

As Introduced

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H. B. No. 770

Representative Glassburn

**Cosponsors: Representatives Baker, Brennan, Brent, Brownlee, Cockley, Jarrells,
Lett, McNally, Miller, J., Piccolantonio, Rader, Russo, Sigrist, Sims, Somani,
Synenberg, Thomas, D.**

To amend sections 3517.01 and 3517.08 of the	1
Revised Code to allow a campaign committee to	2
refund a political contribution to the donor for	3
any reason.	4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3517.01 and 3517.08 of the	5
Revised Code be amended to read as follows:	6

Sec. 3517.01. (A) (1) A political party within the meaning	7
of Title XXXV of the Revised Code is any group of voters that	8
meets either of the following requirements:	9

(a) Except as otherwise provided in this division, at the	10
most recent regular state election, the group polled for its	11
candidate for governor in the state or nominees for presidential	12
electors at least three per cent of the entire vote cast for	13
that office. A group that meets the requirements of this	14
division remains a political party for a period of four years	15
after meeting those requirements.	16

(b) The group filed with the secretary of state,	17
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subsequent to its failure to meet the requirements of division 18
(A) (1) (a) of this section, a party formation petition that meets 19
all of the following requirements: 20

(i) The petition is signed by qualified electors equal in 21
number to at least one per cent of the total vote for governor 22
or nominees for presidential electors at the most recent 23
election for such office. 24

(ii) The petition is signed by not fewer than five hundred 25
qualified electors from each of at least a minimum of one-half 26
of the congressional districts in this state. If an odd number 27
of congressional districts exists in this state, the number of 28
districts that results from dividing the number of congressional 29
districts by two shall be rounded up to the next whole number. 30

(iii) The petition declares the petitioners' intention of 31
organizing a political party, the name of which shall be stated 32
in the declaration, and of participating in the succeeding 33
general election, held in even-numbered years, that occurs more 34
than one hundred twenty-five days after the date of filing. 35

(iv) The petition designates a committee of not less than 36
three nor more than five individuals of the petitioners, who 37
shall represent the petitioners in all matters relating to the 38
petition. Notice of all matters or proceedings pertaining to the 39
petition may be served on the committee, or any of them, either 40
personally or by registered mail, or by leaving such notice at 41
the usual place of residence of each of them. 42

(2) No such group of electors shall assume a name or 43
designation that is similar, in the opinion of the secretary of 44
state, to that of an existing political party as to confuse or 45
mislead the voters at an election. 46

(B) A campaign committee shall be legally liable for any 47
debts, contracts, or expenditures incurred or executed in its 48
name. 49

(C) Notwithstanding the definitions found in section 50
3501.01 of the Revised Code, as used in this section and 51
sections 3517.08 to 3517.991 of the Revised Code: 52

(1) "Campaign committee" means a candidate or a 53
combination of two or more persons authorized by a candidate 54
under section 3517.081 of the Revised Code to receive 55
contributions and make expenditures. 56

(2) "Campaign treasurer" means an individual appointed by 57
a candidate under section 3517.081 of the Revised Code. 58

(3) "Candidate" has the same meaning as in division (H) of 59
section 3501.01 of the Revised Code and also includes any person 60
who, at any time before or after an election, receives 61
contributions or makes expenditures or other use of 62
contributions, has given consent for another to receive 63
contributions or make expenditures or other use of 64
contributions, or appoints a campaign treasurer, for the purpose 65
of bringing about the person's nomination or election to public 66
office. When two persons jointly seek the offices of governor 67
and lieutenant governor, "candidate" means the pair of 68
candidates jointly. "Candidate" does not include candidates for 69
election to the offices of member of a county or state central 70
committee, presidential elector, and delegate to a national 71
convention or conference of a political party. 72

(4) "Continuing association" means an association, other 73
than a campaign committee, political party, legislative campaign 74
fund, political contributing entity, or labor organization, that 75

is intended to be a permanent organization that has a primary
purpose other than supporting or opposing specific candidates,
political parties, or ballot issues, and that functions on a
regular basis throughout the year. "Continuing association"
includes organizations that are determined to be not organized
for profit under subsection 501 and that are described in
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal
Revenue Code.

