

To: All Candidates

From: Jennifer Readler

Date: August 16, 2013

RE: Disclaimers and Financial Reporting Requirements

At the Council candidate orientation session, several questions were raised regarding disclaimers and reporting personal financial information. We would like to provide additional follow-up information on these two topics. Again, as stated at the orientation, these are state law requirements that are enforced by other agencies, so please direct any further inquiries to those respective agencies.

I. DISCLAIMERS

First, with regard to disclaimers, it would appear that the address does not have to be included when a candidate's campaign committee pays for the communication. A complete disclaimer for a candidate's campaign committee is comprised of the phrase, "Paid for by," followed by the name of the candidate's campaign committee. [*R.C. 3517.20*; OEC Adv. 2012ELC-04]. For further review and reference, we have provided below the section on Disclaimers published by the Ohio Secretary of State's Office.

DISCLAIMERS

What is a Disclaimer

A disclaimer is the portion of a political message that identifies the name and address of the person or entity that paid for the item on which the disclaimer appears. A readable disclaimer must appear on almost everything that is created in an attempt to influence an election, including electronic messages. However, individuals acting alone to disseminate material and certain political action committees limited in size and the amount of their expenditure are not required to include a disclaimer. Candidates are not considered individuals for this purpose. Personal correspondence that is not reproduced for distribution does not need a disclaimer. Political parties do not need to include addresses as part of their disclaimers. Candidate campaign committees do not need to include address or officer information.

[*R.C. 3517.105, 3517.20*; OEC Adv. 96ELC-10 and 2012ELC-04]



Communications which constitute *electioneering communications* are different from messages which are intended to influence the outcome of an election. Electioneering communications require identification similar – but not identical – to a disclaimer, Please see *Chapter 10, Electioneering Communication* for more information.

Disclaimer Required

A sign, newspaper advertisement, literature or other political communication not listed in the “disclaimer exemptions” paragraph below, must include the applicable full disclaimer in a conspicuous place on the political publication. The detailed content of a full disclaimer varies based on the issuing entity.

[*R.C. 3517.20*; OEC Adv. 2012ELC-04]

Disclaimer Exemptions

Items that are not required to include a disclaimer include:

- Airplane banners Individually wrapped candy
- Badges & buttons Key tags
- Balloons Lapel pins & other jewelry
- Charms Letter openers
- Clothing & hats Paint stirrers
- Combs Pencils & pens
- Cups and mugs Plastic bags
- Emery boards Plastic discs (Frisbee¹)
- Figurines Plastic flyswatters
- Golf balls & golf tees Sponges
- 1 “Frisbee” is a registered trademark of WHAM-O, Inc. –

A personal correspondence not reproduced by machine for general distribution also is exempt from the disclaimer requirement. Magnets and stickers measuring two and one-half inches by three inches or less, or seven and one-half square inches or less, or three inches in diameter or less, are also specifically exempt from the disclaimer requirement.

[*R.C. 3517.20(A)(12)*; *OAC 111-5-19*]

If an item is not listed in *OAC 111-5-19*, then a specific exemption must be obtained by written request from the secretary of state prior to distribution of the item. When requesting an exemption, state your name and address and describe, in detail, the size and material of the item you wish to have exempted and a brief statement



explaining why the exemption should be granted. In the event secretary of state staff members have questions about the exemption request, provide a telephone number. The secretary of state will respond in writing to all written exemption requests.

Exemption requests should be sent to:

OHIO SECRETARY OF STATE

CAMPAIGN FINANCE DIVISION

180 E. BROAD ST., 15TH FLOOR

COLUMBUS, OH 43215

Intent to Influence an Election

An advertisement or item that might, even in part, be purchased with the intent of influencing a current or future election or to build or maintain name recognition are reportable and must bear a disclaimer. This would include items purchased with the personal funds of the candidate or officeholder. Examples include items distributed at public events, such as high school basketball program ads or free items.

[*OEC Adv. 89-04*]

Individuals

Any individual acting completely alone does not need to place a disclaimer on a political communication. Candidates are not considered individuals for purposes of the disclaimer requirement and must include a disclaimer on all political communication unless the item is specifically exempted by rule or given an exemption by the secretary of state.

