

# BELMONT COUNTY BOARD OF ELECTIONS

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## Local Candidate Guide to Campaign Finance

For assistance with campaign finance reporting requirements, you may contact one of our helpful staff members:

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For purposes of this document, a Local Candidate is defined as a candidate who is running for municipal office (mayor, council, attorney/law director, auditor, etc.), board of education member, or township trustee or fiscal officer. For detailed information, review Chapter 2 of the Secretary of State's Campaign Finance Handbook. *This document is for information purposes only and should not be construed as legal advice.*

### What to do first:

**Before receiving any contribution or making any expenditure, a potential candidate must file a *Designation of Treasurer* (Form 30-D).** This is considered a "registration" form. The candidate must either designate himself or another person as the campaign committee treasurer. The candidate must, and the treasurer should, sign the *Designation of Treasurer* form.

[R.C. 3517.081, 3517.10(D)]

**Candidates who spend only personal funds must still file a *Designation of Treasurer* form** prior to making out of pocket expenditures related in any way to their campaign. Purchase of goods and services for which no reimbursement is expected would be considered In-Kind Contributions to the campaign committee.

**Exception: Filing Fee Only Candidate - A candidate who receives NO contributions and who makes NO expenditures (including the candidate's personal funds) except for the filing fee, is not required to file the *Designation of Treasurer* form or a waiver, is not required to create a campaign committee, and is not subject to the reporting requirements.** The payment of filing fees by the candidate shall not be considered an expenditure that requires the filing of a *Designation of Treasurer* form. [OAC 111-5-01]

## **Local Candidate Waiver:**

A candidate's campaign committee may be exempt from the requirement to file campaign finance reports, **except for the *Designation of Treasurer*** form, if the candidate is running for:

- An elected municipal office that pays an annual amount of compensation of \$5,000 or less;
- A board of education office;
- Township trustee or fiscal officer.

In order to qualify for the *Local Candidate Waiver*, the campaign committee must file a certificate within 10 days of filing a candidacy petition. This certificate is prescribed as form No. 31-BB, *Local Candidate Waiver*, and requires that the committee **will not**:

- accept more than \$2,000 of aggregate contributions during an election period;
- accept more than \$100 from any one individual (excluding the candidate's personal funds);
- make expenditures that total more than \$2,000.

**Waiver continued:** If the campaign committee exceeds any of those limitations, the certificate is void and the campaign committee is thereafter responsible for filing all required reports including all activity occurring since the candidacy petition was filed.

**Following the general election (or the primary election if the candidate is not nominated) the campaign committee must terminate or be subject to all reporting requirements.** A letter of termination signed by the committee treasurer must be submitted by the last business day of January following the general election (or the last business day of July for an unsuccessful candidate at a primary election). **The letter should state:**

"Per the requirements of the Local Candidate Waiver, [committee name] did not raise or expend more than \$2,000, nor did it accept more than \$100 from any one individual. The committee has a balance on hand of \$0.00 and has settled all outstanding debts and loans. Please terminate [committee name] from the role of active committees."

If the committee does not terminate, it must begin filing the required statements (the Semiannual report following the primary election if not nominated or the Annual report following the general election).

**Naming the Committee:** A campaign committee name must include at least the last name of the candidate. When choosing a name for the campaign committee, it may be prudent to make it general in nature rather than office-specific. For example: Friends of John Doe rather than Doe for Council. If the candidate runs for a different office, all of the committee bank account information, checks, and assets with a disclaimer would need to be corrected.

## **Bank Account:**

Campaign contributions may not be placed in a candidate's personal or business account. A campaign committee must establish a bank account that is separate from a personal or business account of the candidate, or member of the candidate's campaign committee. All monetary campaign contributions received must be deposited into this account.

Exception: Candidates who will not accept monetary contributions (use only personal funds) need not establish a separate bank account for the committee.

