

A Political Action Committee? We're Just a Few Concerned Citizens!

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It's election season, and groups of concerned neighbors, co-workers and friends will inevitably discuss politics. From the local school levy to statewide ballot issues, interested voters are getting involved in the electoral process. While there is an absolute First Amendment right to participate in elections, an organized effort requires registration, reporting and compliance with campaign finance laws.

What do you need to know about organizing a grass-roots political effort? Or, on the opposite side, how can you make sure your opponents are fighting fairly and complying with the law? There are many regulations governing the political process, but these three general principles apply to all organized ballot issue campaigns.

Register as a PAC

A PAC is defined as: "a combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate, political party, or issue, or to influence the result of any election through express advocacy, and that is not a political party, a campaign committee, a political contributing entity, or a legislative campaign fund." R.C. 3517.01 (B)(8). Some of the factors used to determine the primary or major purpose of the organization includes whether:

- it receives money or any other thing of value in a common account to influence an election;
- it makes a continuing pattern of expenditures from a common account to influence an election;
- it was not in existence prior to supporting or opposing the political issue;
- the total dollar value of the combination of two or more persons' activity during a calendar year exceeds \$100. OAC 111-1-02(K)(1).

If a group constitutes a PAC, it must register before making any contributions or expenditures. Registration is accomplished by filing a Designation of Treasurer Form with either the Ohio Secretary of State or county board of elections. The treasurer has legal responsibility and liability for the PAC, and should be familiar with the legal requirements imposed on the PAC.

Report your activity accurately and on time

A PAC must file reports of its expenditures, contributions and independent expenditures twice a year with either the Ohio Secretary of State or, if the PAC contributes to county political parties or local candidate or ballot issue committees, the local county board of elections. R.C. 3517.11(A); 3517.106. These filing forms are available through the Ohio Secretary of State's website, but generally must include itemized listings of all expenditures, contributions and independent expenditures. Depending on the amount of activity and the election cycle, these reports must be filed at least two times a year, possibly more, depending on the PAC's activity level.

Be truthful in your statements

Ohio law prohibits the use of false statements in both candidate campaigns and ballot issue campaigns. Included in statute are specific prohibitions against making false statements about a candidate's schooling or training, indictments or convictions, treatment for a mental illness or voting record as a public official. A PAC should also be aware that it is prohibited to make statements about any indictment or investigation by the Ohio Elections Commission without disclosing the outcome of that indictment or investigation. In an effort in favor of a candidate, a PAC should be cautious not to use the term "re-elect" if the candidate has never been elected to the office for which he or she is a candidate. R.C. 3517.21(B); R.C. 3517.22(B).

When dealing with a ballot issue campaign, an organization is prohibited from issuing any false statements designed to promote or defeat a ballot issue – this is prohibited whether the organization knew the statement was false, or if the organization exhibited reckless disregard to whether it was true or false. A PAC cannot use another person's name to create or imply a false endorsement of or opposition to a ballot issue. R.C. 3517.22.

Alleged violations of these statutes can be reported by filing a complaint with the Ohio Elections Commission. R.C. 3517.21(C).

Authors
