



**S.B. 283**

124th General Assembly  
(As Introduced)

**Sen. Shoemaker**

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**BILL SUMMARY**

- Prohibits a campaign committee from contributing to a legislative campaign fund, and a legislative campaign fund from accepting from a campaign committee, more than \$2,500 in a calendar year.
- Prohibits a county political party from contributing to a campaign committee, and a campaign committee from accepting from a county political party, more than \$5,000 in a calendar year.

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**CONTENT AND OPERATION**

**Campaign contribution limitations**

The Campaign Finance Law generally limits the amount of contributions that individuals and certain other contributors may make to campaign committees, political parties, and other political entities, as well as the amount of contributions that political entities may accept from those contributors. The bill retains all of the existing contribution limitations, and it imposes additional limits on certain contributions made by campaign committees and county political parties.

**Contributions from a campaign committee to a legislative campaign fund**

Contribution limitations applicable to contributions made by a campaign committee to a legislative campaign fund currently vary depending on the type of campaign committee making the contributions.<sup>1</sup> Under existing law, a campaign committee that is not a designated state campaign committee may make a contribution or contributions to any one legislative campaign fund aggregating up

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<sup>1</sup> A "legislative campaign fund" means a fund that is established as an auxiliary of a state political party and associated with one of the houses of the General Assembly (sec. 3517.01(B)(15)—not in the bill).

to and including \$5,000 in a calendar year (sec. 3517.102(B)(5)(b)).<sup>2</sup> Similarly, a legislative campaign fund may accept, from a campaign committee that is not a designated state campaign committee, a contribution or contributions aggregating up to and including \$5,000 in a calendar year (sec. 3517.102(C)(5)).

Existing law, however, does not limit the amount of contributions that a designated state campaign committee may make to a legislative campaign fund, or the amount of contributions that a legislative campaign fund may accept from a designated state campaign committee. Thus, designated state campaign committees may make unlimited contributions to a legislative campaign fund, and a legislative campaign fund may accept those unlimited contributions.

The bill prohibits any campaign committee, including a designated state campaign committee, from making a contribution or contributions aggregating more than \$2,500 to any one legislative campaign fund in a calendar year (sec. 3517.102(B)(3)(f) and (5)(b)). A campaign committee that violates this limitation must be fined an amount equal to three times the amount contributed in excess of the limitation (sec. 3517.992(I)(3)).

A parallel provision of the bill prohibits a legislative campaign fund from accepting a contribution or contributions aggregating more than \$2,500 from any one campaign committee, including a designated state campaign committee, during a calendar year (sec. 3517.102(C)(6)(b)). A legislative campaign fund that accepts contributions in excess of the permissible amount must be fined an amount equal to three times the amount accepted in excess of the limitation (sec. 3517.992(J)(3)).

### **Contributions from a county political party to a campaign committee**

Existing law limits the amount of contributions that the state candidate fund of a county political party may make to a campaign committee. The amount of contributions that may be made varies depending on whether the contribution is to a designated state campaign committee or to another campaign committee. Currently, the state candidate fund of a county political party may make contributions aggregating up to and including \$2,500 in a primary or general election period to the campaign committee of any House or Senate candidate, if

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<sup>2</sup> *In the case of contributions to or from a legislative campaign fund, a "designated state campaign committee" is a campaign committee of any of the following: (a) a Senate or House candidate who, if elected, will be a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated, or (b) a state senator or state representative who is a member of the same party that established the legislative campaign fund and the same house with which the legislative campaign fund is associated (sec. 3517.102(A)(9)(c)).*

that campaign committee *is not* a designated state campaign committee (sec. 3517.102(B)(6)(a)).<sup>3</sup> Similarly, a campaign committee of a House or Senate candidate that is not a designated state campaign committee may accept contributions aggregating up to and including \$2,500 in a primary or general election period from any one state candidate fund of a county political party (sec. 3517.102(C)(2) and (3)).

The state candidate fund of a county political party, however, may make transfers or contributions of cash or cash equivalents to a *designated state campaign committee* in a primary or general election period aggregating up to and including the following amounts (sec. 3517.102(B)(6)(b)(i)):

- \$500,000 to the campaign committee of any one statewide candidate;
- \$100,000 to the campaign committee of any one Senate candidate;
- \$50,000 to the campaign committee of any one House candidate.

The definition of "transfers or contributions of cash or cash equivalents" does not include any in-kind contributions (sec. 3517.102(B)(6)(b)(iii)). Thus, under existing law, the state candidate fund of a county political party may make cash or cash equivalent contributions up to the respective \$500,000, \$100,000, and \$50,000 limits, and it may make unlimited in-kind contributions, to a designated state campaign committee. Similarly, a designated state campaign committee may accept contributions up to and including those amounts, and is not limited in the amount of in-kind contributions that it may accept (sec. 3517.102(C)(6)(a)).

The bill retains current law's limit of \$2,500 per primary or general election period on contributions made by the state candidate fund of a county political party to campaign committees that are not designated state campaign committees. But, it establishes a maximum of \$5,000 per calendar year of contributions that may be made by a *county political party* to any campaign committee, including a designated state campaign committee. The distinction between contributions and "transfers or contributions of cash or cash equivalents" is eliminated with respect to the state candidate funds of county political parties, so that the \$5,000 annual limit applies to both cash and in-kind contributions. (Sec. 3517.102(B)(4)(b),

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<sup>3</sup> *In the case of contributions to or from a county political party, a "designated state campaign committee" is a campaign committee of a statewide candidate, statewide officeholder, Senate candidate or House candidate whose candidacy is to be submitted to some or all of the electors in that county, or member of the General Assembly whose district contains all or part of that county (sec. 3517.102(A)(9)(b)).*

(6)(a) and (6)(b)(i).) Any county political party making contributions in excess of this limit must be fined an amount equal to three times the amount contributed in excess of it (sec. 3517.992(I)(5)).

The bill also prohibits a campaign committee, including a designated state campaign committee, from accepting a contribution or contributions aggregating more than \$5,000 from any one county political party in a calendar year (sec. 3517.102(C)(4)). A campaign committee accepting such a contribution must be fined an amount equal to three times the amount accepted in excess of the limitation (sec. 3517.992(J)(1)).

### **Effective date**

The bill's Campaign Finance Law provisions take effect on January 1, 2003 (Section 3). (See **COMMENT**.)

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## **COMMENT**

The specified effective date of January 1, 2003, cannot be implemented without the addition of an emergency clause to the bill. Article II, Section 1c of the Ohio Constitution.

But, *without a change to the specified effective date*, there also is a distinct issue of potential unconstitutional application. The effective date would fall in the middle of a campaign finance reporting period. It is possible that a campaign committee or a county political party will have already made, and a legislative campaign fund or a campaign committee will have already accepted, contributions in violation of the new limits. Although those contributions would have been legal at the time they were made and accepted, they will be in violation of the new contribution limits at the time the campaign finance statements reflecting those contributions are filed, thus potentially subjecting the entities to penalties for actions that were not illegal at the time they were taken. In order to avoid later penalizing these entities for making or accepting contributions that were legal at the time they were made or accepted, it is necessary to change the bill's effective date to correspond with applicable Campaign Finance Law reporting periods.

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	06-25-02	p. 1944
S0283-I.124/ejs		

