



OHIO ETHICS COMMISSION

150 EAST BROAD STREET

COLUMBUS 43215

(614) 466-7090

Advisory Opinion No.: 80-005

June 11, 1980

Syllabus by the Commission:

Division (A) of Section 102.02 of the Revised Code requires a person who holds an elective office to file a financial disclosure statement on or before the 15th day of April of each year, unless he is a qualified candidate for office.

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In your request for an Ohio Ethics Commission Advisory Opinion, you asked whether Division (A) of Section 102.02 of the Revised Code would require a city council member, who intends to become a candidate for reelection but has not filed a formal declaration of candidacy, to file his financial disclosure statement by April 15.

You stated, by way of history, that you are a member of city council, and intend to seek reelection to that position. However, you do not intend to file a formal declaration of candidacy prior to April 15. You asked if you would be required to file your financial disclosure statement by the general deadline of April 15.

Division (A) of Section 102.02 of the Revised Code provides, in pertinent part:

A person who is a candidate for elective office shall file his statement no later than the thirtieth day before the primary, special, or general election at which such candidacy is to be voted on, whichever election occurs sooner, except a person who is a write-in candidate shall file his statement not later than the twentieth day before the earliest election at which such candidacy is to be voted on. A person who holds elective office shall file his statement on or before the fifteenth day of April of each year, unless he is a candidate for office. (emphasis added)

In the instant case, the operative language is that: "a person who holds elective office shall file a statement on or before the fifteenth day of April of each year, unless he is a candidate for office." The theory underlying this provision is that all candidates, whether they be incumbents or challengers, should stand on equal footing for purposes of the financial disclosure requirement. Thus, an incumbent who is a candidate has the opportunity to qualify for the extended deadline, which would permit him to file a financial disclosure statement at the same time as other candidates for the same office.

The issue in the instant case is when an incumbent becomes a "candidate" for purposes of this provision. The term "candidate" is defined in Division (H) of Section 3501.01 of the Revised Code as "any qualified person certified in accordance with the provisions of the Revised Code

for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who represents himself to be a write-in candidate, or who knowingly assents to such representation by another at either a primary, general, or special election to be held in this state." (emphasis added) The requirements for placement on the official ballot are outlined in Chapter 3513. of the Revised Code. Thus, a person becomes a "candidate" when he has been certified to appear on the ballot. If an incumbent public official is a certified candidate as of April 15, he would qualify for the extended financial disclosure deadline.

The conclusions of this advisory opinion are based upon the facts presented. The Commission cautions that its advisory opinions may be relied upon only with respect to questions arising under Chapter 102. and Section 2921.42 of the Revised Code, and do not address possible violations of other laws or rules.

Therefore, it is the opinion of the Ohio Ethics Commission, and you are so advised, that: Division (A) of Section 102.02 of the Revised Code requires a person who holds an elective office to file a financial disclosure statement on or before the 15th day of April of each year, unless he is a qualified candidate for office.


MEROB BRACHMAN, CHAIRMAN
OHIO ETHICS COMMISSION