



Ohio Elections Commission
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May 16, 1996

Ohio Elections Commission
Advisory Opinion
96ELC-04

SYLLABUS: A "national committee" of a major political party is limited by Ohio law only with respect to non-federal contributions to political action committees aggregated per calendar year. §3517.102 of the Ohio Revised Code places no other limits on such contributions which may be made from an account that does not limit amounts lawfully given to it for non-federal purposes.

To: Joseph E. Sandler, General Counsel
Neil P. Reiff, Deputy General Counsel
Democratic National Committee

You have requested an advisory opinion on the following questions:

1. What are the applicable contribution limits, if any, applicable to "national party committee" contributions to Ohio candidates, affiliated party committees and other political committees?
2. May contributions from "national party committee" be made from an account which does not limit the amount received from any contributor by the committee, if such contributions are received solely from individuals?
3. If the answers to Question (1) and (2) differ from those that are applicable to other out-of-state "political committees," will the DNC be required to change its committee status in order to contribute in accordance with those answers?

The Democratic (and its counterpart, the Republican) National Committee under federal election law is classified as a "national committee", 2 U.S.C. §431(14) and "major party", 11 C.F.R. §9002.6 *et seq.* It is a "major political party" under §3501.01(F)(1) of the Ohio Revised Code and a "political party" under §3517.01 (A) of the Ohio Revised Code for purposes of Ohio's new campaign finance statutes.

The 121st session of the Ohio General Assembly enacted major changes to Ohio election law through Amended Substitute Senate Bill Number 8 (SB8) and Amended Substitute House Bill Number 99 (HB99). Although SB8 amended existing §3501.01(F) of the Revised Code, those amendments did not substantially change those sections with respect to the questions presented here. For purposes of newly enacted contribution limits set forth at §3517.102 of the Revised Code, the Democratic (Republican) National Committee (DNC) is a

“political party.”

The best available analysis and breakdown of the various limitations imposed by §3517.102 is found in the “Final Analysis” of SB8 by the Legislative Service Commission, an agency of the Ohio General Assembly. Chart A found at page 18 thereof (a copy of which is attached hereto), indicates that contributions from a political party are only limited with respect to a political action committee. Political parties and political action committees are treated separately in these new enactments. A detailed review of the contribution limitations reveals a legislative intent to limit and confine contributions from the state and county political parties through the use of segregated accounts that such parties may establish and maintain for contributing to campaigns and committees to which these limits apply.

While the General Assembly exhaustively reviewed and detailed these several classifications and the limitations that apply to each and between each of these types of organizations, it appears that national political parties were specifically excluded from these limitations. SB8 does recognize a “federal political committee” at §3517.107(A), but goes on to clarify and harmonize such a committee’s activity in Ohio only with respect to federal offices. It is silent as to any limitations imposed or any other application of these restrictions to non-federal activity on the part of national committees of major political parties.

The DNC (RNC) is a political party rather than a political action committee. It cannot be both. Therefore, it would need to register and thereafter file financial reports of its non-federal contributions in Ohio as a political party, not as an out-of-state political action committee, upon the forms prescribed by the Ohio Secretary of State for political parties in such circumstances.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission, and you are so advised, that under the Ohio Revised Code a national committee of a major political party is limited only with respect to its non-federal contributions to political action committees aggregated on a calendar year basis. All such contributions and contributions to candidates, campaign committees and state or local parties must be reported as a political party and not as an out-of-state political action committee. You are further advised that all applicable contribution limitations established in SB8 became effective on March 19, 1996, and are applied prospectively from that date for the purpose of being aggregated under the various applicable periods established in §3517.102 of the Ohio Revised Code.

APPROVED:

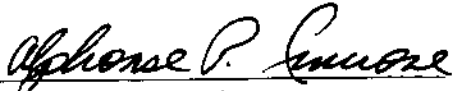

Alphonse P. Cincione
Chairman

Chart A

Am. Sub. S.B. 8
121st General Assembly
(As Enacted)

CONTRIBUTION LIMITATIONS

(Subject to definitions, conditions, and aggregation provisions specified in the act)
(Effective on the 1996 primary election date)

Contributions from	To a statewide candidate's campaign committee	To a Senate candidate's campaign committee	To a House candidate's campaign committee	To a state political party ¹	To a county political party ¹	To a legislative campaign fund	To a political action committee
	Aggregated per primary election period or per general election period	Aggregated per primary election period or per general election period	Aggregated per primary election period or per general election period	Aggregated per calendar year	Aggregated per calendar year	Aggregated per calendar year	Aggregated per calendar year
Individual	\$2,500	\$2,500	\$2,500	\$15,000	\$5,000	\$5,000	\$5,000
Political Action Committee ²	\$2,500	\$2,500	\$2,500	\$15,000	\$5,000	\$5,000	\$2,500 ³
Campaign Committee	\$2,500	\$2,500	\$2,500	\$15,000 ⁴	\$5,000 ⁴	\$5,000 ⁴	\$2,500
Political Party							\$2,500 ³
County Political Party ^{1a}	\$2,500 ^{4,7}	\$2,500 ⁴	\$2,500 ⁴				
State Political Party ^{1a}	\$500,000 ⁴	\$100,000 ⁴	\$50,000 ⁴				
County Political Party ^{1a}	\$500,000 ⁴	\$100,000 ⁴	\$50,000 ⁴				
Legislative Campaign Fund	Prohibited	\$50,000 ⁴ per primary election period \$100,000 ⁴ per general election period	\$25,000 ⁴ per primary election period \$50,000 ⁴ per general election period			Prohibited	Prohibited

NOTE: Limitations and prohibitions and respective penalties apply to both the contributor and the recipient of the contribution.
A blank space indicates no limit.

Chart B

LIMITATIONS ON CONTRIBUTIONS THAT MAY BE KEPT ON
THE FILING DATE FOR THE POSTGENERAL ELECTION STATEMENT*

Campaign Committee of statewide candidate	Campaign Committee of Senate candidate	Campaign Committee of House candidate	Legislative Campaign Fund
\$250,000	\$100,000	\$35,000	\$150,000

NOTE: A candidate's campaign committee and a legislative campaign fund are required to dispose of excess contributions within 90 days after the date the postgeneral election statement must be filed and to file a statement on the 90th day indicating the total amount of contributions the committee or fund has on that day and that the committee or fund disposed of the excess contributions pursuant to the act.

* "Postgeneral election statement" means the statement filed on the 38th day after the general election in which the candidate ran for office or, if the statement is filed by a legislative campaign fund, after the general election in an even-numbered year.