



Ohio Elections Commission

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Ohio Elections Commission Advisory Opinion 2014ELC-01

SYLLABUS: It is not permissible for a political action committee (PAC) to refund to a contributor their identifiable campaign contributions from the remaining balance of campaign funds, except as specifically allowed pursuant to R.C. §§3517.102, 3517.109 and 3517.992.

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

You have requested an advisory opinion on a question concerning Ohio campaign finance law. The question posed to the Commission is as follows:

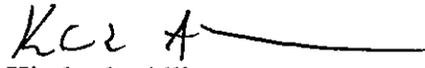
May a political action committee (PAC) refund a contribution to a contributor?

In Ohio Elections Commission Advisory Opinion 99ELC-03, the Commission addressed the issue of refunds in the context of a candidate campaign committee. The terms in the statutes that define an expenditure place restrictions on the personal use of campaign funds and the specific provisions that allow for the refund of contributions in certain specific situations. The Commission advised that there were few circumstances in which refunds were allowed as specifically outlined in Ohio Revised Code §3517.102, §3517.109 and §3517.992. Specifically, refunds are addressed only in the context of contribution limits on statewide candidate campaigns.

In that opinion, the Commission cited the definition of an 'expenditure', R.C. §3517.01(B)(6), and stated that "(a refund) is obviously neither an expenditure to be used for the purpose of influencing an election, since the election is over, nor can any of the contributors be identified as an appropriate charity as identified in R.C. §3517.08." Further, the Commission acknowledged that the "(s)ince the General Assembly limited the concept of refunds ... it would be inappropriate for this Commission to extend the concept of a 'refund of a contribution' further" than the statutes allow. For this reason, the Commission extends the application of Advisory Opinion 99ELC-03 from its initial objective to place limitations on candidate campaign committees and now states that the same limitation is appropriate for PACs as well.

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that it is not permissible for a political action committee (PAC) to refund to a contributor their identifiable campaign contributions from the remaining balance of campaign funds, except as specifically allowed pursuant to R.C. §§3517.102, 3517.109 and 3517.992.

Sincerely,


Kimberly Allison
Chair