

that causes the aggregate amount of contributions from a contributor to equal or exceed \$10,000 during that period, and each time a campaign committee of a candidate for chief justice or justice of the supreme court receives a contribution that causes the aggregate amount of contributions from a contributor to exceed \$10,000 during that period, the committee must file with the secretary of state a two-business-day statement reflecting that contribution. The report must be filed with the secretary of state within two business days after receipt of the contribution. These contributions must also be reflected in the post-general report. This information is disclosed on *form 30-C, Two Business-Day Statement*.

[R.C. 3517.10(A), 3517.13(A)(2); OAC 111-5-09]

## **DECLARATION OF FILING-DAY FINANCES / PERMISSIVE FUNDS REPORTS**

When a person files petitions to run for an office subject to contribution limits, the statute requires that person's campaign committee to review its accounts and contribution history and dispose of any excess funds or excess aggregate contributions. For example, if a current city mayor – *an office not subject to state contribution limits* – decides to run for state representative – *an office to which state contribution limits apply* – the mechanics of section 3517.109 of the Revised Code may require the mayor's campaign committee to dispose of a portion of its balance on hand prior to submitting nominating petitions or a declaration of candidacy.



### **What Must Be Filed**

During a year in which its candidate is on the ballot, the campaign committee of a candidate for statewide office or member of the general assembly must file one or two special reports required by R.C. 3517.109 regarding permissive or excess funds. Candidates for Ohio Supreme Court justice or chief justice are not required to file these reports.

### **Who Must File**

Campaign committees of candidates who file nominating petitions or a declaration of candidacy for statewide office or member of the general assembly are subject to the filing requirements of the *Declaration of Filing-Day Finances and Permissive Funds Reports* in R.C. 3517.109. The definition of "state office" includes State Board of Education, but does not include Ohio Supreme Court.

### **When To File**

These reports are due no later than seven days following the declaration of candidacy or nominating petition filing deadline. The reports are filed at the same location that the declaration or petitions are filed.

### Excess Funds

There are two ways a campaign committee could end up with excess funds. The first is to accept a contribution that exceeds the applicable contribution limit (as set forth in *R.C. 3517.102* and periodically adjusted pursuant to *R.C. 3517.104*). These contributions over the applicable limits are also called excess aggregate contributions.

**Example:**

*Accepting \$12,000, in aggregate, from an individual during a primary election period (\$604.44 in excess funds).*

The second way is for a campaign committee to have a cash-on-hand balance and total campaign assets at the declaration of candidacy or petition filing deadline greater than the amount of a committee's permitted funds.

[*R.C. 3517.109(A)*]

### Campaign Assets Included in Calculation of Excess Funds

Campaign assets are prepaid, purchased or donated items or services that are available for use by the campaign committee. For the purpose of these reports, campaign assets must have a value greater than \$500 and must be consumed or depleted during the campaign. Examples include prepaid media time, postage or prepaid consulting or advertising services.

[*R.C. 3517.109(A)(12) & 3517.109 (F)(2)(b)*]

### Permitted Funds

A committee's permitted funds equals the sum of the contributions received within the contribution limits set forth in *R.C. 3517.102* plus the applicable carry-in limit for the office sought.

**Example:**

*A campaign committee of a house candidate received contributions totaling \$8,000 during the pre-filing period, all of which were within the contribution limits in *R.C. 3517.102*. The carry-in limit for a house candidate is \$35,000. Therefore, this committee's permitted funds equal \$43,000.*

*If the cash-on-hand balance, plus the value of campaign assets of this campaign committee at the declaration of candidacy or nominating petition filing deadline, exceeds \$43,000, then the amount that it is over is considered excess funds. If the cash-on-hand balance and the value of campaign assets is less than or equal to \$43,000, then this committee has no excess funds.*

If a committee has accepted excess aggregate contributions during the pre-filing period, then it has excess funds even if the committee's cash-on-hand balance is less than the permitted funds' total at the declaration of candidacy or petition filing deadline.

[*R.C. 3517.109(A)(13)*]