



THE OHIO GENERAL ASSEMBLY

## JOINT LEGISLATIVE ETHICS COMMITTEE

### OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL

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#### MEMORANDUM

**To:** All Interested Parties  
**From:** Joint Legislative Ethics Committee  
**Date:** June 25, 2024  
**RE:** *Reporting National Political Party Convention Lobbying Expenditures*

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Members of the Ohio General Assembly, legislative staff, statewide public officials, and executive agency staff may be in attendance at the presidential nominating convention (“political convention”) for their respective political parties later this summer. Various lobbyists and their employers may also attend. In addition to the actual convention, events will be held in the host cities (RNC: Milwaukee and DNC: Chicago) at the same time. These events are likely to be hosted by a variety of different organizations. This Memorandum reviews the Ohio lobbying reporting requirements concerning expenditures made for the benefit of public officials or employees by lobbyists and their employers in attendance at the political conventions.<sup>1</sup>

### **Lobbying Reporting Requirements for Legislative Agents & Their Employers**

#### **I. Legislative Agents & Their Employers—Meals & Beverages Provided to a Legislative Reportable Person:**<sup>2</sup>

There are no lobbying reporting exceptions for meals and other foods and beverages provided to a legislative reportable person at a political convention by a legislative agent or the employer of a legislative agent.<sup>3</sup> Meals and beverages provided directly to a legislative reportable person will be reported on a *Lobbying Activity & Expenditure Report*. Meals and beverages provided by a legislative agent to a Member of the Ohio General Assembly (“Member”) or legislative employee (“Staff”) while attending a political convention count toward the \$75 annual limit. **The**

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<sup>1</sup> This Memorandum only advises on reporting requirements for the State of Ohio. For reporting requirements in jurisdictions outside of Ohio, lobbyists and their employers should contact the appropriate regulatory agency for that state.

<sup>2</sup> A legislative reportable person is: any member of the general assembly or controlling board; any legislative staff who files a financial disclosure statement; the governor; the head of any department or agency listed in R.C. 121.02; and any staff of the governor or department listed in R.C. 121.02 required to file a financial disclosure statement. *See* R.C. 101.70(D); R.C. 101.70(E); Admin. Code 101-9-01(C). *See also* Ohio Lobbying Handbook, at 15.

<sup>3</sup> *See* R.C. Ch. 102.

**“National Conference Exception”<sup>4</sup> that is often referenced when discussing Ohio’s ethics and lobbying laws does not apply to political party nominating conventions.**

## **II. Legislative Agents & Their Employers—Gifts Provided to a Legislative Reportable Person:**

Gifts provided to a legislative reportable person at a political convention are reportable by either the legislative agent or the employer unless the value of the gift is less than \$25.<sup>5</sup> The legislative agent or employer must report the legislative reportable person’s name, as well as the date, description, and value of the gift.<sup>6</sup> **There are no reporting exceptions for gifts received during a political convention.** Members and Staff are prohibited from accepting gifts from a legislative agent when the value of the gift exceeds \$75, aggregated per calendar year. This limit does not apply to gifts from the employer of a legislative agent. Legislative agents and their employers are further reminded that gifts to a legislative reportable person’s spouse are generally considered to be for the use or benefit of the legislative reportable person (i.e. the spouse is receiving the gift because he or she is the spouse of the legislative reportable person). Consequently, gifts provided to a legislative reportable person’s spouse must be added to the amount received, if any, by the legislative reportable person for lobbying reporting purposes.

### **A. Charitable Fundraiser Tickets:**

Non-political fundraisers are fundraisers held by a non-profit charitable organization. A ticket to a non-political fundraiser where the source of the ticket is the entity hosting the event is not a gift for lobbying or financial disclosure reporting purposes.<sup>7</sup> However, a complimentary ticket to a non-political fundraiser provided by a third party is a gift.<sup>8</sup> When the source of the complimentary ticket is a third party, the value of the ticket is the portion of the ticket price that is not a tax-deductible charitable donation.<sup>9</sup> Legislative agents are reminded to consider the \$75 limit on gifts provided to Members and Staff, aggregated per calendar year.

### **B. Political Fundraiser Tickets:**

Legislative agents and their employers are reminded that a ticket to a political fundraiser given to a legislative reportable person by an individual other than the candidate or committee hosting the fundraiser is a gift.<sup>10</sup> The value of the ticket is the actual face value of admission.<sup>11</sup> However,

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<sup>4</sup> See R.C. 102.02(A)(2)(i).

