



Ohio Administrative Code

Rule 111:2-2-04 Use of the funds or property of a corporation, nonprofit corporation, or labor organization to advocate the election or defeat of a candidate.

Effective: October 5, 2021

Notwithstanding the provisions of section 3599.03 of the Revised Code, a corporation, a nonprofit corporation, or a labor organization may use its funds or property to advocate for the election or defeat of an identified candidate or candidates to be nominated or elected at any election, provided that the use of funds or property is not made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of any candidate or candidates, the campaign committee or agent of the candidate or candidates, or any legislative campaign fund or political party or agent of a legislative campaign fund or political party.

(A) "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 by unambiguous reference in the communication advocating the election or defeat of an identified candidate or candidates to be nominated or elected at any election.

(B) "Made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of any candidate or candidates, the campaign committee or agent of the candidate or candidates, or any legislative campaign fund or political party or agent of a legislative campaign fund or political party" means made pursuant to any arrangement, coordination, or direction by the candidate, the candidate's campaign committee, a legislative campaign fund or a political party, or agent of a candidate, candidate's campaign committee, legislative campaign fund, or political party prior to the publication, distribution, display, or broadcast of the communication. The use of funds or property is presumed to be so made when it is any of the following:

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



(2) 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 campaign committee, a legislative campaign fund, or a political party or who is, or has been, receiving any form of compensation or reimbursement from the candidate or the candidate's campaign committee, a legislative campaign fund or a political party or any of their agents;

(3) "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, candidate's campaign committee, legislative campaign fund, or political party or means any person who has been placed in a position with the candidate's campaign committee or organization, or a legislative campaign fund or political party such that it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.