organized to support or oppose a proposed or certified ballot issue or question. Ballot issues include constitutional amendments, proposed laws, liquor options, initiatives, referenda, and charter amendments.

### Statewide Ballot Issue Committee

For statewide ballot issues, the circulator or committee in charge of circulating petitions may constitute a ballot issue PAC before filing petitions or the issue becoming certified. A circulator or committee in charge of a statewide ballot issue PAC must file a [Designation of Treasurer, Form 30-D](#), with the Secretary of State before receiving a contribution or making an expenditure. The ballot issue committee consists of the treasurer, the circulator or committee member signing the Designation of Treasurer form, and any committee member engaged in circulating the petition for submission of the issue.

[R.C. 3517.12; OAC 111:2-3-10](#)

### Local Ballot Issue Committee

For a local ballot issue, a ballot issue committee may be created to support or oppose the issue at any time before or after certification of the issue to the ballot. The ballot issue committee must file a Designation of Treasurer before receiving any contributions or making any expenditures.

### What to Do First

Before receiving contributions or making expenditures, a ballot issue committee must file Form 30-D, Designation of Treasurer. This form registers the committee and includes basic information such as the name and address of the ballot issue committee, the name of the treasurer and their address, and any deputy treasurers.

There are no statutory restrictions on who can be a treasurer. The authorized party must either designate themselves or another person as the ballot issue committee's treasurer. A treasurer may appoint a deputy treasurer to assist in the accounting, record-keeping, and disclosure responsibilities. The authorized party must sign to approve the DOT. The treasurer, and deputy treasurer if appointed, must sign the DOT to acknowledge their appointment.

The committee is responsible to keep all committee information updated (e.g., change in treasurer, committee name, address, and contact information) by filing an updated Designation



of Treasurer. This form must be completed in entirety each time it is filed, including all applicable signatures.

[R.C. 3517.081, 3517.10\(D\)](#)

## Where to File Reports

A ballot issue committee formed to support or oppose a statewide ballot issue must register and file with the Secretary of State's Office. A committee formed to support or oppose an issue or question that is submitted only to the electors within one county must register and file with the board of elections in that county. If the same issue or question is submitted to the electors in a subdivision or district in more than one county, then the committee must register and file at the board of elections in the most populous county in that subdivision or district.

## When to File Reports

Ballot issue committee report filing deadlines are based on the nature and timing of the activity in which the committee engages in relation to any election. All mailed reports must be physically received by the Secretary of State or a board of elections to meet the filing deadline requirement. A report postmarked, but not received, by the deadline is a late filing and must be referred to the Ohio Elections Commission.

The purpose of a contribution to a ballot issue committee and the committee's use of its contributions determines when a report will be required. A ballot issue committee must file pre- and post-election reports based on whether the ballot issue committee received contributions or used its contributions to influence a particular election. The need to file a pre- or post-election report exists only when the ballot issue committee receives contributions or makes expenditures to support or oppose an issue appearing on a ballot.

[R.C. 3517.10, 3517.01\(C\)\(5\)](#)

### Reporting Deadlines:

A ballot issue committee must file a **pre-election report** by 4 p.m. on the 12<sup>th</sup> day before an election (primary, general, or special) if the ballot issue committee spent or received \$1,000 or more to influence a ballot issue in that election between the time the last report was filed and the 20<sup>th</sup> day before the election. The \$1,000 threshold includes monetary and in-kind contributions, along with the value of any new loans received during the reporting period.

[R.C. 3517.10\(A\)\(1\)](#)



A ballot issue committee must file a **post-election report** by 4 p.m. on the 38<sup>th</sup> day after the election if the ballot issue committee received contributions or made expenditures to influence a ballot issue in that election between the time the last report was filed and the 31<sup>st</sup> day after the election.

[R.C. 3517.10\(A\)\(2\)](#)

A ballot issue committee must file a **semiannual report** by 4 p.m. on the last business day of July if the ballot issue committee was not required to file a report after the immediately preceding primary election. A semiannual report should reflect all activity since the last report through June 30 and should reflect only the activity that has occurred since the last report was filed.

[R.C. 3517.10\(A\)\(4\)](#)

A ballot issue committee must file an **annual report** by 4 p.m. on the last business day of January if the ballot issue committee was not required to file a report after the immediately preceding general election. An annual report should reflect all activity since the last report through December 31 and should reflect only the activity that occurred since the previous report was filed.

[R.C. 3517.10\(A\)\(3\)](#)

The rules described in the pre- and post-election sections apply no matter when an election is held. For example, a ballot issue committee may have activity to influence a special election in February, a statewide primary in May, or a municipal primary in September. Based on the committee's activity, any of these elections can trigger the "12-day before" or "38-day after" filing requirements.