Candidate Campaign Committee Disclaimer Wording

Every political communication or publication or independent expenditure made in support of or opposition to any candidate or ballot issue that is issued by a candidate's campaign committee must include a readable disclaimer. A complete disclaimer for a candidate's campaign committee is comprised of the phrase, "Paid for by," followed by the name of the candidate's campaign committee. [*R.C. 3517.20*; OEC Adv. 2012ELC-04] -

Any independent expenditure made by a candidate's campaign committee in support of or opposition to a candidate or ballot issue must also include the full disclaimer of the campaign committee that made the



independent expenditure. The name of the committee used in a disclaimer must always match the name of the committee on the most recently filed *Designation of Treasurer form*.

Political Action Committees and Political Contributing Entities

Every political publication or independent expenditure made in support of or opposition to any candidate or ballot issue that is issued by a PAC with ten or more members, or a PCE with ten or more members, must include a disclaimer. A proper disclaimer for a PAC or PCE is comprised of the name of the chairperson, treasurer, or secretary and a residence address or business address of the PAC or PCE.

Any independent expenditure made by a PAC or PCE in support of or opposition to a candidate or ballot issue must also include the full disclaimer of the PAC or PCE that made the independent expenditure. The name of the PAC or PCE used in a disclaimer must always match the name of the PAC or PCE on the most recently filed Designation of Treasurer form.

Some PACs and PCEs are not subject to the disclaimer requirement; these are referred to as “limited PACs” or “limited PCEs.” Any PAC or PCE with fewer than ten members that makes an independent expenditure of \$500 or less on a political publication or advertisement involving a statewide candidate or ballot issue, \$250 or less for a general assembly candidate, or \$100 or less for a local candidate or issue, is a “limited PAC” or “limited PCE” and is not subject to the disclaimer requirement. However, a PAC with fewer than ten members is subject to the disclaimer requirement, regardless of the amount spent, if it issues or pays for a political publication or advertisement in conjunction or coordination with any other entity subject to the disclaimer requirement.

For purposes of determining whether a PAC or PCE is a “limited PAC” or “limited PCE” having 10 or fewer members, “member” is defined as a person who makes one or more contributions to that PAC or PCE. [*R.C. 3517.105(A)*]

Address

When an address is required as part of the disclaimer, a street address must appear, although a post office box may also be included in addition to the required street address. [*OEC Adv. 91-03*]

Radio and Television Advertisements

Radio advertisement disclaimers must include the name of the group responsible and an officer of the group, or the name and address of the speaker. If an officer of the group is identified, then the business or home address of the group or officer does not have to be stated on the air, but the radio station must make it available for six months to anyone who requests it. [*R.C. 3517.20(B)*]. Television advertisement disclaimers must contain the name of the group responsible and an officer of the group, or the name of the speaker, as well as the business



or home address of the group or speaker. This information may be either spoken or appear on the screen, or both.

[*R.C. 3517.20*]

Telephone Banks/Pre-Recorded Phone Messages

When any candidate, campaign committee, legislative campaign fund, political party, political action committee, political contributing entity or other person or entity conducts a telephone bank to support or oppose a candidate or issue or to influence the voters in an election, the identity of the committee or other entity paying for the telephone bank must be included in the telephone call.

For the purpose of this requirement, a telephone bank occurs when all of the following conditions are met:

- » The number of telephone calls is 500 or more; and,
- » The content of the telephone call is identical or substantially similar; and,
- » The telephone calls are made within any thirty-day period.

The telephone bank definition and disclosure requirements apply whether the telephone calls are made by individuals or by machine. [*R.C. 3517.20 (A)(1)(I), (C)*]

Electronic Messages

Electronic messages posted on the Internet or sent via electronic mail are subject to the disclaimer requirement. Specific information to be included in the disclaimer depends on the person, committee, or group responsible for the message.

[*OEC Adv. 96ELC-10*]

False Statements

Statements or information that are not true may not be included within political communications. Further, candidates should not use wording that would lead a person to believe that the candidate is the incumbent or has been elected to the same office if that is not true. For example, only an incumbent or someone who has previously been elected to the office may use the word “re-elect” or “return.” Appointees may use words such as “retain” or “keep.” Others should use terms such as “vote,” “for” or “elect” in a manner that indicates that they are not the incumbent.



[R.C. 3517.21]

Multi-piece Mailings

If more than one piece of printed material is mailed as a single packet, then only one of the pieces of the packet – whether on the envelope or on a piece within the envelope – must contain the disclaimer of the organization responsible for the communication.

[R.C. 3517.20(A)(10)]

Use of Political Party Bulk Mailing Permit

When a political party allows someone to use its bulk mailing permit, but the postage was paid for by the candidate's committee, the campaign committee's disclaimer should appear. However, if the party made an in-kind gift of the postage, then the party's disclaimer should appear on the envelope.