<sup>5</sup> Admin. Code 101-9-01(D)(2). To determine whether an expenditure is attributable to a lobbyist or their employer, the Ohio Legislative Inspector General (OLIG) uses a “point of sale test.” OLIG asks, from the perspective of the recipient, “at the time of the expenditure, who would the recipient say paid for or provided the expenditure?” See Ohio Lobbying Handbook, at 46.

<sup>6</sup> R.C. 101.73. See R.C. 102.031(C); R.C. 102.02(A); 1995 JLEC Adv. Op. 95-008. At least ten days prior to filing an *Activity & Expenditure Report*, a Non-Disputed Notice must be sent to each reportable person named in the report. R.C. 101.73(F)(1); Ohio Lobbying Handbook, at 52.

<sup>7</sup> 2000 JLEC Adv. Op. 2000-002; See R.C. 102.02(A)(2)(g).

<sup>8</sup> 2014 JLEC Adv. Op. 2014-003; See R.C. 102.02(A)(2)(g).

<sup>9</sup> 2014 JLEC Adv. Op. 2014-003.

<sup>10</sup> *Id.*

<sup>11</sup> 2000 JLEC Adv. Op. 2000-002.

complimentary attendance at a political fundraising event is not considered a gift if the source of the complimentary admission is the candidate or committee hosting the event.<sup>12</sup>

### **C. Social Events Held by the Political Parties During Political Conventions:**

During the political conventions, the national (RNC and DNC), state (Ohio Republican Party and Ohio Democratic Party), and/or local political parties likely will also hold non-fundraising social events as part of the political conventions. The costs incurred for the social events may be offset by financial support provided to the national, state, or local political parties from third parties, including those who are registered lobbyists or the employers of registered lobbyists. When Members or Staff are invited by the national, state, or local political party to attend events hosted by the party, the source of the gift for financial disclosure purposes is the party organization hosting or inviting the Member or Staff. Mere financial support provided by sponsors to the national, state, or local political parties does not trigger financial disclosure or lobbying reporting by those sponsors.

### **III. Legislative Agents—Travel:**

Members and Staff are prohibited from accepting direct payment or reimbursement for travel and lodging expenses from legislative agents except **actual travel and lodging expenses related to official duties**.<sup>13</sup> Attendance at a political convention is not considered an official legislative duty. As such, Members and Staff are prohibited from accepting actual travel or lodging expenses from a legislative agent directly related to attendance at a political convention.<sup>14</sup>

### **Lobbying Reporting Requirements for Executive Agency Lobbyists & Their Employers**

#### **I. Meals and Beverages Provided to an Executive Reportable Person:**<sup>15</sup>

There are no lobbying reporting exceptions for meals and other foods and beverages provided to an executive reportable person at a political convention by an executive agency lobbyist or the employer of an executive agency lobbyist.<sup>16</sup> Meals and beverages directly provided to an executive reportable person will be reported on a *Lobbying Activity & Expenditure Report*.<sup>17</sup> **The**

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<sup>12</sup> *Id.*

<sup>13</sup> R.C. 102.031(C)(1); R.C. 102.03(H); Legislative Code of Ethics § 5(B)(1).

<sup>14</sup> Travel is defined as any transportation by airplane, train, or common carrier including ride sharing vehicles such as Uber and Lyft regardless of the distance and any transportation by automobile, for those trips which exceed fifty miles, one way. Lodging encompasses the following: (1) a stay of one or more nights in a commercial establishment or (2) a stay of one or more nights in a noncommercial, private dwelling. Noncommercial private dwellings include residences owned in whole or in part by a legislative agent. See 1997 JLEC Adv. Op. 97-006 and 2018 JLEC Adv. Op. 2018-001.

<sup>15</sup> An executive reportable person is: any elected executive official (governor, lieutenant governor, attorney general, secretary of state, auditor of state, treasurer of state), the head of any department or agency listed in R.C. 121.02, an executive agency official, or a member of the staff of any public officer or employee listed above who files a financial disclosure statement. See R.C. 121.60(B); R.C. 121.60(I); R.C. 121.60(J); R.C. 121.60(L); Admin. Code 101-11-01(F). See also Ohio Lobbying Handbook, at 42.

<sup>16</sup> See R.C. Ch. 121.

