



April 8, 2026

## Ohio Election Integrity Commission

### Advisory Opinion 2026ELC-01

#### SYLLABUS:

Ohio Revised Code § 3517.121 permits a political action committee that knowingly receives contributions from lawful permanent residents who are not United States citizens to contribute to Ohio political committees, provided that the political action committee establishes a separate bank account for noncitizen contributions and restricts expenditures from that account to federal elections or elections occurring outside of Ohio.

To: Opinion Issued *Sua Sponte*

The Commission has been presented with a matter requiring clarification under Ohio law. The question for the Commission is:

May a political action committee ("PAC"), including: (1) a federal political committee registered in accordance with R.C. 3517.107 ("FSL PAC") or (2) a corporate-sponsored political action committee ("corporate PAC"), contribute to Ohio candidates and ballot issues if the FSL PAC or corporate PAC knowingly receives contributions from individuals, some of whom are non-citizen lawful permanent residents ("LPRs")?

Eligible employees of a corporation may choose to engage in the political process by contributing to a PAC sponsored by the corporation.<sup>1</sup> Corporate PACs are authorized to solicit and accept contributions from the corporation's stockholders, officers, directors, trustees that are not corporations or labor organizations, and employees, that may be spent to influence Ohio state or local elections.<sup>2</sup> Likewise, FSL PACs are authorized to receive contributions from individuals in accordance with the Federal Election Campaign ACT ("FECA"), which prohibits contributions from a "foreign national," who is defined by

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<sup>1</sup> R.C. 3517.082(A)(1).

<sup>2</sup> R.C. 3517.082(B)(1).

FECA as someone who is: (1) not a citizen of the United States and (2) not lawfully admitted for permanent residence.<sup>3</sup>

While the Revised Code does not prohibit United States citizens from contributing to corporate PACs that influence Ohio elections, the Revised Code *does* prohibit “foreign nationals” from contributing to PACs that influence Ohio elections.<sup>4</sup> Under Ohio law, the definition of “foreign national” includes “an individual who is not a United States citizen or national.”<sup>5</sup> An individual who is authorized to permanently reside in the United States, but who is not a United States citizen (for example, a green card holder), is often referred to as a “lawful permanent resident,” or “LPR.”<sup>6</sup>

Because an LPR is prohibited from contributing to “[a] political action committee of [a] corporation . . . with respect to state and local elections,” it is the opinion of the Commission that an LPR is not prohibited from contributing to a corporate PAC if the contribution is spent by the corporate PAC with respect to elections occurring *outside* of Ohio.<sup>7</sup> Likewise, FSL PACs may receive contributions from LPRs under FECA, but may not expend those LPR contributions to influence Ohio state or local elections.

The Commission further opines that a PAC that knowingly solicits contributions from a combination of eligible individuals that includes both citizens and LPRs, and which intends to use the contributions from citizens to influence Ohio elections, may achieve compliance with the foreign national contribution ban in R.C. 3517.121 by creating two separate bank accounts for all monetary contributions it receives.<sup>8</sup> One bank account is to contain contributions from eligible individuals who are United States citizens, and another is to contain contributions from eligible individuals who are LPRs.

Where the above structure is used, the PAC’s financial records and any required audits must clearly reflect the segregation of funds and accurately track contributions and expenditures from each account. Political contributions and/or expenditures must show

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<sup>3</sup> 52 U.S.C. § 30121; 11 CFR 110.20(a)(3).

<sup>4</sup> See R.C. 3517.082(A)(1); R.C. 3517.121(B)(4). See also O.A.C. 111:2-3-01, 111:2-3-02(A) (specifying that all regulations on PACs extend to corporate PACs that influence Ohio elections).

<sup>5</sup> R.C. 3517.121(A)(2)(a).

<sup>6</sup> See 8 U.S.C. 1101(a)(20).

<sup>7</sup> See R.C. 3517.082(A)(1); 3517.121(A)(2)(a), (B)(4). See also O.A.C. 111:2-4-03 (requiring any contribution received or expenditure made by a PAC “in connection with any state or local election in Ohio” to be received or made in accordance with Chapter 3517 of the Revised Code). Subject to laws in other jurisdictions.

<sup>8</sup> See R.C. 3517.10(D)(3)(b).

two separate sources of funds and track those contributions and/or expenditures accordingly. Funds in the citizen account would be permitted to be used to influence state or local candidate and issue elections in Ohio, while funds in the noncitizen account would be permitted to be used to influence federal candidate and issue elections, or those occurring outside of Ohio. The Commission recommends that the treasurer of a PAC that receives and segregates citizen and LPR contributions sign an attestation indicating that proper segregation and all reporting requirements for the PAC under the Revised Code have been met.

Accordingly, it is the opinion of the Ohio Election Integrity Commission, and you are so advised, that a federal political committee registered in accordance with R.C. 3517.107 or a corporate-sponsored PAC may receive contributions from lawful permanent residents who are not United States citizens; however, such contributions may not be used to influence Ohio state or local candidate or ballot issue elections. At least one way for a PAC that receives lawful permanent resident contributions and intends to influence Ohio's state or local elections to comply with R.C. 3517.121 is to establish a separate bank account for those noncitizen contributions and ensure that funds from that account are used exclusively for federal elections or those occurring outside the State of Ohio.

Sincerely,



D. Michael Crites

Chair