

Cincinnati Elections Commission

Clint Watson, Chair
Pete Witte, Vice Chair
Jim Goetz
Sean Kelley

March 14, 2017

Advisory Opinion

TO: Rob Richardson, Jr.

FROM: Clint Watson, Chair, Cincinnati Elections Commission

Copies to: Members, Cincinnati Elections Commission

SUBJECT: Campaign Contribution Limits For Political Contributing Entities

This advisory opinion is in response to your March 8, 2017 call requesting a ruling on the amount of the maximum possible contribution permissible by a political contributing entity (“PCE”).

Article XIII, Section 1 of the Charter of the City of Cincinnati states that “a person may contribute not more than \$1,100 to any one candidate” for council or mayor. That same section of the Charter permits contributions made by a political action committee (“PAC”) of “not more than \$2,700.” Therefore, the contribution limits for PCEs depends upon whether they are either a “person” or a PAC under the Charter.

Section 7 of Article XIII provides that as used in Article XIII, “person” has the same meaning as the definition of “person” in Ohio Revised Code Section 3517.01(B)(17)(a). Section 3517.01(B) has since been renumbered to 3517.01(C), but subsection (17)(a) of that Section still defines “person” as a “political contributing entity” and also includes any “other organization or group of persons.” Based on the language in the Charter and the incorporated language of ORC § 3517.01, the Cincinnati Elections Commission interprets the definition of “person” to include PCEs and as such, PCEs are bound by the \$1,100 limit. This opinion is consistent with the May 24, 2007 Advisory Opinion issued by this Commission that because the definition of “person” contained in ORC § 3517.01 included “other organization or group of persons,” federal campaign committees also are limited to the now \$1,100 individual contribution limit.

The Commission is aware that the Ohio Elections Commission issued an advisory opinion in 2016 stating, in part, “the [Ohio Election] Commission believes that it is appropriate to consider a PCE to be the equivalent of a PAC under Ohio’s campaign finance laws[.]” 2016ELC-03. However, that opinion concerned PCE expenditures and did not define PCEs for purposes of contribution limits. For the purposes of the contribution limits imposed by the City Charter, the controlling authority is the Charter itself and any Ohio statutes incorporated by reference, not all

the campaign laws of the state. While Section 1 of Article XIII expressly creates a higher contribution limit for PACs, thus removing them from the definition of “person” for purposes of the contribution limits, PCEs do not have a similar exception explicit in the Charter and are subject to the \$1,100 contribution limit for a “person.”

If you have any further questions, please contact me by calling the City of Cincinnati Law Department on behalf of the Cincinnati Elections Commission at (513)352-3334.