



Ohio Elections Commission

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May 27, 1999

OHIO ELECTIONS COMMISSION

Advisory Opinion 99ELC-03

SYLLABUS: In the process of terminating a campaign committee, it is not permissible for the campaign committee to return to individual contributors 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: Judge Burt W. Griffin

You have requested an advisory opinion on the following question:

In the process of terminating a campaign committee, is it permissible for the campaign committee to return to individual contributors their identifiable campaign contributions from the remaining balance of campaign funds?

Ohio Revised Code §3517.01(B) contains the definitions that are applicable to the campaign finance statutes which apply to running a candidate's campaign. R.C. §3517.01(B)(6) defines an expenditure as the disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G) of section 3517.08 of the Revised Code. R.C. §3517.13(O) and (P) outline the parameters for allowable expenditures for a campaign committee. This Commission has been repeatedly asked to define proper expenditures under these sections.

Under the definition of expenditure in R.C. §3517.01(B)(6), there are two types of allowable expenditures for a campaign committee. The first type of expenditure is to be used "... for the purpose of influencing the results of an election ...". The second type of allowable expenditure is for "... making a charitable donation under division (G) of section 3517.08 of the Revised Code."

While §3517.13(O) of the Revised Code specifically states that no beneficiary of a campaign fund shall convert those funds for personal or business use and goes on to define the parameters for using those funds, this section, however, does not speak to the circumstances in this situation.

In this situation, a candidate's campaign committee has accumulated contributions, and retains an outstanding balance after the completion of the candidate's campaign. Now that the election is over, the candidate desires to terminate the campaign committee and would like to refund contributions to certain contributors. This 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.

The subject of disposing, refunding, or returning excess funds (or contributions) held by a committee is spelled out in R.C. §§3517.102, 3517.109 and 3517.992. The common basis for all of these sections, however, lies in the imposition of contribution limits on certain candidates in 1995 with the passage of Amended Substitute Senate Bill Number 8 by the 121st General Assembly. With the imposition of contribution limits, as well as limits on the amount of funds certain committees may take from one election cycle to another, it was necessary to address the topic of refunds of certain contributions. In doing so, the General Assembly limited the context of both contribution limits and possible refunds thereof to the activities of committees which are related to statewide candidates; those candidates and committees which are subject to contribution limits.

Since the General Assembly has limited the concept of refunds, or the disposition of excess funds, to those committees which have activity relating solely to statewide campaign committees (as defined in the statutes), it would be inappropriate for this Commission to extend the concept of a "refund of a contribution" further. The Ohio Revised Code gives a specific definition of what is an allowable expenditure of campaign funds in R.C. §3517.01(B)(6). A refund is not specifically included therein. When the statutes of the state of Ohio do discuss the concept of a refund, it is only done in the context of campaign contribution limits and statewide candidacies and not on a more comprehensive scale across a wider array of political campaigns in this state.

Accordingly, it is the opinion of the Ohio Elections Commission, and you are so advised, that in the process of terminating a campaign committee, it is not permissible for the campaign committee to return to individual contributors 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,

A handwritten signature in black ink, appearing to read "William M. Connelly", written in a cursive style.

William M. Connelly
Chairman