



Ohio Elections Commission
State Office Tower, 14th Floor
Columbus, Ohio 43266-0418
(614) 466-2585

January 30, 1987

ADVISORY OPINION NO. 87-1

- Syllabus: 1. A political party is required by R.C. 3517.10 to file reports under that section as a single reporting entity. All contributions received and expenditures made by the party in its own name or the name of a fundraising committee or organization of the party during a reporting period must be included in the report.
2. A political party that receives a contribution or makes an expenditure in connection with an election during the pre-election reporting period is required to file the report prescribed by R.C. 3517.10(A)(1). A political party that receives a contribution or makes an expenditure in connection with an election during the post-election reporting period is required to file the report prescribed by R.C. 3517.10(A)(2).

TO: James M. Ruvoio, Chairman, Ohio Democratic Party:

You have requested an opinion on the following question:

If a political party committee receives contributions from individuals and makes expenditures to another committee of the party and only the second committee makes expenditures to candidates, what finance reports is each committee required to file?

Division (A) of Revised Code section 3517.10 requires every political party which received a contribution or made an expenditure in connection with the nomination or election of any candidate at any election to file a pre-election finance report if the contribution was received or the expenditure made on or before the twentieth day before the election and to file a post-election report if the contribution was received or the expenditure made during the nineteen days before the election through the thirty-first day after the election. An annual report is required to be filed for any year in which a post-general election report is not required. In brief, a pre-election or post-election report is required to be filed if any contributions are received or expenditures made in connection with a particular election.

The appropriate treatment of political parties for purposes of filing finance reports is dictated by the language of R.C. 3517.10(A) that requires the filing of pre-election and post-election reports by every political party which received a contribution or made an expenditure in connection with the election during the corresponding reporting periods. A political party is a discrete entity under Ohio law. See, R.C. 3517.01(A). R.C. 3517.01(A) treats a political party as a single, whole entity for purposes of filing reports. The term "political party committee" or "committee of a political party" does not appear in R.C. 3517.10(A). The statute does not provide for different committees of the same political party to file separate reports. However, the campaign finance law recognizes that a political party may establish or authorize a committee for fundraising purposes. Division (B)(5) of section

3517.10 of the Revised Code, which primarily addresses information to be disclosed on finance reports, recognizes that a state or local political party may have a "finance committee" or other committee "recognized by a state or local committee as its fundraising auxiliary". Furthermore, there is nothing in Ohio law limiting the number of committees or entities that a political party may establish or authorize for fundraising purposes. The contributions to, and expenditures of, fundraising committees or organizations which are created by, affiliated with, and part of the apparatus of, a political party, are contributions to, and expenditures of, the political party itself, and not of any such fundraising committee or organization as a separate entity. Such contributions are the property of, and subject to the direction of, the party, and not of its committee. The obligation to report any contributions to, or expenditures by, such fundraising committees or organizations falls on the party itself, and such information must be incorporated in the reports of the party. A political party can not create committees or organizations separate and independent from itself. The fact is that such entities are used by the political party to raise funds to influence elections.

To the extent that some individuals affiliated with, and/or sympathetic to, a political party, may choose to create a special committee or other organization for the receipt of contributions and/or the raising of funds by special projects, they create a political action committee, subject to the full reporting requirements of political action committees under the law.

The very essence of Ohio's campaign finance reporting law is disclosure in a timely fashion. The law stresses the importance of the timely disclosure of all contributions and expenditures. R.C. 3517.10(B) provides that the reports required by division (A) of that section shall include the name of each person from whom a contribution was received and to whom an expenditure was made. The law places added emphasis on pre-election disclosure. In section 3517.991 of the Revised Code, the General Assembly directed the Commission in establishing a schedule of fines that, "Fines imposed . . . for violations before an election shall be at least twice the amount of those for violations occurring after the election." Requiring a political party to file pre-election and post-election reports if any of its fundraising committees or organizations received contributions or made expenditures during the corresponding reporting period is consistent with the disclosure purpose of the law.

For the reasons stated herein, it is the opinion of the Ohio Elections Commission that:

1. A political party is required by R.C. 3517.10 to file reports under that section as a single reporting entity. All contributions received and expenditures made by the party in its own name or the name of a fundraising committee or organization of the party during a reporting period must be included in the report.
2. A political party that receives a contribution or makes an expenditure in connection with an election during the pre-election reporting period is required to file the report prescribed by R.C. 3517.10(A)(1). A political party that receives a contribution or

makes an expenditure in connection with an election during the post-election reporting period is required to file the report prescribed by R.C. 3517.10(A)(2).



Larry H. James, Chairman

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