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Ohio Administrative Code

Rule 111:2-3-10 Statewide ballot issue political action committees.

Effective: October 5, 2021

(A) As used in divisions (A) and (C) of section 3517.12 of the Revised Code and this rule, "contribution" shall mean a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election.

All contributions shall be included on a statement of contributions filed under those divisions and this rule.

(B) For the purpose of divisions (A) and (C) of section 3517.12 of the Revised Code and this rule, "contribution" does not include any of the following:

(1) Services provided without compensation by individuals volunteering a portion or all of their time to the creating, copying, distributing, or circulating of the issue petitions or the gathering of petition signatures;

(2) Ordinary home hospitality;

(3) The personal expenses of a volunteer paid for by that volunteer.

(C) As used in divisions (A) and (C) of section 3517.12 of the Revised Code and this rule, "expenditure" shall mean the disbursement or use of a contribution for the purpose of:

(1) Influencing the results of an election, or;

(2) Making a charitable donation under division (G) of section 3517.08 of the Revised Code.

(D) As used in this rule, the filing by the circulator or committee in charge of an initiative or referendum petition, or supplementary petition for additional signatures, for the submission of a constitutional amendment, proposed law, section, or item of any law of the appointment of a treasurer as required by division (A) of section 3517.12 of the Revised Code and detailed in paragraph (E) of this rule, creates a "Ballot Issue Political Action Committee."

A "Ballot Issue Political Action Committee" consists of all of the following:

(1) The treasurer appointed pursuant to division (A) of section 3517.12 of the Revised Code;

(2) The circulator or committee member signing the "Designation of Treasurer" appointing the treasurer; and

(3) Any committee member engaged in the creating, copying, distributing, or circulating the initiative or referendum petition, or supplementary petition for additional signatures, for the submission of a constitutional amendment, proposed law, section, or item of any law.

(E) As required by division (A) of section 3517.12 of the Revised Code, prior to receiving a contribution or making an expenditure, the circulator or committee in charge of an initiative or referendum petition, or supplementary petition for additional signatures, for the submission of a constitutional amendment, proposed law, section, or item of any law shall appoint a treasurer and shall file with the secretary of state, on a form prescribed by the secretary of state, a designation of that appointment, including the full name and address of the treasurer and of the circulator or committee.

(1) For the purpose of paragraph (E) of this rule, the form used to appoint the treasurer and disclose the full name and address of the treasurer and of the circulator or committee is the "Designation of Treasurer," form 30-D.

(2) The circulator or committee filing form 30-D shall indicate on the designation of treasurer form that the filing is being made for or on behalf of a "Ballot Issue Political Action Committee." The "Designation of Treasurer" form, as prescribed by the secretary of state, shall include an area whereby a circulator or committee may make this indication.

(F) As required by division (C) of section 3517.12 of the Revised Code, the designated treasurer of a "Ballot Issue Political Action Committee" shall file statements of contributions and expenditures in accordance with section 3517.10 of the Revised Code regarding all contributions made or received and all expenditures made by that treasurer, the circulator, or committee in connection with the initiative or referendum petition supplementary petition for additional signatures, for the submission of a constitutional amendment, proposed law, section, or item of any law.

(1) For the purpose of paragraph (F) of this rule, all forms used to compile the required statements shall be those prescribed by the secretary of state pursuant to division (C)(6) of section 3517.10 of the Revised Code.

(2) A ballot issue political action committee shall file the statements required by divisions (A)(1) and (A)(2) of section 3517.10 of the Revised Code if:

(a) In the case of the pre-election statement required by division (A)(1) of that section, the initiative, referendum or constitutional amendment issue will appear on the election ballot and if either contributions received or expenditures made by the ballot issue political action committee for the reporting period are more than one thousand dollars;

(b) In the case of the post-election statement required by division (A)(2) of that section, the initiative, referendum or constitutional amendment issue did appear on the election ballot.

(G) A ballot issue political action committee formed pursuant to division (A) of section 3517.12 of the Revised Code and in compliance with this rule is created to support or oppose a ballot issue or question and makes no contributions to or expenditures on behalf of a political party, except for the party's Restricted Fund, "Building Fund," or "Levin Fund," campaign committee, legislative campaign fund, or non-ballot issue political action committee.

(H) Pursuant to division (D)(2) of section 3517.102 of the Revised Code, a ballot issue political action committee is not subject to the limitations specified in divisions (B)(1)(a)(vii), (B)(3)(d), (B)(4), and (C)(7) of section 3517.102 of the Revised Code.

(I) Nothing in section 3517.12 of the Revised Code or this rule restricts or limits the creation of a political action committee that is organized to support or oppose a certified ballot issue or a proposed ballot issue.

(J) The filing and disclosure requirements of divisions (A) and (C) of section 3517.12 of the Revised Code, as amplified by this rule, are separate and distinct from the filing and disclosure requirements of division (B) of section 3517.12 of the Revised Code.

(K) As used in this rule, "influencing the results of an election" shall include creating, copying, distributing or circulating the initiative or referendum petition, or supplementary petition for additional signatures, for the submission of a constitutional amendment, proposed law, section or item of any law.