

As Introduced

131st General Assembly

Regular Session

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H. B. No. 246

Representative Clyde

**Cosponsors: Representatives Boyd, Leland, Cera, Johnson, G., Phillips, Fedor,
Lepore-Hagan, Smith, K., Reece, Ramos**

A BILL

To amend sections 3501.05, 3517.13, and 3517.992 1
and to enact section 3509.031 of the Revised 2
Code to modify the circumstances under which the 3
Secretary of State and other public officials 4
and employees may mail unsolicited applications 5
for absent voter's ballots. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3501.05, 3517.13, and 3517.992 be 7
amended and section 3509.031 of the Revised Code be enacted to 8
read as follows: 9

Sec. 3501.05. The secretary of state shall do all of the 10
following: 11

(A) Appoint all members of boards of elections; 12

(B) Issue instructions by directives and advisories in 13
accordance with section 3501.053 of the Revised Code to members 14
of the boards as to the proper methods of conducting elections. 15

(C) Prepare rules and instructions for the conduct of 16
elections; 17

(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force;	18 19 20
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	21 22
(F) Prescribe the form of registration cards, blanks, and records;	23 24
(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;	25 26 27 28
(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;	29 30 31
(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;	32 33 34 35 36
(J) Except as otherwise provided in division (I) (2) (b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;	37 38 39 40 41
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	42 43 44
(L) Require such reports from the several boards as are	45

provided by law, or as the secretary of state considers 46
necessary; 47

(M) Compel the observance by election officers in the 48
several counties of the requirements of the election laws; 49

(N) (1) Except as otherwise provided in division (N) (2) of 50
this section, investigate the administration of election laws, 51
frauds, and irregularities in elections in any county, and 52
report violations of election laws to the attorney general or 53
prosecuting attorney, or both, for prosecution; 54

(2) On and after August 24, 1995, report a failure to 55
comply with or a violation of a provision in sections 3517.08 to 56
3517.13, 3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 57
3599.031 of the Revised Code, whenever the secretary of state 58
has or should have knowledge of a failure to comply with or a 59
violation of a provision in one of those sections, by filing a 60
complaint with the Ohio elections commission under section 61
3517.153 of the Revised Code. 62

(O) Make an annual report to the governor containing the 63
results of elections, the cost of elections in the various 64
counties, a tabulation of the votes in the several political 65
subdivisions, and other information and recommendations relative 66
to elections the secretary of state considers desirable; 67

(P) Prescribe and distribute to boards of elections a list 68
of instructions indicating all legal steps necessary to petition 69
successfully for local option elections under sections 4301.32 70
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 71

(Q) Adopt rules pursuant to Chapter 119. of the Revised 72
Code for the removal by boards of elections of ineligible voters 73
from the statewide voter registration database and, if 74

applicable, from the poll list or signature pollbook used in 75
each precinct, which rules shall provide for all of the 76
following: 77

(1) A process for the removal of voters who have changed 78
residence, which shall be uniform, nondiscriminatory, and in 79
compliance with the Voting Rights Act of 1965 and the National 80
Voter Registration Act of 1993, including a program that uses 81
the national change of address service provided by the United 82
States postal system through its licensees; 83

(2) A process for the removal of ineligible voters under 84
section 3503.21 of the Revised Code; 85

(3) A uniform system for marking or removing the name of a 86
voter who is ineligible to vote from the statewide voter 87
registration database and, if applicable, from the poll list or 88
signature pollbook used in each precinct and noting the reason 89
for that mark or removal. 90

(R) Prescribe a general program for registering voters or 91
updating voter registration information, such as name and 92
residence changes, by boards of elections, designated agencies, 93
offices of deputy registrars of motor vehicles, public high 94
schools and vocational schools, public libraries, and offices of 95
county treasurers consistent with the requirements of section 96
3503.09 of the Revised Code; 97

(S) Prescribe a program of distribution of voter 98
registration forms through boards of elections, designated 99
agencies, offices of the registrar and deputy registrars of 100
motor vehicles, public high schools and vocational schools, 101
public libraries, and offices of county treasurers; 102

(T) To the extent feasible, provide copies, at no cost and 103

upon request, of the voter registration form in post offices in 104
this state; 105

(U) Adopt rules pursuant to section 111.15 of the Revised 106
Code for the purpose of implementing the program for registering 107
voters through boards of elections, designated agencies, and the 108
offices of the registrar and deputy registrars of motor vehicles 109
consistent with this chapter; 110

