



DIRECTIVE 2020-24

December 4, 2020

To: All County Boards of Elections
Board Members, Directors, and Deputy Directors

Re: S.B. 107 (133rd General Assembly): Electronic Campaign Finance Filing for Local Entities

BACKGROUND

Amended Senate Bill 107, sponsored by Senator Michael Rulli (R-Salem), unanimously passed both chambers during the 133rd General Assembly and was signed into law by Governor Mike DeWine in 2019. The measure allows candidates for the State Board of Education, candidates for local office, and certain local political entities to file their campaign finance statements electronically for the first time. Secretary LaRose championed this legislation and previously sponsored it in similar form while in the Ohio Senate to bring greater transparency and efficiency to local campaign finance reporting. This Directive requires boards of elections to comply with changes in certain campaign finance filing requirements pursuant to this new law. This includes allowing certain local entities to file their campaign finance statements electronically, the board of elections' obligation to transmit the electronic data to the Secretary of State's Office, and the Secretary's duty to make that data available online. The relevant sections of S.B. 107 take effect on Friday, January 1, 2021.

SUMMARY

S.B. 107 changes the law in three important ways for local campaign finance purposes. The act:

- (1) Expands the categories of political entities permitted to file their campaign finance statements electronically to include local candidates and political entities;
- (2) Prescribes the manner in which a board of elections must process electronic statements filed with the board; and
- (3) Requires the Secretary of State to store electronic statements received from boards of elections and make them available online.

I. Local Candidates and Political Entities File Electronically

The act expands the categories of political committees permitted to file their campaign finance statements electronically, providing certain committees that file with their local board of elections the option to file electronically.

Beginning January 1, 2021, each board must be able to accept electronic filings from local candidates that have historically filed via paper with the board. Those local candidates include candidates for an office *other than* a statewide office, member of the General Assembly, or judge of a court of appeals. Candidates for statewide office, members of the General Assembly, and judges of a court of appeals will continue to file with the Secretary's Office.

The act provides that a county political party, other than a party's state candidate fund or restricted fund that has received corporate or labor organization contributions, may begin filing electronically with their board of elections as of January 1, 2021.¹ Political action committees and political contributing entities whose contributions and expenditures pertain only to local candidates and issues may begin filing electronically with their board of elections as of January 1, 2021.

The Secretary of State's Office worked with county boards of elections to pilot and test the system prior to deployment. Likewise, the Secretary of State's Office developed a learning center for both the boards of elections and filers to understand the electronic system, including user guides for the boards and committees with step by step instructions on system functions. The user guides are posted in the [learning center](#) on the BOe-file homepage and within the BOe-file system.

II. Board of Elections Transmit Electronic Statements to the Secretary of State

The act requires a board of elections that receives an electronically filed statement to transmit the statement to the Secretary of State within five business days of receipt. If the board receives an addendum or an amended statement, the board must transmit the addendum or amended statement by the close of business on the day of receipt.² A board of elections that receives an electronically filed statement must immediately acknowledge receipt and preserve the statement. The Secretary of State's Office worked with county boards of elections to develop an electronic filing system. The user guides are posted in the [learning center](#) on the BOe-file homepage and within the BOe-file system.

III. Storage and Publication of Electronically Filed Statements

The act requires the Secretary of State to store campaign finance statements filed electronically with a board of elections in the same manner as other electronic statements, for at least six years.³ Additionally, the Secretary of State will publish online campaign finance statements filed electronically with a board of elections in the same manner as other electronic statements.

PART ONE – ONLINE FILING SYSTEM: BOE-FILE

The Secretary of State's Office developed a program, entitled BOe-file, to enable the online filing required under the act. This BOe-file local committee campaign finance filing system is publicly accessible online through a common web browser on computers and mobile devices. The

¹ County party state candidate funds and restricted funds that receive corporate or labor organization contributions must continue to file electronically with the Secretary of State.

² [R.C. 3517.106\(E\)\(2\)](#).

³ [R.C. 3517.106\(B\) and \(D\)](#).

Secretary of State will provide boards of election two links: the first to the BOe-file system and the second to the Secretary of State’s public disclosure website.

As explained below, implementation of BOe-file will take place in three phrases. Counties are placed in three groups and will implement BOe-file in chronological order. The Secretary of State will provide the links to the boards in accordance with the following schedule:

Group 1: Franklin, Gallia, Lake, Mahoning, Montgomery, Seneca, and Stark counties received access to BOe-file and the public disclosure website for board familiarization on December 2, 2020 and made the links accessible on their board website on December 3, 2020.