[R.C. 3517.01\(C\)\(5\) & \(6\)](#)

## Report Forms

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

Ballot issue committees not required to file electronically may download, complete, and print the forms for their paper filings. Filers may choose to create their own forms for use in paper filing, with the express written approval of the Secretary of State's Office, as long as they are substantially similar to the forms prescribed by the Secretary of State's Office.

[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](mailto:CFinance@OhioSoS.gov), or to:

Office of the Ohio Secretary of State  
Campaign Finance Division  
22 North Fourth Street, 15<sup>th</sup> Floor  
Columbus, Ohio 43215

## **GENERAL RULES**

### **Committee Checks**

Any check that a ballot issue committee uses to make expenditures must contain the full name and address of the committee. Additionally, if the ballot issue committee is assigned a registration number by the Secretary of State, then the committee must also include its assigned registration number on the face of any committee check.

### **Circulator Statements**

A person or group of persons that circulate petitions to try to place an issue on the statewide ballot must file a Statement of Circulator form with the Secretary of State. The form must be filed within 30 days after the petition papers are filed.

[R.C. 3517.12](#)

A person or group of persons that circulate an initiative or referendum petition to be filed with the city auditor or village clerk must file a Statement of Circulator form with the appropriate county board of elections. The form must be filed within 5 days after the petition papers are filed.

[R.C. 731.35](#)

### **Disclaimers**

A ballot issue committee should follow the same disclaimer guidelines as political action committees. See [Chapter 12, Disclaimers](#), for more information about disclaimers.

[R.C. 3517.20](#)



## Registration Number

A ballot issue committee formed to support or oppose a statewide issue or question will be assigned a registration number by the Secretary of State's Office. Every report submitted and every check issued from a statewide ballot issue committee must bear this registration number.

## Treasurer Duties and Liability

The treasurer and any appointed deputy treasurer of a ballot issue committee are legally responsible for campaign finance reporting requirements. The treasurer is appointed by an authorized representative of the committee and must keep detailed records of everything received, given, or expended. A treasurer may appoint a deputy treasurer to assist in the accounting, record-keeping, and disclosure responsibilities.

Each report must contain a statement that the report is complete and accurate, subject to the penalty for election falsification (a felony of the fifth degree). Reports must be signed by the treasurer or a deputy treasurer. The treasurer must retain accurate records of all activity for six years.

[R.C. 3517.081, 3517.10, 3517.13, 3517.992\(A\), 3599.36; OAC 111:2-4-11, 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. First, 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. Second, 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.

## CONTRIBUTIONS

Generally, the ballot issue committee must disclose the value of all contributions it receives. All contributions must be separately itemized, except for those received at a fundraising event or payroll deductions aggregating less than \$25 per individual per calendar year. The primary elements for complete disclosure of a contribution are:



- The name of the contributor;
- The address of the contributor;
- The date of the contribution; and
- The amount of the contribution.

## Corporate / Labor Organization Contributions

Ballot issue committees may accept direct corporate and labor organization contributions. Aside from the committee's reporting requirements, corporate and labor organization contributors are required to disclose their activity by filing a [Form 30-B-1, Contributions from a Corporation or Labor Organization Supporting or Opposing Ballot Issues](#). The corporation or labor organization must file by the same deadlines and at the same filing location as the ballot issue committee. See [Chapter 10, Business and Labor Organizations](#), for more information about filing requirements.

[R.C. 3599.03](#)

## Contribution Limits

Ballot issue committees make no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity and are not subject to contribution limits.

[R.C. 3517.102\(D\)\(2\)](#)

## Anonymous Contributions

Contributors may not remain anonymous by request. If a donor does not want to be identified, the contribution is not truly anonymous, and the ballot issue committee should not accept the contribution. In all events, if an anonymous contribution is received, the committee must make best efforts to identify the donor. If that effort does not succeed, the contribution should have an explanation of the circumstances that caused it to be anonymous and a description of the efforts made to determine the donor's identity. This information should appear in the address portion of [Form 31-A, Statement of Contributions Received](#), [Form 31-E, Statement of Contributions Received at a Social or Fund-Raising Event](#), or attached to the report as supplemental documentation.

[R.C. 3517.10 \(C\)\(2\)](#)

## Cash Contribution Limits

A contributor may not give more than \$100 per election in cash. Cash means coined or paper money designated as legal tender and circulated from hand to hand. If a contribution exceeds



this amount, the recipient must issue a refund of the amount over the \$100 limit. The full amount of the contribution received and deposited must be disclosed on the appropriate campaign finance report forms as well as the offsetting refund expenditure issued.