(V) Establish the full-time position of Americans with 111
Disabilities Act coordinator within the office of the secretary 112
of state to do all of the following: 113

(1) Assist the secretary of state with ensuring that there 114
is equal access to polling places for persons with disabilities; 115

(2) Assist the secretary of state with ensuring that each 116
voter may cast the voter's ballot in a manner that provides the 117
same opportunity for access and participation, including privacy 118
and independence, as for other voters; 119

(3) Advise the secretary of state in the development of 120
standards for the certification of voting machines, marking 121
devices, and automatic tabulating equipment. 122

(W) Establish and maintain a computerized statewide 123
database of all legally registered voters under section 3503.15 124
of the Revised Code that complies with the requirements of the 125
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 126
1666, and provide training in the operation of that system; 127

(X) Ensure that all directives, advisories, other 128
instructions, or decisions issued or made during or as a result 129
of any conference or teleconference call with a board of 130
elections to discuss the proper methods and procedures for 131
conducting elections, to answer questions regarding elections, 132

or to discuss the interpretation of directives, advisories, or 133
other instructions issued by the secretary of state are posted 134
on a web site of the office of the secretary of state as soon as 135
is practicable after the completion of the conference or 136
teleconference call, but not later than the close of business on 137
the same day as the conference or teleconference call takes 138
place. 139

(Y) Publish a report on a web site of the office of the 140
secretary of state not later than one month after the completion 141
of the canvass of the election returns for each primary and 142
general election, identifying, by county, the number of absent 143
voter's ballots cast and the number of those ballots that were 144
counted, and the number of provisional ballots cast and the 145
number of those ballots that were counted, for that election. 146
The secretary of state shall maintain the information on the web 147
site in an archive format for each subsequent election. 148

(Z) Conduct voter education outlining voter 149
identification, absent voters ballot, provisional ballot, and 150
other voting requirements; 151

(AA) Establish a procedure by which a registered elector 152
may make available to a board of elections a more recent 153
signature to be used in the poll list or signature pollbook 154
produced by the board of elections of the county in which the 155
elector resides; 156

(BB) Disseminate information, which may include all or 157
part of the official explanations and arguments, by means of 158
direct mail or other written publication, broadcast, or other 159
means or combination of means, as directed by the Ohio ballot 160
board under division (F) of section 3505.062 of the Revised 161
Code, in order to inform the voters as fully as possible 162

concerning each proposed constitutional amendment, proposed law, 163
or referendum; 164

(CC) Be the single state office responsible for the 165
implementation of the "Uniformed and Overseas Citizens Absentee 166
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 167
1973ff, et seq., as amended, in this state. The secretary of 168
state may delegate to the boards of elections responsibilities 169
for the implementation of that act, including responsibilities 170
arising from amendments to that act made by the "Military and 171
Overseas Voter Empowerment Act," Subtitle H of the "National 172
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 173
111-84, 123 Stat. 3190. 174

(DD) Adopt rules, under Chapter 119. of the Revised Code, 175
to establish procedures and standards for determining when a 176
board of elections shall be placed under the official oversight 177
of the secretary of state, placing a board of elections under 178
the official oversight of the secretary of state, a board that 179
is under official oversight to transition out of official 180
oversight, and the secretary of state to supervise a board of 181
elections that is under official oversight of the secretary of 182
state. 183

(EE) Perform other duties required by law. 184

Whenever a primary election is held under section 3513.32 185
of the Revised Code or a special election is held under section 186
3521.03 of the Revised Code to fill a vacancy in the office of 187
representative to congress, the secretary of state shall 188
establish a deadline, notwithstanding any other deadline 189
required under the Revised Code, by which any or all of the 190
following shall occur: the filing of a declaration of candidacy 191
and petitions or a statement of candidacy and nominating 192

petition together with the applicable filing fee; the filing of 193
protests against the candidacy of any person filing a 194
declaration of candidacy or nominating petition; the filing of a 195
declaration of intent to be a write-in candidate; the filing of 196
campaign finance reports; the preparation of, and the making of 197
corrections or challenges to, precinct voter registration lists; 198
the receipt of applications for absent voter's ballots or 199
uniformed services or overseas absent voter's ballots; the 200
supplying of election materials to precincts by boards of 201
elections; the holding of hearings by boards of elections to 202
consider challenges to the right of a person to appear on a 203
voter registration list; and the scheduling of programs to 204
instruct or reinstruct election officers. 205