(5) "Contribution" means a loan, gift, deposit,
forgiveness of indebtedness, donation, advance, payment, or
transfer of funds or anything of value, including a transfer of
funds from an inter vivos or testamentary trust or decedent's
estate, and the payment by any person other than the person to
whom the services are rendered for the personal services of
another person, which contribution is made, received, or used
for the purpose of influencing the results of an election. Any
loan, gift, deposit, forgiveness of indebtedness, donation,
advance, payment, or transfer of funds or of anything of value,
including a transfer of funds from an inter vivos or
testamentary trust or decedent's estate, and the payment by any
campaign committee, political action committee, legislative
campaign fund, political party, political contributing entity,
or person other than the person to whom the services are
rendered for the personal services of another person, that is
made, received, or used by a state or county political party,
other than the moneys an entity may receive under sections
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be
considered to be a "contribution" for the purpose of section
3517.10 of the Revised Code and shall be included on a statement
of contributions filed under that section.

"Contribution" does not include any of the following:

(a) Services provided without compensation by individuals 107
volunteering a portion or all of their time on behalf of a 108
person; 109

(b) Ordinary home hospitality; 110

(c) The personal expenses of a volunteer paid for by that 111
volunteer campaign worker; 112

(d) Any gift given to an entity pursuant to section 113
3517.101 of the Revised Code; 114

(e) Any contribution as defined in section 3517.1011 of 115
the Revised Code that is made, received, or used to pay the 116
direct costs of producing or airing an electioneering 117
communication; 118

(f) Any gift given to a state or county political party 119
for the party's restricted fund under division (A) (2) of section 120
3517.1012 of the Revised Code; 121

(g) Any gift given to a state political party for deposit 122
in a Levin account pursuant to section 3517.1013 of the Revised 123
Code. As used in this division, "Levin account" has the same 124
meaning as in that section. 125

(h) Any donation given to a transition fund under section 126
3517.1014 of the Revised Code. 127

(6) "Expenditure" means the disbursement or use of a 128
contribution for the purpose of influencing the results of an 129
election ~~or~~, of making a charitable donation as permitted under 130
division (G) of section 3517.08 of the Revised Code, or of 131
refunding a contribution as permitted under division (H) of that 132
section. Any disbursement or use of a contribution by a state or 133
county political party is an expenditure and ~~shall be considered~~ 134

~~either to be made for the purpose of influencing the results of~~ 135
~~an election or to be made as a charitable donation under~~ 136
~~division (C) of section 3517.08 of the Revised Code and shall be~~ 137
reported on a statement of expenditures filed under section 138
3517.10 of the Revised Code. During the thirty days preceding a 139
primary or general election, any disbursement to pay the direct 140
costs of producing or airing a broadcast, cable, or satellite 141
communication that refers to a clearly identified candidate 142
shall be considered to be made for the purpose of influencing 143
the results of that election and shall be reported as an 144
expenditure or as an independent expenditure under section 145
3517.10 or 3517.105 of the Revised Code, as applicable, except 146
that the information required to be reported regarding 147
contributors for those expenditures or independent expenditures 148
shall be the same as the information required to be reported 149
under divisions (D)(1) and (2) of section 3517.1011 of the 150
Revised Code. 151

As used in this division, "broadcast, cable, or satellite 152
communication" and "refers to a clearly identified candidate" 153
have the same meanings as in section 3517.1011 of the Revised 154
Code. 155

(7) "Personal expenses" includes, but is not limited to, 156
ordinary expenses for accommodations, clothing, food, personal 157
motor vehicle or airplane, and home telephone. 158

(8) "Political action committee" means a combination of 159
two or more persons, the primary or major purpose of which is to 160
support or oppose any candidate, political party, or issue, or 161
to influence the result of any election through express 162
advocacy, and that is not a political party, a campaign 163
committee, a political contributing entity, or a legislative 164

campaign fund. "Political action committee" does not include 165
either of the following: 166

(a) A continuing association that makes disbursements for 167
the direct costs of producing or airing electioneering 168
communications and that does not engage in express advocacy; 169

(b) A political club that is formed primarily for social 170
purposes and that consists of one hundred members or less, has 171
officers and periodic meetings, has less than two thousand five 172
hundred dollars in its treasury at all times, and makes an 173
aggregate total contribution of one thousand dollars or less per 174
calendar year. 175

(9) "Public office" means any state, county, municipal, 176
township, or district office, except an office of a political 177
party, that is filled by an election and the offices of United 178
States senator and representative. 179

(10) "Anything of value" has the same meaning as in 180
section 1.03 of the Revised Code. 181

(11) "Beneficiary of a campaign fund" means a candidate, a 182
public official or employee for whose benefit a campaign fund 183
exists, and any other person who has ever been a candidate or 184
public official or employee and for whose benefit a campaign 185
fund exists. 186