[R.C. 3517.13\(F\); OAC 111:2-4-05](#)

## Fund-Raiser Exemption

A ballot issue committee must report the name, address, date, and amount for each contribution received. This detail must be provided with each report filed. One exception to that rule is that contributions totaling \$25 or less received at a specific fund-raising activity are not required to be itemized within a report. These contributions may be reported as a single line item with an aggregate amount on [Form 31-E, Statement of Contributions Received at a Social or Fund-Raising Event](#). Also, in-kind contributions totaling \$325 or less from one contributor at a single fund-raising activity are not required to be itemized. These contributions should be reported as a single line item with an aggregate amount on [Form 31-J-1, Statement of In-Kind Contributions Received](#). In all events, the treasurer must keep itemized records of all contributions in case such records are requested by the auditing authority.

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

## Contributions from Minor Children

Ballot issue committees are prohibited from accepting contributions from any individual under the age of seven.

[R.C. 3517.102\(C\)\(7\)](#)

## Independent Expenditures

An independent expenditure is an expenditure that is made in support of or in opposition to either a candidate or a ballot issue without the consent of, and not in coordination, cooperation, or consultation with, or at the request or suggestion of the candidate, agent of the candidate, or ballot issue committee. Such expenditures are reported by the entity that makes them, but not by the benefited committee.

[R.C. 3517.01\(C\)\(17\), 3517.105; OAC 111:2-2-01, 111:2-2-02](#)

Corporations or labor organizations making independent expenditures in support of or opposition to a ballot issue or question must file [Form 30-B-2, Independent Expenditures from a Corporation or Labor Organization Supporting or Opposing Ballot Issues](#). This form must be filed



at the county board of elections for local issues or at the Secretary of State's Office for statewide issues. See [Chapter 10, Business and Labor Organizations](#), for more information about these filing requirements.

Campaign Committees, PACs, PCEs, or political parties making independent expenditures in support of or opposition to a ballot issue or question must complete [Form 31-U, Independent Expenditures Made by a Campaign Committee, PAC, Political Party, or Legislative Campaign Fund](#), as part of the committee's next required campaign finance report.

Individuals, partnerships, or other entities making more than \$100 in independent expenditures in support of or opposition to a ballot issue or question must file [Form 30-E, Independent Expenditures Made by Individuals, Partnerships, or Other Entities](#). This form must be filed at the county board of elections for local issues or at the Secretary of State's Office for statewide issues. No report is required if \$100 or less was expended.

## In-Kind Contributions

An in-kind contribution is a non-monetary contribution of goods or services that is made with the consent of, in coordination or cooperation with, or at the request or suggestion of, the benefited ballot issue committee. Examples include receiving postage or signs, receiving rent-free office space, having personnel compensated by a third party, or having a third party buy media advertising on behalf of the ballot issue committee.

[R.C. 3517.01\(C\)\(16\)](#)

## Partnerships/Unincorporated Associations

Contributions received from partnerships or unincorporated associations must reflect both the name of the entity and the individual contributing. Incorporated professional associations and limited liability companies are considered unincorporated associations or, if applicable, partnerships. Contributions may be transmitted by these entities but must include, at the time of the distribution, detailed information on the allocation of the contribution amount among the owners or partners of the unincorporated association or partnership. A recipient may not accept, deposit, or use a contribution from a partnership or other unincorporated business unless the recipient has the allocation information necessary to itemize the contribution by the partner, owner, or member.

[R.C. 3517.10\(I\); OAC 111:2-4-20; OEC Adv. 96ELC-03](#)



## Public Employee Solicitations

Public employees may not solicit contributions or be solicited for contributions while performing their official duties or while they are in those areas of a public building where official business is transacted or conducted. The term “public employee” does not include any person holding an elective office.

[R.C. 3517.092\(F\)](#)

## Deposit of Contributions or Other Income

The ballot issue committee must deposit all contributions in an account within 30 days of receipt or return the contribution to the donor. A contribution that is clearly illegal must be returned and not deposited. A contribution that appears on its face to be legal (e.g., not from a foreign national, corporation, or in excess of the contribution limits) may be deposited and used by the committee.

Contributions that appear questionable may be deposited, but not spent. The treasurer must make a good-faith effort to determine the legality of the contribution. If, within 30 days of receipt, it cannot be determined that the contribution is legal, then it must be returned.

If a contribution is kept that is later found to be illegal, then the committee must refund it within 10 days of the discovery.

