



April 8, 2026

Ohio Election Integrity Commission

Advisory Opinion 2026ELC-02

SYLLABUS:

A political committee may return all or a portion of a campaign contribution when the contribution: (1) exceeds the applicable contribution limit; (2) was made in error; (3) was made without the contributor's consent or authorization; or (4) was otherwise prohibited or unlawful.

To: Opinion Issued *Sua Sponte*

The Commission has determined that clarification of Ohio law is warranted. The question for the Commission is: Under what circumstances may a political committee return all or a portion of a received campaign contribution?

The following Ohio election laws and prior advisory opinion are relevant to this request: (1) R.C. 3517.01(C)(5), defining "contribution;" (2) R.C. 3517.01(C)(6), defining "expenditure;" (3) R.C. 3517.102, 3517.109, and 3517.99, addressing campaign finance requirements and enforcement; (4) R.C. 3517.15(B)(2), authorizing the Commission to issue advisory opinions; and (5) Ohio Elections Commission Advisory Opinion 99ELC-03.

R.C. 3517.01(C)(5) defines a "contribution" as, among other things, "a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value," made, received, or used to influence the outcome of an election. The statutory definition presumes that the funds received reflect the contributor's knowing and voluntary intent to provide that amount for the purpose of influencing an election.

R.C. 3517.01(C)(6) describes an "expenditure" as the disbursement, transfer, or use of a contribution for the purpose of influencing the outcome of an election, or of making a charitable contribution.

Advisory Opinion 99ELC-03 previously interpreted Ohio law as prohibiting the expenditure of campaign contributions, except in narrow circumstances. Upon reconsideration, the Commission finds that the reasoning of Advisory Opinion 99ELC-03 does not fully account

for situations in which received funds do not constitute valid contributions, or where refunds serve legitimate compliance, administrative, and/or public-interest purposes that are consistent with Ohio campaign finance laws.

With the introduction of online payment processing and the ever-increasing amount of contributors and contributions in politics, the need for political committees to refund contributions has grown. The following fact patterns explain circumstances in which refunding a contribution is appropriate and does not violate Ohio law:

- 1) An individual intends to make a \$100 campaign contribution. Due to a clerical, typographical, or electronic error in processing or entering the contribution, the campaign committee receives a \$1,000 contribution. After learning of the error, the committee seeks to return the excess amount and maintain records of the error and the corrective action taken. Such a donation made in error does not constitute a "contribution" under R.C. 3517.01(C)(5).
- 2) A contributor files a dispute through an online payment processor, or through their banking institution, regarding an unauthorized payment from their account. This is known as a "chargeback." In these instances, the online payment processor takes back the funds from the committee, effecting a refund to the contributor without the committee's express consent. Because the committee is not voluntarily disbursing the funds in a chargeback, such a reversal does not constitute an "expenditure" under R.C. 3517.01(C)(6).

Under these circumstances, the campaign committee is not prohibited from returning all or a portion of the contribution.

Further, although a campaign donation or refund may not meet the legal definitions of "contribution" and "expenditure" under R.C. 3517.01(C)(5) and (6), respectively, all funds going into the campaign account must still be reported on Form 31-A as "contributions," and all funds going out of the campaign account must be still be reported on Form 31-B as "expenditures."

This opinion is limited to the circumstances described above and does not authorize the return of valid contributions for personal benefit or self-dealing, or in any manner that circumvents Ohio campaign finance laws.

Accordingly, it is the opinion of the Ohio Election Integrity Commission, and you are so advised, that a political committee may return all or a portion of a contribution when the contribution: (1) exceeds the applicable contribution limit; (2) was made in error; (3) was made without the contributor's consent or authorization; or (4) was otherwise prohibited or unlawful.

Sincerely,



D. Michael Crites
Chair