



Ohio Administrative Code Rule 111:2-2-01 Independent expenditures.

Effective: [October 5, 2021](#)

As used in Chapter 3517. of the Revised Code and in rules set forth in Chapters 111:2-1 to 111:2-5 of the Administrative Code:

Independent expenditure includes an expenditure by a person for a communication advocating the election or defeat of a clearly identified candidate or ballot issue which is not made with the cooperation or with the prior consent of or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.

For purposes of this definition, "person" has the same meaning of "person" as defined in division (C)(17)(a) of section 3517.01 of the Revised Code.

Notwithstanding any part of this rule, any expenditure by a political party for the purpose of financing communications advocating the election or defeat of a candidate for judicial office shall be deemed to be an independent expenditure.

A "communication advocating election or defeat" means a communication that includes, but is not limited to, expressions such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat," or "reject."

"Clearly identified candidate" means that the name of the candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent.

"Made with cooperation or with the prior consent of, or with the consent of, or in consultation with, or at the request or suggestion of a candidate or any agent or authorized committee of the candidate" means any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display or broadcast of the communication. An expenditure will be presumed to be so made when it is:



(A) Based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate or by the candidate's campaign committee or agent, with a view toward having an expenditure made;

(B) Made by or through any person who is or has been authorized to raise or expend funds, who is or has been an officer of the candidate's committee or who is or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee, or agent; or

(C) Made by a political party in support of a candidate, unless the expenditure is made by a political party to conduct voter registration or voter education efforts.

"Made with cooperation or with prior consent of, or in consultation with or at the request or suggestion of" does not include providing to the expending person upon request Ohio elections commission or secretary of state guidelines on independent expenditures.

"Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures.

An expenditure not qualifying under this section as an independent expenditure shall be an in-kind contribution to the candidate.

The financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic or other form of campaign materials prepared by the candidate, the candidate's campaign committee, or authorized agents thereof shall be considered a contribution for the purpose of contribution limits and reporting responsibilities by the person making the expenditure but shall not be considered an expenditure by the candidate or the candidate's authorized committee unless made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any authorized agent or committee thereof. The value of an individual's time in the door-to-door distribution or handing out of written campaign materials by that individual is not a contribution or expenditure for purposes of this rule.



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No expenditure by an authorized committee of a candidate on behalf of that candidate shall qualify as an independent expenditure.