[OEC Case No. 87A-08]

Questions regarding bulk mailing permits – use, acquisition, cost, etc. – should be directed to the U.S. Postal Service at (800) 275 – 8777 or www.USPS.com.

Updating a Disclaimer

The Ohio Elections Commission has determined that when a committee uses campaign signs or other materials from a prior campaign, the information within a disclaimer must be current when the signs are posted or the materials are distributed. A committee may update the disclaimer on signs and other materials by placing a label with the updated content over the original disclaimer printed on the item.

Permits and Placement

Some municipalities or community associations have local ordinances or charter provisions that may require a permit to place signs within a political subdivision or limit or prohibit the posting of political publications. The purchase of a sign permit is an ordinary and legitimate expenditure of the committee.



II. PERSONAL FINANCIAL DISCLOSURE STATEMENTS

A Personal Financial Disclosure Statement must be filed by candidates in the following circumstances:

Any individual who becomes a candidate for or holds a state, county, or city elected office, or the position of school board member in a school district with more than 12,000 students average daily membership, is required to file a personal financial disclosure statement. All public officials and candidates for elected office must file statements with the Ohio Ethics Commission, except members of and candidates for the General Assembly, who file with the Joint Legislative Ethics Committee, and judges and judicial candidates, who file with the Board of Commissioners on Grievances and Discipline of the Supreme Court.

Candidates must file thirty days before the first election at which the person's name will appear on a ballot.

For further information on the filing requirements and deadlines or to find a copy of a blank statement, visit the Ohio Ethics Commission's website at: www.ethics.ohio.gov. If further information is needed, please contact the Commission at (614) 466-7090.

Below is a copy of the form.



OEC-2012.pdf

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FINANCIAL DISCLOSURE STATEMENT

This statement is to be filed in 2013

Financial information for calendar year 2012

Please type or print clearly. See instructions for assistance with this page.

SECTION A. PERSONAL CONTACT INFORMATION

Form for Section A: Personal Contact Information. Fields include Last Name, First Name, MI, Address, City, State, Zip, County, E-mail Address, and Phone.

SECTION B. STATUS (Check all that apply)

Form for Section B: Status. Includes checkboxes for Candidate, Write-in Candidate, Elected to an office, Appointed to an unexpired term in elective office, Public Official, Public Employee, and Voluntary Filer. Includes a table for listing candidates with columns for Month, Day, and Year.

SECTION C. PUBLIC POSITION, OFFICE, OR JOB

Form for Section C: Public Position, Office, or Job. Fields include Position/Title, Public Entity you serve in 2013, and Public Salary (Uncompensated, Less than \$16,000, or \$16,000 or more). Includes checkboxes for Seeking, Hold, and Held.

SECTION D. ADDITIONAL PUBLIC POSITION, OFFICE, OR JOB

Form for Section D: Additional Public Position, Office, or Job. Fields include Position/Title, Public Entity in which you were/are an official, employee, candidate, or appointee, and Public Salary (Uncompensated, Less than \$16,000, or \$16,000 or more). Includes checkboxes for Seeking, Hold, and Held.

FOR OHIO ETHICS COMMISSION USE ONLY

Form for Ohio Ethics Commission Use Only. Includes checkboxes for Walk-in, Inter Office, No Check, Filer has answered every required question, and Filer has not answered these questions. Includes fields for Date incomplete form returned to filer, Date completed form returned to OEC, and Rev'd by.

1. SOURCES OF INCOME - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions [page 4](#))

I have no sources of income that I am required to list.

| Source of Income | Service Provided | Amount |
|------------------|------------------|--------|
| A | | |
| B | | |
| C | | |
| D | | |
| E | | |
| F | | |

2. SOURCES OF GIFTS - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions [page 5](#))

I have no sources of gifts that I am required to list.

| Source of Gift | Source of Gift |
|----------------|----------------|
| A | D |
| B | E |
| C | F |

3. NAMES OF SPOUSE RESIDING IN HOUSEHOLD AND ANY DEPENDENT CHILDREN - ALL FILERS MUST ANSWER THIS QUESTION:

There are no immediate family members whose names I am required to list.

(For help, see instructions [page 5](#))

| Husband/Wife Residing in Household | Dependent Children |
|------------------------------------|--------------------|
| | |
| | |
| | |
| | |

4. NAMES OF BUSINESSES - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions [page 5](#))

If you or anyone you listed in Question 3 owns or operates a business, list the name of the business.