<sup>17</sup> To determine whether an expenditure is attributable to a lobbyist or the employer, the OLIG uses a “point of sale” test. For an explanation of the “point of sale” test, see *supra* note 5.

**“National Conference Exception”<sup>18</sup> that is often referenced when discussing Ohio’s ethics and lobbying laws does not apply to political party nominating conventions.**

## ***II. Gifts Provided to an Executive Reportable Person:***

Gifts provided to an executive reportable person at a political convention are reportable by either the executive agency lobbyist or the employer unless the value of the gift is less than \$25.<sup>19</sup> The executive agency lobbyist or employer must report the executive reportable person’s name, as well as the date, the description, and the value of the gift.<sup>20</sup> **There are no reporting exceptions for gifts received during a political convention.** Executive agents and their employers are further reminded that gifts to an executive reportable person’s spouse are generally considered to be for the use or benefit of the executive reportable person (i.e. the spouse is receiving the gift because he or she is the spouse of the executive reportable person). Consequently, gifts provided to an executive reportable person’s spouse must be added to the amount received, if any, by the executive reportable person for lobbying reporting purposes.<sup>21</sup>

### ***A. Charitable Fundraiser Tickets:***

Non-political fundraisers are fundraisers held by a non-profit, charitable organization. A ticket to a non-political fundraiser where the source of the ticket is the entity hosting the event is not a gift for lobbying reporting purposes.<sup>22</sup> However, a complimentary ticket to a non-political fundraiser provided by a third party is a gift for lobbying reporting purposes.<sup>23</sup> When the source of the complimentary ticket is a third party, the value of the ticket is the portion of the ticket price that is not a tax-deductible charitable donation.<sup>24</sup>

### ***B. Political Fundraiser Tickets***

Executive agency lobbyists and their employers are reminded that a ticket to a political fundraiser given to an executive reportable person by an individual other than the candidate or committee hosting the fundraiser is a gift for lobbying reporting purposes.<sup>25</sup> The value of the ticket

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<sup>18</sup> See R.C. 102.02(A)(2)(i).

<sup>19</sup> Admin. Code 101-11-01(G)(2)

<sup>20</sup> R.C. 121.63(B). See R.C. 102.02(A), Admin. Code 101-11-01(G). At least ten days prior to filing an *Activity & Expenditure Report*, a Non-Disputed Notice must be sent to each reportable person named in the report. See R.C. 121.63(G)(1); Ohio Lobbying Handbook, at 57.

<sup>21</sup> This Memorandum provides information on lobbying reporting requirements for executive agency lobbyists and their employers. **It does not provide any advice relative to gift, meal, and beverage limits, or financial disclosure reporting requirements for executive agency public officials or employees.** Executive agency public officials or employees who have questions regarding the limits and reporting requirements regarding their financial disclosure statements are encouraged to contact the Ohio Ethics Commission at (614)-466-7090.

<sup>22</sup> 2000 JLEC Adv. Op. 2000-002.

<sup>23</sup> 2014 JLEC Adv. Op. 2014-003.

<sup>24</sup> 2014 JLEC Adv. Op. 2014-003.

<sup>25</sup> *Id.* The purpose of this Memorandum is to provide information to executive agency lobbyists and their employers for lobbying reporting purposes. **This Memorandum does not provide information regarding Ohio’s Ethics Laws in general or financial disclosure**

is the actual face value of admission.<sup>26</sup> However, complimentary attendance at a political fundraising event is not considered a gift for lobbying reporting purposes if the source of the complimentary admission is the candidate or committee hosting the event.<sup>27</sup>

**C. Social Events Held by Political Parties During Political Conventions**

During the political conventions, the national (RNC and DNC), state (Ohio Republican Party and Ohio Democratic Party), and/or local political parties likely will also hold non-fundraising social events as part of the political conventions. The costs incurred for the social events may be offset by financial support provided to the national, state, or local political parties from third parties, including those who are registered lobbyists or the employers of registered lobbyists. When an executive reportable person is invited by the national, state, or local political party to attend events hosted by the party, the source of the gift is the party organization hosting or inviting the executive reportable person. Mere financial support provided by sponsors to the national, state, or local political parties does not trigger lobbying reporting by those sponsors.

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**reporting requirements in particular as they pertain to executive agency officials or their employees.**

<sup>26</sup> 2000 JLEC Adv. Op. 2000-002.

<sup>27</sup> *Id.*