



## Ohio Elections Commission

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October 31, 2013

### Ohio Elections Commission Advisory Opinion 2013ELC-01

**SYLLABUS:** The provisions in Ohio Revised Code §3517.13(W) do not prohibit a foreign national from making a donation to an Internal Revenue Code §501(c)(4) entity, that is not a political action committee, for the purpose of paying expenses related to the costs of an initiative or referendum petition effort.

To: J. Corey Colombo, Esq.  
McTigue & McGinnis LLC

You have requested an advisory opinion on two (2) question concerning Ohio campaign finance law. The essential questions posed to the Commission are as follows:

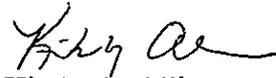
1. Does Ohio Revised Code §3517.13(W) prohibit a foreign national from making a donation to an Internal Revenue Code §501(c)(4) entity, that is not a political action committee, for the purpose of paying expenses related to the costs of an initiative or referendum petition effort to place an issue on the ballot and that is not made or used to influence the results of any election?

The answer to the first question posed is very straightforward. No, Ohio Revised Code §3517.13(W) does not prohibit a foreign national from making a donation to an Internal Revenue Code §501(c)(4) entity, that is not a political action committee, for the purpose of paying expenses related to the costs of an initiative or referendum petition effort.

The prohibitions contained in R.C. §3517.13(W) can only apply in the context of campaign finance law enforcement. Since, as the questions lays out, the contributions referenced in the question specifically indicate that they are being made to “an Internal Revenue Code §501(c)(4) entity, that is not a political action committee” (emphasis added), these prohibitions cannot be applied to such contributions. While there may be other prohibitions that are applicable to such contributions, the prohibitions in R.C. §3517.13(W) do not apply.

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that the provisions in Ohio Revised Code §3517.13(W) do not prohibit a foreign national from making a donation to an Internal Revenue Code §501(c)(4) entity, that is not a political action committee, for the purpose of paying expenses related to the costs of an initiative or referendum petition effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly Allison", written in a cursive style.

Kimberly Allison  
Chair