

Board elections and campaign finance quiz

by Jessica L. Spears
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Are you interested in running for election or re-election to your district's school board in November? Do you have questions about nominating petitions and the election process? Are you feeling overwhelmed trying to understand Ohio's campaign finance laws?

Running for public office can be very exciting, but a bit confusing. But don't be deterred! As many of you already know, serving as a school board member can be very rewarding and one of the best ways to give back to your community. This article will address some of the most frequently asked questions about elections and campaigns.

True or false: Anyone can run for a school board seat because there are no eligibility requirements.

False — To run for a school board seat, you must be:

- a U.S. resident,
- at least 18 years old,
- a resident of the state for at least 30 days preceding the election,
- a resident of the school district for at least 30 days preceding the election,
- registered to vote in the school

district for at least 30 days preceding the election.

T or F: A person cannot run for a school board seat if his or her spouse is currently a board member on the same board.

False — As long as the eligibility requirements are met, anyone can run for a school board seat. There is no prohibition against spouses serving simultaneously on the same board of education.

T or F: A candidate for school board must file a petition signed by registered voters to run for election.

True — Each candidate for school board must file a nominating petition with the county board of elections by 4 p.m. on Aug. 10, 2011 (the 90th day before the Nov. 8 general election). Keep in mind, however, that petitions will not be accepted for filing if they appear to contain more than three times the minimum number of signatures required. If the school district is located in more than one county, the petition is filed in the most populous county. For educational service centers (ESCs), the petition is filed with the board of

elections of the county in which the ESC central administrative offices are located.

The nominating petition signature requirements are as follows:

- local school district — 25 valid signatures,
- exempted village school district — 25 valid signatures,
- city school district with a population of fewer than 20,000 — 25 valid signatures,
- city school district with a population of 20,000-49,999 — 75 valid signatures,
- city school district with a population of



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- 50,000-99,999 — 150 valid signatures,
- city school district with a population of 100,000 or more — 300 valid signatures,
- ESC — 50 valid signatures.

Only qualified electors (registered voters qualified to vote on the candidacy) may sign a petition. An elector's qualifications are determined as of the date the petition is filed. Each signature must be an original signature of an elector or the elector's duly appointed attorney in fact acting pursuant to Ohio Revised Code Section (RC) 3501.382, written in ink. "Signature" means that person's written, cursive-style legal mark written in that person's own hand.

T or F: Candidates for school board are permitted to raise money for election and campaigning expenses.

True — Candidates must comply with all state law requirements relating to political campaigns. A candidate, or a combination of two or more persons authorized by a candidate, can create a campaign committee to receive contributions and make expenditures.


T or F: The first step in setting up a

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campaign committee should be selecting a treasurer.

True — Before any activity can occur, a candidate must file a "Designation of Treasurer" (form 30-D) with the county board of elections. The treasurer should be a person the candidate trusts to deposit campaign committee funds, monitor all contributions and expenditures, file all required reports, understand liabilities and retain records for six years as required by state law.

T or F: A campaign committee must set up a separate bank account.

True — Generally, a separate bank account is required unless the candidate is self-supporting and all contributions made by the candidate are in-kind contributions. The campaign committee must establish an account and a candidate may not deposit contributions into a personal or business bank account.

T or F: A candidate for a board of education seat is eligible to request a local candidate waiver.

True — Local candidate waivers are available to board of education candidates. The campaign committee of a candidate that files a local candidate waiver in addition to a designation of treasurer is not required to file any campaign finance reports pursuant to RC 3517.10, including any pre-election, post-election or annual report.

The filing of a local candidate waiver form must occur within 10 days of filing the nominating petition. The filing of a local candidate waiver presumes a campaign committee has been created and the following restrictions apply:

- Total contributions and expenditures must be less than \$2,000.
- The candidate may not accept more than \$100 from any individual (this does not include the candidate personally).

The waiver expires at the end of the election year. Accordingly, the candidate would be required to terminate the committee or file the required annual reports until the candidate files to run for an office eligible for the waiver in a future

election.

T or F: Campaign finance reporting requirements do not apply to candidates for school board.

False — Required election-related filings include pre-election and post-election reporting. Candidates must report contributions, expenditures, loans received, outstanding debts and any other income. An account of all campaign contributions must be kept, regardless of the amount, and the record must contain the full name and address of the contributor, the date the contribution was made, the form of the contribution and the amount.

Pre-election reports must be filed by the 12th day before the general election. The threshold for reporting contributions and expenditures is \$1,000. When the campaign committee has received \$1,000 or more in contributions, or has made expenditures of \$1,000 or more, a pre-election report must be filed. This report will cover activity through the 20th day before the election.

A post-election report must be filed no later than the 38th day after the general election. This report covers activity from the last day reflected on the pre-election report through the 31st day following the election.

T or F: Expenditures over \$25 must be verified.

True — Every expenditure, including in-kind contributions, in excess of \$25 must be verified by a canceled check, paid receipt or bank statement, which must provide *all* of the following information:

- name of the payee,
- date of the expenditure,
- amount of the expenditure.

T or F: There is no limit to individual contributions to a school board candidate.

True — Individuals are not limited in the amount of contributions they make to a local candidate. For cash donations, however, there is a \$100 limit per person, per election. What about checks? State law only limits contribution checks from individuals to campaign committees of candidates running for a statewide office or a

General Assembly seat.

T or F: There are state law provisions governing campaign advertising.

True — Disclaimers must be included on campaign literature, electronic communications and signs. The name and address of the candidate or chairperson, treasurer or secretary of the campaign committee must appear in a conspicuous place on all campaign advertisements. If more than one piece of printed material is mailed as a single packet, the disclaimer requirement is met as long as one of the pieces contains all of the required information. The disclaimer requirement does not, however, apply to personal correspondence that is not reproduced by machine for general distribution.

T or F: Every board member and candidate for a board of education seat must file a financial disclosure statement with the Ohio Ethics Commission (OEC).

False — Only board members and candidates of a school district or ESC with an average daily membership (enrollment) of 12,000 or more students must file a financial disclosure statement with OEC. The filing date for board members is annually on or before April 15. Candidates, including incumbents, must file the statement not later than 30 days prior to the election. Write-in candidates must file not later than 20 days prior to the election.

For more information, please contact the OSBA legal services division at (800) 589-OSBA, the Ohio Secretary of State Campaign Finance Unit at (614) 466-3111 or cfinance@sos.state.oh.us, or your county board of elections office.

Also, be sure to register for one of OSBA's five board candidate workshops scheduled in September. To register, contact **Laurie Miller**, OSBA events manager, at (614) 540-4000, (800) 589-OSBA or Lmiller@ohioschoolboards.org. □

"According to law" is designed to provide authoritative general information, sometimes with commentary. It should not be relied upon as legal advice. If legal advice is required, the services of an attorney should be obtained.