A federal identification number may be required by the committee's chosen financial institution. This number is issued by the Internal Revenue Service upon request. <http://www.irs.gov/businesses/>

## **Report filing requirements:**

A full, true, and itemized statement, made under penalty of election falsification, setting forth in detail the contributions and expenditures of the committee, must be filed with the Board of Elections not later than 4:00 p.m. of the following dates.

**Annual:** The last business day of January to disclose activity through December 31. The annual report is

not required if the committee filed a post-general report.

**Pre-Primary:** The 12<sup>th</sup> day before the election to disclose activity through the 20<sup>th</sup> day before the election. Required if the committee has raised or spent more than \$1,000 during the pre-primary period.

**Post-Primary:** The 38<sup>th</sup> day after the election to disclose activity through the 31<sup>st</sup> day after the election.

**Semiannual:** The last business day of July to disclose activity through June, 30.

Exceptions:

- The semiannual report is not required if the committee filed a post-primary report
- Committees of candidates for judicial office are not required to file a semiannual report.
- The committee of a local candidate is not required to file a semiannual report unless that committee **both:** Receives, during the semiannual reporting period, contributions exceeding ten thousand dollars, and did not file a post-primary election report.

**Pre-General:** The 12<sup>th</sup> day before the election to disclose activity through the 20<sup>th</sup> day before the election. Required if the committee has raised or spent more than \$1,000 during the pre-general period.

**Post-General:** The 38<sup>th</sup> day after the election to disclose activity through the 31<sup>st</sup> day after the election.

*All reports must be filed with a zero or positive balance. No finance report may be filed with a negative balance on hand. Additionally, some charters may require additional campaign finance reporting (i.e. the Columbus city charter requires municipal candidates to file a 5-DayReport due 5 days before the primary and general election).*

## Short Form Report

If a candidate has no activity before January 1 of the year in which he or she appears on the ballot, and spends \$500 or less and receives \$500 or less in the year he or she appears on the ballot, then only the cover page of a campaign finance report is required to be filed. If all of these criteria are met, the candidate may file a *Short Form Report composed of only an Ohio Campaign Finance Report Cover Page* (form 30-A) at either the post-primary or post-general filing deadline.

If the candidate lost the primary, then the committee must also terminate on the post-primary report. If a Short Form Report is filed for the post-general, then the committee must simultaneously terminate.

If the candidate does not qualify for the *Short Form Report*, then a full campaign finance report must instead be filed. [R.C. 3517.10(H)]

## Terminating the Committee

Following the campaign, you may wish to terminate your campaign committee to avoid having to file regular reports. In order to terminate, the committee must have a balance on hand of **\$0.00** and no outstanding loans or debts. You may dispose of any remaining funds by making a contribution to another campaign committee or donating the money to a non-profit organization. Mark the termination box on the cover sheet (Form 30-A) of the final report, and we will remove the committee from our role of active committees.

## Tips

- If a candidate or other individual pays for items for the campaign committee out of personal funds, such as when a candidate purchases a sign or stamps and does not expect reimbursement, then the contributions should be reported as in-kind contributions from the candidate or individual. If reimbursement is expected, the individual should submit an itemized list of reimbursable items as well as receipts. A check should be written to that individual and the itemized list and receipts should be attached to the report. Items that are not reimbursed during the reporting period must be reported as outstanding debts.

**Campaign Finance Report Forms:**

30-D Designation of Treasurer

30-A Ohio Campaign Finance Report (cover page)

31-A Statement of Contributions Received

31-A-2 Statement of Other Income

31-B Statement of Expenditures

31-BB Local Candidate Finance Report Waiver

31-C Statement of Loans Received

31-E Statement of Contributions Received at a Social or Fund-Raising Event

31-F Statement of Expenditures for Social or Fund-Raising Event

31-G Contributors in Officeholder's Employ

31-J-1 In-Kind Contributions Received

31-J-2 In-Kind Contributions Made

31-K Statement of Loans Made

31-N Statement of Outstanding Debts

31-P Contributions for Debt Retirement

Visit <http://www.sos.state.oh.us/SOS/CampaignFinance/Filing/CFForms.aspx> for forms in PDF