Group 2: Auglaize, Brown, Clinton, Delaware, Miami, Richland, Sandusky, Union, Wood, and Wayne counties will receive access to BOe-file and the public disclosure website for board familiarization on December 14, 2020 and shall make the links accessible on their board website on December 16, 2020.

Group 3: Adams, Allen, Ashland, Ashtabula, Athens, Belmont, Butler, Carroll, Champaign, Clark, Clermont, Columbiana, Coshocton, Crawford, Cuyahoga, Darke, Defiance, Erie, Fairfield, Fayette, Fulton, Geauga, Greene, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Marion, Medina, Meigs, Mercer, Monroe, Morgan, Morrow, Muskingum, Noble, Ottawa, Paulding, Perry, Pickaway, Pike, Portage, Preble, Putnam, Ross, Scioto, Shelby, Summit, Trumbull, Tuscarawas, Van Wert, Vinton, Warren, Washington, Williams, and Wyandot counties will receive access to BOe-file and the public disclosure website for board familiarization on December 28, 2020 and shall make the links accessible on their board website on December 30, 2020.

After receiving the links, boards must familiarize themselves with the functionality of the applications and their operation. Two days after receipt, boards must publicly post each link on their board website under a descriptive heading to make the BOe-file system and the public disclosure website available through the board’s website.

PART TWO – EARLY ADOPTERS’ FILING

To ensure the system is fully operational for filers beginning January 1, 2021, county boards of elections must follow the new BOe-file system implementation guidance. Boards must allow access for committees to be early adopters in accordance with the schedule above. However, because committees are not authorized by law to file electronically until January 1, 2021,⁴ the board of elections must print, accept, and maintain the board-printed submission as the board

⁴ S.B. 107 takes effect on January 1, 2021.

would normally maintain a committee's filing. The board must protect any uploaded attachments that may contain sensitive information in accordance with Ohio's public records laws.

Accordingly, Group 1 counties that opened public access to BOe-file on December 3, 2020 must print and stamp as received any electronically filed campaign finance report no later than 4:00 p.m. on Friday, December 11, 2020. That newly-stamped report should be considered the committee's paper filed campaign finance report in accordance with [R.C. 3517.10](#).

All counties must, no later than 4:00 p.m. on Monday, January 4, 2021, print and stamp as received any electronically filed campaign finance report received prior to January 1, 2021, with that stamped report being considered the committee's paper filed campaign finance report as indicated on the report.

PART THREE – BOE-FILE USAGE

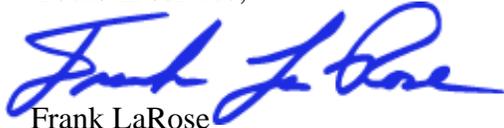
Filers are able to submit Designation of Treasurer ("DOT"), campaign finance reports, and associated attachments electronically on BOe-file. The process for filing in the system is as follows:

- System users will create a user account, utilizing the user's provided email address to verify the user's identity.
- Candidates or authorized representatives for other entities will enter DOT information and electronically sign the form.
- The system will then email other required signers, typically the treasurer and deputy treasurer, if appointed, for them to create their own user account and electronically sign to acknowledge their appointment.
- Once the candidate or authorized party begins the DOT submission process and the treasurer signs to acknowledge their appointment, the relevant board of elections will receive an email notifying them that a committee has submitted a DOT for review.
- The board of elections must log in to BOe-file to review the committee's filing, then accept the creation of the committee, reject the committee's creation with an explanation, or redirect the filing to the proper filing location if filed in the wrong jurisdiction.
- Users will be able to create and submit campaign finance reports while their DOT is being reviewed, but the committee's data will not be publicly accessible on the disclosure website until the board approves the committee creation.
- Boards will receive an automated email notification after each committee submits an electronically filed report with their office.
- The board can then either examine the filing in the BOe-file system or print the report for examination in accordance with the respective board's practices.
- The Secretary of State's public disclosure website will make committee data searchable online for six years, but all committee filed data will be maintained in BOe-file and accessible to the board of elections for the foreseeable future.

Boards should use email and other means of communication to advertise BOe-file to campaign treasurers and candidates.

If you have any questions concerning this Directive, please contact the Secretary of State's campaign finance counsel at (614) 728-6855.

Yours in service,



Frank LaRose
Ohio Secretary of State