(12) "Campaign fund" means money or other property, 187
including contributions. 188

(13) "Public official or employee" has the same meaning as 189
in section 102.01 of the Revised Code. 190

(14) "Caucus" means all of the members of the house of 191
representatives or all of the members of the senate of the 192

general assembly who are members of the same political party. 193

(15) "Legislative campaign fund" means a fund that is 194
established as an auxiliary of a state political party and 195
associated with one of the houses of the general assembly. 196

(16) "In-kind contribution" means anything of value other 197
than money that is used to influence the results of an election 198
or is transferred to or used in support of or in opposition to a 199
candidate, campaign committee, legislative campaign fund, 200
political party, political action committee, or political 201
contributing entity and that is made with the consent of, in 202
coordination, cooperation, or consultation with, or at the 203
request or suggestion of the benefited candidate, committee, 204
fund, party, or entity. The financing of the dissemination, 205
distribution, or republication, in whole or part, of any 206
broadcast or of any written, graphic, or other form of campaign 207
materials prepared by the candidate, the candidate's campaign 208
committee, or their authorized agents is an in-kind contribution 209
to the candidate and an expenditure by the candidate. 210

(17) "Independent expenditure" means an expenditure by a 211
person advocating the election or defeat of an identified 212
candidate or candidates, that is not made with the consent of, 213
in coordination, cooperation, or consultation with, or at the 214
request or suggestion of any candidate or candidates or of the 215
campaign committee or agent of the candidate or candidates. As 216
used in division (C) (17) of this section: 217

(a) "Person" means an individual, partnership, 218
unincorporated business organization or association, political 219
action committee, political contributing entity, separate 220
segregated fund, association, or other organization or group of 221
persons, but not a labor organization or a corporation unless 222

the labor organization or corporation is a political 223
contributing entity. 224

(b) "Advocating" means any communication containing a 225
message advocating election or defeat. 226

(c) "Identified candidate" means that the name of the 227
candidate appears, a photograph or drawing of the candidate 228
appears, or the identity of the candidate is otherwise apparent 229
by unambiguous reference. 230

(d) "Made in coordination, cooperation, or consultation 231
with, or at the request or suggestion of, any candidate or the 232
campaign committee or agent of the candidate" means made 233
pursuant to any arrangement, coordination, or direction by the 234
candidate, the candidate's campaign committee, or the 235
candidate's agent prior to the publication, distribution, 236
display, or broadcast of the communication. An expenditure is 237
presumed to be so made when it is any of the following: 238

(i) Based on information about the candidate's plans, 239
projects, or needs provided to the person making the expenditure 240
by the candidate, or by the candidate's campaign committee or 241
agent, with a view toward having an expenditure made; 242

(ii) Made by or through any person who is, or has been, 243
authorized to raise or expend funds, who is, or has been, an 244
officer of the candidate's campaign committee, or who is, or has 245
been, receiving any form of compensation or reimbursement from 246
the candidate or the candidate's campaign committee or agent; 247

(iii) Except as otherwise provided in division (D) of 248
section 3517.105 of the Revised Code, made by a political party 249
in support of a candidate, unless the expenditure is made by a 250
political party to conduct voter registration or voter education 251

efforts. 252

(e) "Agent" means any person who has actual oral or 253
written authority, either express or implied, to make or to 254
authorize the making of expenditures on behalf of a candidate, 255
or means any person who has been placed in a position with the 256
candidate's campaign committee or organization such that it 257
would reasonably appear that in the ordinary course of campaign- 258
related activities the person may authorize expenditures. 259

(18) "Labor organization" means a labor union; an employee 260
organization; a federation of labor unions, groups, locals, or 261
other employee organizations; an auxiliary of a labor union, 262
employee organization, or federation of labor unions, groups, 263
locals, or other employee organizations; or any other bona fide 264
organization in which employees participate and that exists for 265
the purpose, in whole or in part, of dealing with employers 266
concerning grievances, labor disputes, wages, hours, and other 267
terms and conditions of employment. 268

(19) "Separate segregated fund" means a separate 269
segregated fund established pursuant to the Federal Election 270
Campaign Act. 271

(20) "Federal Election Campaign Act" means the "Federal 272
Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A. 431, et 273
seq., as amended. 274

(21) "Restricted fund" means the fund a state or county 275
political party must establish under division (A)(1) of section 276
3517.1012 of the Revised Code. 277