There are no business names that I am required to list.

| Business Name | Business Name |
|---------------|---------------|
| A | C |
| B | D |

5. LAND (REAL ESTATE) IN OHIO - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions [page 6](#))

I have no real estate that I am required to list.

| Land (Real Estate) in Ohio (List address or, if address is unavailable, plat number and county) |
|--|
| A |
| B |
| C |
| You are not required to disclose your personal residence or real property held primarily for personal recreation. |

6. CREDITORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions [page 6](#))

I have no creditors that I am required to list.

| Creditor | Creditor |
|----------|----------|
| A | D |
| B | E |
| C | F |

7. DEBTORS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions [page 6](#))

I have no debtors that I am required to list.

| Debtor | Debtor |
|--------|--------|
| A | C |
| B | D |

8. INVESTMENTS OVER \$1,000 - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions [page 6](#) and [7](#))

I have no investments that I am required to list.

| Corporation, Trust, Business Trust, Partnership, or Association | Nature of Investment |
|---|----------------------|
| A | |
| B | |
| C | |
| D | |
| E | |
| F | |
| IF YOU NEED ADDITIONAL SPACE, PLEASE USE THIS ATTACHMENT PAGE. | |

9. OFFICES/FIDUCIARY RELATIONSHIPS - ALL FILERS MUST ANSWER THIS QUESTION:

(For help, see instructions [page 7](#))

I have no offices or fiduciary relationships that I am required to list.

| Corporation, Trust, Business Trust, Partnership, or Association | Office or Nature of Relationship |
|---|----------------------------------|
| A | |
| B | |

SKIP QUESTIONS 10 AND 11 IF YOU ARE A:

- College or university trustee
- Candidate for a city, township, school district, or ESC position that is paid less than \$16,000 a year
- City, township, school district, ESC, or sanitary district official or employee serving in a position that is paid less than \$16,000 a year

10. FOOD OR BEVERAGES - SKIP THIS QUESTION IF LISTED IN BOX ABOVE:

(For help, see instructions [page 8](#))

I have no sources of meals, food, or beverages that I am required to list.

| Source of Food or Beverages | Source of Food or Beverages |
|-----------------------------|-----------------------------|
| A | C |
| B | D |

11. TRAVEL EXPENSES - SKIP THIS QUESTION IF LISTED IN BOX ON PAGE 3:

(For help, see instructions [page 8](#))

I have no sources of travel expenses that I am required to list.

| Source of Travel Expenses | Amount |
|---------------------------|--------|
| A | |
| B | |
| C | |
| D | |
| E | |
| F | |

12. NON-DISPUTED INFORMATION - ALL state employees, state officials and state board and commission members (except college and university trustees) are REQUIRED to answer Question 12. All other filers should skip this question and go to question 13.

I have no information that I am required to list.

(For help, see instructions [page 9](#))

| Non-Disputed Information |
|--------------------------|
| A |
| B |

13. SIGNATURE - ALL FILERS MUST SIGN THE STATEMENT:

(For help, see instructions [page 9](#) and [10](#))

By signing this statement:

- I swear or affirm that this statement and any additional attachments have been prepared or carefully reviewed by me, and constitute my complete, truthful, and correct disclosure of all required information, and that the address listed on page 1 is a correct mailing address.
- I acknowledge and understand that, among other potential violations and penalties, knowingly filing a false statement is a criminal misdemeanor of the first degree, in violation of Sections 102.02(D) and 2921.13(A)(7) of the Revised Code, punishable by a fine of not more than \$1,000, imprisonment of not more than six months, or both.
- I acknowledge and understand that filing a false statement may be grounds for removal from public office or dismissal from public employment pursuant to Sections 3.04 and 124.34 of the Revised Code.
- I acknowledge that, in 2012, I served in, or in 2013, I am serving in or a candidate for, the position indicated on page 1 of this statement.

If you have any questions before signing this form, please contact the Ohio Ethics Commission at (614) 466-7090.

Before signing this statement, please review to make sure that you have answered each question you are required to answer. If you have nothing to list in response to any question, check the box indicating that you have nothing to list. If the response to any required question is omitted, the Commission will return the statement to you as incomplete. **Any person who fails to file a complete statement by the appropriate filing deadline will be assessed a late filing fee and may be subject to criminal penalty.**

My filing fee is:

(For help, see instructions [page 2](#))

- Enclosed (check or money order payable to "Ohio Ethics Commission")
- Submitted Online
- My public agency is required to pay my filing fee.

YOUR SIGNATURE IS REQUIRED HERE: _____

Date: _____