

## OPINION NO. 74-075

## Syllabus:

The requirement in R.C. 3517.10(A) (1) of a pre-election statement of campaign contributions and expenditures is, pursuant to R.C. 3517.12, applicable to a political committee which is organized solely for the advocacy of, or opposition to, a proposition or issue submitted to the voters.

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To: Ted W. Brown, Secretary of State, Columbus, Ohio  
By: William J. Brown, Attorney General, September 12, 1974

Your request for my opinion poses the following question:

"Is a group which advocates or opposes an issue only (e.g., a citizens' group formed to support a bond issue or tax levy) required to file the pre-election report noted in Revised Code Section 3517.10 as amended?"

R.C. 3517.10 was recently amended by Am. Sub. S.B. No. 46, eff. 7-23-74, to read in pertinent part:

"Every campaign committee, political committee, and political party which made or received a contribution or made an expenditure in connection with the nomination or election of any candidate at any election held in this state shall file a full, true, and itemized statement, subscribed and sworn to before an officer authorized to administer oaths, setting forth in detail the contributions and expenditures no later than four p.m. of the following dates:

"(1) The twelfth day before the election to reflect the status of contributions and expenditures at the close of business on the twentieth day before the election;

"(2) The forty-fifth day after the election to reflect the contributions received and expenditures made from the close of business on the twentieth day before the election to the close of business on the seventh day before the filing of the statement;

"(3) The last business day of November of every year to reflect the contributions received and expenditures made from the close of business on the last day reflected in the previously filed statement and the close of business on the last day of October.

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(Emphasis added.)

R.C. 3517.01(B) (8) defines "political committee" as follows:

"(8) 'Political committee' means a combination of two or more persons, excluding a political party, the primary or incidental purpose of which is to support or oppose any candidate, political party, or issue, or to influence the result of any election."

R.C. 3517.12, which deals with the reporting of expenditures during campaigns on issues, provides that:

"The provisions of Title XXXV of the Revised Code relating to the contributions, receipts, and expenditures of money or other things of value in elections in the case of candidates, the filing of statements relative thereto, and the violations of any such provisions shall apply with equal force and in all details to the contributions, receipts, expenditures, and obligations incurred by persons, committees, and associations in advocacy of or in opposition to the adoption of any proposition or issue submitted to the voters.  
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"\* \* \* After the election on such issue the persons or committees in charge of the campaign for and the persons or committees in charge of the campaign against such issues shall file not later than four p.m. of the forty-fifth day a full statement of all expenditures as is required of candidates and committees."

While R.C. 3517.12 does not specifically require persons or committees in charge of campaigns for and against issues submitted to the voters to file a pre-election statement, the first paragraph of that Section clearly incorporates the provisions of R.C. 3517.10 which do contain such a requirement. On this point, see State, ex rel. Corrigan v. The Cleveland-Cliffs Iron Co. 169 Ohio St. 42, 48 (1959), in which the court said:

"\* \* \* When the provisions of Sections 3517.08 to 3517.11, inclusive, Revised Code, are considered, it is absolutely clear that they represent, within the meaning of Section 3517.12, Revised Code, 'provisions of Title XXXV of the Revised Code, relating to the contributions, receipts, and expenditures of money or other things of value in elections in the case of candidates or the filing of statements relative thereto'."

It should also be noted that S.B. No. 46, as originally introduced, included amending language at the end of the first sentence in R.C. 3517.12, which would have excepted advocates and opponents of an issue from the requirement of a pre-election statement. This language was, however, eliminated from S.B. No. 46, which was reported back by the Senate Committee on Financial Institutions, Insurance and Elections, and was not included in Am. Sub. S.B. No. 46, *supra*, which was finally enacted without any change in R.S. 3517.12. In construing any legislative enactment, consideration of the legislative proceedings and the history of the act is helpful in determining its meaning and purpose. R.C. 1.49; *State, ex rel. Gareau v. Stillman*, 18 Ohio St. 2d 63 (1969); *Katz, et al., d.b.a. Century Grill v. Department of Liquor Control of Ohio*, 166 Ohio St. 229 (1957).

In specific answer to your question it is my opinion, and you are so advised, that the requirement in R.C. 3517.10(A)(1), of a pre-election statement of campaign contributions and expenditures is, pursuant to R.C. 3317.10(A)(1), applicable to a political committee which is organized solely for the advocacy of, or opposition to, a proposition or issue submitted to the voters.