



Ohio Elections Commission

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February 8, 2000

OHIO ELECTIONS COMMISSION

Advisory Opinion 2001ELC-02

SYLLABUS: Upon the filing of a Personal Funds Notice, there are no limits on the contributions to a candidate's campaign committee from any and all of the persons included in the definition of "Personal Funds" contained in R.C. §3517.103(A)(1). In addition, so long as a Personal Funds Notice has not been filed by a candidate, the contribution limits as set forth in R.C. §3517.102 remain applicable to all of the persons included in the definition of "Personal Funds" contained in R.C. §3517.103(A)(1), except the candidate. Lastly, once a Personal Funds Notice [R.C. §3517.103(C)] or Declaration of No Limits [R.C. §3517.103(D)] has been filed in a campaign, the expiration dates for such notices for the primary and general election are the date of the primary election and the 31st day of December immediately following the day of the general election, respectively.

TO: Dana Walch
Director of Elections
Office of the Secretary of State

You have requested an advisory opinion on the following issues:

If a candidate files a Personal Funds Notice in accordance with Ohio Revised Code §3517.103(C), are contributions to the campaign committee of the candidate from the candidate or the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage limited in any way?

Are the contribution limits as set forth in R.C. §3517.102 applicable to all of the above mentioned persons, except the candidate, so long as a Personal Funds Notice has not been filed?

Once a Personal Funds Notice [R.C. §3517.103(C)] or Declaration of No Limits [R.C. §3517.103(D)] has been filed, at what point do they expire?

The definition of "Personal Funds" is contained in Ohio Revised Code §3517.103(A)(1). As you have listed them in your first question to the Ohio Elections Commission, the candidate and the remainder of the listed persons who are related to the candidate, are included in the definition and comprise a single group for the purposes of this section of Ohio's campaign finance law. Since a contribution from any of those persons which exceeds the amounts stated in the language of R.C. §3517.103(C) will activate this statutory provision, it is appropriate to treat all of the included persons collectively. It is, therefore, appropriate to apply the provisions of this section as if any one of the individuals is in the same position as the candidate. Since the contribution limits are no longer applicable to the candidate, they must also be inapplicable to any or all of the listed persons. The contributions made to the candidate's campaign committee, therefore, may be received from any or all of the persons included in this listing without limit.

As discussed above, "Personal Funds" is a campaign finance concept identified only with R.C. §3517.103 and §3517.1010. The concept is only applicable to a statewide campaign at such time as the personal funds are received or expended or the Personal Funds Notice, as required by division (C) of §3517.103, is filed. If no personal funds are received or expended, or no such filing is made, R.C. §3517.103 is never activated and the existing campaign finance contribution limits in R.C. §3517.102 remain in effect. The contribution limits contained in R.C. §3517.102 are applied to "individuals" by the terms of division (B)(1) of §3517.102. Each of the persons included in the definition of "Personal Funds" in R.C. §3517.103(A)(1) is an individual for the purposes of the contribution limits of R.C. §3517.102(B). The contribution limits contained in R.C. §3517.102, therefore, continue to apply to all of the persons identified in R.C. §3517.103(A)(1), except the candidate, until such time as a Personal Funds Notice is filed.

In response to your final question and after reviewing the sections of law at issue in your advisory opinion request, as you point out, it is apparent that no specific termination date is identified in R.C. §3517.103 after the filing of either the Personal Funds Notice or the Declaration of No Limits. In order to answer this question, therefore, it is necessary to review related sections of Ohio's campaign finance laws in an effort to resolve this situation. Most applicable would be R.C. §3517.1010.


R.C. §3517.1010 states the circumstances and procedures involved with the disposal of excess funds that may have been accumulated by the candidate's campaign fund after the filing of either notice identified in R.C. §3517.103. As a part of the procedures, timelines are established therein to determine the date at which a candidate must acknowledge the amount contained in a campaign

committee account and if any such funds must be disposed of pursuant to this section of law.

Since the dates in R.C. §3517.1010(F)(1) parallel the period of time at issue in your question, the Commission believes that these are the proper deadlines for determining the period of time that either the Personal Funds Notice or the Declaration of No Limits continue to apply to any campaign committee. As stated in this section, and as hereby adopted by this Commission, the date on which either or both notices no longer apply is the date of the primary election, as it relates to the primary election period, and the 31st day of December immediately following the day of the general election, as it applies to the general election period.

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that upon the filing of a Personal Funds Notice, there are no limits on the contributions to a candidate's campaign committee from any and all of the persons included in the definition of "Personal Funds" contained in R.C. §3517.103(A)(1). In addition, so long as a Personal Funds Notice has not been filed by a candidate, the contribution limits as set forth in R.C. §3517.102 remain applicable to all of the persons included in the definition of "Personal Funds" contained in R.C. §3517.103(A)(1), except the candidate. Lastly, once a Personal Funds Notice [R.C. §3517.103(C)] or Declaration of No Limits [R.C. §3517.103(D)] has been filed in a campaign, the expiration dates for such notices for the primary and general election are the date of the primary election and the 31st day of December immediately following the day of the general election, respectively.

Sincerely,


Alphonse P. Cincione
Chairman