In the performance of the secretary of state's duties as 206
the chief election officer, the secretary of state may 207
administer oaths, issue subpoenas, summon witnesses, compel the 208
production of books, papers, records, and other evidence, and 209
fix the time and place for hearing any matters relating to the 210
administration and enforcement of the election laws. 211

In any controversy involving or arising out of the 212
adoption of registration or the appropriation of funds for 213
registration, the secretary of state may, through the attorney 214
general, bring an action in the name of the state in the court 215
of common pleas of the county where the cause of action arose or 216
in an adjoining county, to adjudicate the question. 217

In any action involving the laws in Title XXXV of the 218
Revised Code wherein the interpretation of those laws is in 219
issue in such a manner that the result of the action will affect 220
the lawful duties of the secretary of state or of any board of 221
elections, the secretary of state may, on the secretary of 222

state's motion, be made a party. 223

The secretary of state may apply to any court that is 224
hearing a case in which the secretary of state is a party, for a 225
change of venue as a substantive right, and the change of venue 226
shall be allowed, and the case removed to the court of common 227
pleas of an adjoining county named in the application or, if 228
there are cases pending in more than one jurisdiction that 229
involve the same or similar issues, the court of common pleas of 230
Franklin county. 231

Public high schools and vocational schools, public 232
libraries, and the office of a county treasurer shall implement 233
voter registration programs as directed by the secretary of 234
state pursuant to this section. 235

~~The secretary of state may mail unsolicited applications 236
for absent voter's ballots to individuals only for a general 237
election and only if the general assembly has made an 238
appropriation for that particular mailing. Under no other 239
circumstance shall a public office, or a public official or 240
employee who is acting in an official capacity, mail unsolicited 241
applications for absent voter's ballots to any individuals. 242~~

Sec. 3509.031. The secretary of state may mail unsolicited 243
applications for absent voter's ballots to individuals if all of 244
the following apply: 245

(A) The applications are for absent voter's ballots for a 246
general election. 247

(B) The secretary of state mails an application to every 248
registered elector in the state. 249

(C) The general assembly has made an appropriation for 250
that particular mailing. 251

(D) The secretary of state complies with division (AA) of 252
section 3517.13 of the Revised Code. 253

Sec. 3517.13. (A) (1) No campaign committee of a statewide 254
candidate shall fail to file a complete and accurate statement 255
required under division (A) (1) of section 3517.10 of the Revised 256
Code. 257

(2) No campaign committee of a statewide candidate shall 258
fail to file a complete and accurate monthly statement, and no 259
campaign committee of a statewide candidate or a candidate for 260
the office of chief justice or justice of the supreme court 261
shall fail to file a complete and accurate two-business-day 262
statement, as required under section 3517.10 of the Revised 263
Code. 264

As used in this division, "statewide candidate" has the 265
same meaning as in division (F) (2) of section 3517.10 of the 266
Revised Code. 267

(B) No campaign committee shall fail to file a complete 268
and accurate statement required under division (A) (1) of section 269
3517.10 of the Revised Code. 270

(C) No campaign committee shall fail to file a complete 271
and accurate statement required under division (A) (2) of section 272
3517.10 of the Revised Code. 273

(D) No campaign committee shall fail to file a complete 274
and accurate statement required under division (A) (3) or (4) of 275
section 3517.10 of the Revised Code. 276

(E) No person other than a campaign committee shall 277
knowingly fail to file a statement required under section 278
3517.10 or 3517.107 of the Revised Code. 279

(F) No person shall make cash contributions to any person 280
totaling more than one hundred dollars in each primary, special, 281
or general election. 282

(G) (1) No person shall knowingly conceal or misrepresent 283
contributions given or received, expenditures made, or any other 284
information required to be reported by a provision in sections 285
3517.08 to 3517.13 and 3517.17 of the Revised Code. 286

(2) (a) No person shall make a contribution to a campaign 287
committee, political action committee, political contributing 288
entity, legislative campaign fund, political party, or person 289
making disbursements to pay the direct costs of producing or 290
airing electioneering communications in the name of another 291
person. 292

(b) A person does not make a contribution in the name of 293
another when either of the following applies: 294