[OAC 111:2-4-11](#)

## Raffles

The use of raffles or other games of chance to raise money for a ballot issue committee, while not specifically prohibited in the campaign finance statutes, is discouraged for many reasons. First, the collecting and reporting of all the required contributor information for every raffle ticket or chance sold can be very difficult. A committee treasurer must keep a strict account of all contributions received – regardless the amount of the contribution. Second, the raffle or other games or schemes of chance in which persons pay to play may be a lottery prohibited by [Article XV, Section 6 of the Ohio Constitution](#) or may constitute gambling in violation of [R.C. 2915](#). In addition, political fundraising events involving a raffle or other scheme or game of chance held on the premise of a liquor permit holder may involve a violation of [OAC 4301:1-1-53](#) of the Ohio Department of Commerce, Division of Liquor Control.

Many fundraising events award door prizes to some persons who attend. Giving door prizes of minimal value, such as flower arrangements, is unlikely to constitute a violation because the



persons participating would have contributed regardless of the possibility of receiving a prize. But if the value of the door prize is significant enough to encourage contributors to purchase an entrance ticket in order to win the prize, then a violation may have occurred. Questions or information on raffles and other schemes or games of chance should be referred to the county prosecutor in the county where the activity will occur.

*SOS Advisory No. 94-04*

## **EXPENDITURES**

### **Permitted Use of Funds**

A ballot issue committee may use its contributions only in ways that match the definition of expenditure, as defined in [R.C. 3517.01\(C\)\(6\)](#), or to refund excess or illegal contributions. A ballot issue committee may spend money in a manner intended to influence an election or to make a charitable contribution. Charitable contributions are those made to a charity designated as exempt from federal income taxation under subsection 501(a) and described in subsections 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, or to any charity approved by advisory opinion of the Ohio Elections Commission.

#### [R.C. 3517.08\(G\)](#)

No person may convert for personal or business use anything of value from a ballot issue committee's funds.

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

Because a ballot issue committee may accept corporate contributions, a ballot issue committee may not contribute to a candidate's campaign committee, a political party, legislative campaign fund, PAC, or PCE.

Questions about a ballot issue committee's use of public property or tax monies to support or oppose an issue or question should be referred to the prosecutor or auditor of that jurisdiction.

### **Expenditure Verification**

Every expenditure in excess of \$25 must have a corresponding canceled check or receipt photocopy attached to the report. A proper receipt is one that has been marked "PAID" by the vendor. In addition, the Secretary of State or the county board of elections may request a mileage log for mileage reimbursements, so that the expenditure and its appropriateness may be verified.



If canceled checks are not returned or provided by the banking institution of the ballot issue committee, a copy or printout of the ballot issue committee's bank statements will suffice for the receipt requirement so long as the name of the vendor, date of transaction, and amount of the expenditure are all provided. Additionally, printouts of cancelled check images as provided by the ballot issue committee's banking institution satisfy the expenditure verification requirement.

[R.C. 3517.10\(D\); OAC 111:2-4-13; OEC Advs. 87ELC-03, 87ELC-12](#)

## **REPORTING**

### **Electronic Filing**

Any ballot issue committee registered to support or oppose a statewide issue or question must file its campaign finance report electronically if the committee received contributions over \$10,000 or made expenditures over \$10,000 during the reporting period. See [Chapter 13, Electronic Filing of Campaign Finance Reports](#), for more information.

### **Corrections and Amendments**

When a correction is necessary or additional information is obtained by the committee or required by the auditing authority relating to a report that has already been filed, an amended report must be filed. Amendments consist only of corrections to previously submitted information or additional information. The amendment should include either a report cover page or a cover letter specifying the name of the committee that is filing and which report is being amended. When the error is found, or when checks are received that could not earlier be attached to a report, the amendment should be filed immediately.

When an auditing authority requests more information or a correction to a report, the ballot issue committee has 21 days to provide the information or correction.

[R.C. 3517.11\(B\)](#)

### **Record Retention**

Committees must keep their records for six years, even when changing treasurers. This requirement includes all bank records (including deposit records), reports, amendments, correspondence, receipts, invoices, and mileage logs.

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



## Closing the Committee

A ballot issue committee must have a zero-dollar balance and no outstanding loans or debts before it may terminate. When these criteria have been met, the committee must file a final report. This report must list all activity, if any, that has occurred since the previous report. A ballot issue committee's method for requesting to terminate varies by their filing location and whether they file electronically or via paper.

- Electronic filers with a board of elections will select the "Termination Report" option when creating their final report for submission;
- Paper filers with the Secretary of State or a board of elections will select the "Termination" option on the [Form 30-A, Ohio Campaign Finance Report Cover Page](#); or
- Electronic filers with the Secretary of State's Office, after filing their final report, must email [CFinance@OhioSoS.gov](mailto:CFinance@OhioSoS.gov) the relevant fund has a zero-dollar balance, no outstanding loans or debts, and wishes to terminate.

[R.C. 3517.10](#)