(22) "Electioneering communication" has the same meaning 278
as in section 3517.1011 of the Revised Code. 279

(23) "Express advocacy" means a communication that 280

contains express words advocating the nomination, election, or 281
defeat of a candidate or that contains express words advocating 282
the adoption or defeat of a question or issue, as determined by 283
a final judgment of a court of competent jurisdiction. 284

(24) "Political committee" has the same meaning as in 285
section 3517.1011 of the Revised Code. 286

(25) "Political contributing entity" means any entity, 287
including a corporation or labor organization, that may lawfully 288
make contributions and expenditures and that is not an 289
individual or a political action committee, continuing 290
association, campaign committee, political party, legislative 291
campaign fund, designated state campaign committee, or state 292
candidate fund. For purposes of this division, "lawfully" means 293
not prohibited by any section of the Revised Code, or authorized 294
by a final judgment of a court of competent jurisdiction. 295

(26) "Internet identifier of record" has the same meaning 296
as in section 9.312 of the Revised Code. 297

Sec. 3517.08. (A) The personal expenses of a candidate 298
paid for by the candidate, from the candidate's personal funds, 299
shall not be considered as a contribution by or an expenditure 300
by the candidate and shall not be reported under section 3517.10 301
of the Revised Code. 302

(B) (1) An expenditure by a political action committee or a 303
political contributing entity shall not be considered a 304
contribution by the political action committee or the political 305
contributing entity or an expenditure by or on behalf of the 306
candidate if the purpose of the expenditure is to inform only 307
its members by means of mailed publications of its activities or 308
endorsements. 309

(2) An expenditure by a political party shall not be 310
considered a contribution by the political party or an 311
expenditure by or on behalf of the candidate if the purpose of 312
the expenditure is to inform predominantly the party's members 313
by means of mailed publications or other direct communication of 314
its activities or endorsements, or for voter contact such as 315
sample ballots, absent voter's ballots application mailings, 316
voter registration, or get-out-the-vote activities. 317

(C) An expenditure by a continuing association, political 318
contributing entity, or political party shall not be considered 319
a contribution to any campaign committee or an expenditure by or 320
on behalf of any campaign committee if the purpose of the 321
expenditure is for the staff and maintenance of the continuing 322
association's, political contributing entity's, or political 323
party's headquarters, or for a political poll, survey, index, or 324
other type of measurement not on behalf of a specific candidate. 325

(D) The expenses of maintaining a constituent office paid 326
for, from the candidate's personal funds, by a candidate who is 327
a member of the general assembly at the time of the election 328
shall not be considered a contribution by or an expenditure by 329
or on behalf of the candidate, and shall not be reported, if the 330
constituent office is not used for any candidate's campaign 331
activities. 332

(E) The net contribution of each social or fund-raising 333
activity shall be calculated by totaling all contributions to 334
the activity minus the expenditures made for the activity. 335

(F) An expenditure that purchases goods or services shall 336
be attributed to an election when the disbursement of funds is 337
made, rather than at the time the goods or services are used. 338
The secretary of state, under the procedures of Chapter 119. of 339

the Revised Code, shall establish rules for the attribution of 340
expenditures to a candidate when the candidate is a candidate 341
for more than one office during a reporting period and for 342
expenditures made in a year in which no election is held. The 343
secretary of state shall further define by rule those 344
expenditures that are or are not by or on behalf of a candidate. 345

(G) An expenditure for the purpose of a charitable 346
donation may be made if it is made to an organization that is 347
exempt from federal income taxation under subsection 501(a) and 348
described in subsection 501(c) (3), 501(c) (4), 501(c) (8), 501(c) 349
(10), or 501(c) (19) of the Internal Revenue Code or is approved 350
by advisory opinion of the Ohio election integrity commission as 351
a legitimate charitable organization. Each expenditure under 352
this division shall be separately itemized on statements made 353
pursuant to section 3517.10 of the Revised Code. 354

(H) (1) A campaign committee may make an expenditure for 355
the purpose of partially or fully refunding a contribution to 356
the person from whom the campaign committee received the 357
contribution. The campaign committee shall report both the 358
contribution and the expenditure in accordance with section 359
3517.10 of the Revised Code. 360

(2) A political party, legislative campaign fund, 361
political action committee, or political contributing entity may 362
make an expenditure for the purpose of partially or fully 363
refundng a contribution only as specifically permitted or 364
required by this chapter. 365

Section 2. That existing sections 3517.01 and 3517.08 of 366
the Revised Code are hereby repealed. 367