(i) An individual makes a contribution from a partnership 295
or other unincorporated business account, if the contribution is 296
reported by listing both the name of the partnership or other 297
unincorporated business and the name of the partner or owner 298
making the contribution as required under division (I) of 299
section 3517.10 of the Revised Code. 300

(ii) A person makes a contribution in that person's 301
spouse's name or in both of their names. 302

(H) No person within this state, publishing a newspaper or 303
other periodical, shall charge a campaign committee for 304
political advertising a rate in excess of the rate such person 305
would charge if the campaign committee were a general rate 306
advertiser whose advertising was directed to promoting its 307
business within the same area as that encompassed by the 308

particular office that the candidate of the campaign committee 309
is seeking. The rate shall take into account the amount of space 310
used, as well as the type of advertising copy submitted by or on 311
behalf of the campaign committee. All discount privileges 312
otherwise offered by a newspaper or periodical to general rate 313
advertisers shall be available upon equal terms to all campaign 314
committees. 315

No person within this state, operating a radio or 316
television station or network of stations in this state, shall 317
charge a campaign committee for political broadcasts a rate that 318
exceeds: 319

(1) During the forty-five days preceding the date of a 320
primary election and during the sixty days preceding the date of 321
a general or special election in which the candidate of the 322
campaign committee is seeking office, the lowest unit charge of 323
the station for the same class and amount of time for the same 324
period; 325

(2) At any other time, the charges made for comparable use 326
of that station by its other users. 327

(I) Subject to divisions (K), (L), (M), and (N) of this 328
section, no agency or department of this state or any political 329
subdivision shall award any contract, other than one let by 330
competitive bidding or a contract incidental to such contract or 331
which is by force account, for the purchase of goods costing 332
more than five hundred dollars or services costing more than 333
five hundred dollars to any individual, partnership, 334
association, including, without limitation, a professional 335
association organized under Chapter 1785. of the Revised Code, 336
estate, or trust if the individual has made or the individual's 337
spouse has made, or any partner, shareholder, administrator, 338

executor, or trustee or the spouse of any of them has made, as 339
an individual, within the two previous calendar years, one or 340
more contributions totaling in excess of one thousand dollars to 341
the holder of the public office having ultimate responsibility 342
for the award of the contract or to the public officer's 343
campaign committee. 344

(J) Subject to divisions (K), (L), (M), and (N) of this 345
section, no agency or department of this state or any political 346
subdivision shall award any contract, other than one let by 347
competitive bidding or a contract incidental to such contract or 348
which is by force account, for the purchase of goods costing 349
more than five hundred dollars or services costing more than 350
five hundred dollars to a corporation or business trust, except 351
a professional association organized under Chapter 1785. of the 352
Revised Code, if an owner of more than twenty per cent of the 353
corporation or business trust or the spouse of that person has 354
made, as an individual, within the two previous calendar years, 355
taking into consideration only owners for all of that period, 356
one or more contributions totaling in excess of one thousand 357
dollars to the holder of a public office having ultimate 358
responsibility for the award of the contract or to the public 359
officer's campaign committee. 360

(K) For purposes of divisions (I) and (J) of this section, 361
if a public officer who is responsible for the award of a 362
contract is appointed by the governor, whether or not the 363
appointment is subject to the advice and consent of the senate, 364
excluding members of boards, commissions, committees, 365
authorities, councils, boards of trustees, task forces, and 366
other such entities appointed by the governor, the office of the 367
governor is considered to have ultimate responsibility for the 368
award of the contract. 369

(L) For purposes of divisions (I) and (J) of this section, 370
if a public officer who is responsible for the award of a 371
contract is appointed by the elected chief executive officer of 372
a municipal corporation, or appointed by the elected chief 373
executive officer of a county operating under an alternative 374
form of county government or county charter, excluding members 375
of boards, commissions, committees, authorities, councils, 376
boards of trustees, task forces, and other such entities 377
appointed by the chief executive officer, the office of the 378
chief executive officer is considered to have ultimate 379
responsibility for the award of the contract. 380

(M) (1) Divisions (I) and (J) of this section do not apply 381
to contracts awarded by the board of commissioners of the 382
sinking fund, municipal legislative authorities, boards of 383
education, boards of county commissioners, boards of township 384
trustees, or other boards, commissions, committees, authorities, 385
councils, boards of trustees, task forces, and other such 386
entities created by law, by the supreme court or courts of 387
appeals, by county courts consisting of more than one judge, 388
courts of common pleas consisting of more than one judge, or 389
municipal courts consisting of more than one judge, or by a 390
division of any court if the division consists of more than one 391
judge. This division shall apply to the specified entity only if 392
the members of the entity act collectively in the award of a 393
contract for goods or services. 394

(2) Divisions (I) and (J) of this section do not apply to 395
actions of the controlling board. 396

(N) (1) Divisions (I) and (J) of this section apply to 397
contributions made to the holder of a public office having 398
ultimate responsibility for the award of a contract, or to the 399

public officer's campaign committee, during the time the person 400
holds the office and during any time such person was a candidate 401
for the office. Those divisions do not apply to contributions 402
made to, or to the campaign committee of, a candidate for or 403
holder of the office other than the holder of the office at the 404
time of the award of the contract. 405

(2) Divisions (I) and (J) of this section do not apply to 406
contributions of a partner, shareholder, administrator, 407
executor, trustee, or owner of more than twenty per cent of a 408
corporation or business trust made before the person held any of 409
those positions or after the person ceased to hold any of those 410
positions in the partnership, association, estate, trust, 411
corporation, or business trust whose eligibility to be awarded a 412
contract is being determined, nor to contributions of the 413
person's spouse made before the person held any of those 414
positions, after the person ceased to hold any of those 415
positions, before the two were married, after the granting of a 416
decree of divorce, dissolution of marriage, or annulment, or 417
after the granting of an order in an action brought solely for 418
legal separation. Those divisions do not apply to contributions 419
of the spouse of an individual whose eligibility to be awarded a 420
contract is being determined made before the two were married, 421
after the granting of a decree of divorce, dissolution of 422
marriage, or annulment, or after the granting of an order in an 423
action brought solely for legal separation. 424

(O) No beneficiary of a campaign fund or other person 425
shall convert for personal use, and no person shall knowingly 426
give to a beneficiary of a campaign fund or any other person, 427
for the beneficiary's or any other person's personal use, 428
anything of value from the beneficiary's campaign fund, 429
including, without limitation, payments to a beneficiary for 430

services the beneficiary personally performs, except as 431
reimbursement for any of the following: 432

(1) Legitimate and verifiable prior campaign expenses 433
incurred by the beneficiary; 434

(2) Legitimate and verifiable ordinary and necessary prior 435
expenses incurred by the beneficiary in connection with duties 436
as the holder of a public office, including, without limitation, 437
expenses incurred through participation in nonpartisan or 438
bipartisan events if the participation of the holder of a public 439
office would normally be expected; 440

(3) Legitimate and verifiable ordinary and necessary prior 441
expenses incurred by the beneficiary while doing any of the 442
following: 443

(a) Engaging in activities in support of or opposition to 444
a candidate other than the beneficiary, political party, or 445
ballot issue; 446

(b) Raising funds for a political party, political action 447
committee, political contributing entity, legislative campaign 448
fund, campaign committee, or other candidate; 449

(c) Participating in the activities of a political party, 450
political action committee, political contributing entity, 451
legislative campaign fund, or campaign committee; 452

(d) Attending a political party convention or other 453
political meeting. 454

For purposes of this division, an expense is incurred 455
whenever a beneficiary has either made payment or is obligated 456
to make payment, as by the use of a credit card or other credit 457
procedure or by the use of goods or services received on 458

account. 459

(P) No beneficiary of a campaign fund shall knowingly 460
accept, and no person shall knowingly give to the beneficiary of 461
a campaign fund, reimbursement for an expense under division (O) 462
of this section to the extent that the expense previously was 463
reimbursed or paid from another source of funds. If an expense 464
is reimbursed under division (O) of this section and is later 465
paid or reimbursed, wholly or in part, from another source of 466
funds, the beneficiary shall repay the reimbursement received 467
under division (O) of this section to the extent of the payment 468
made or reimbursement received from the other source. 469

(Q) No candidate or public official or employee shall 470
accept for personal or business use anything of value from a 471
political party, political action committee, political 472
contributing entity, legislative campaign fund, or campaign 473
committee other than the candidate's or public official's or 474
employee's own campaign committee, and no person shall knowingly 475
give to a candidate or public official or employee anything of 476
value from a political party, political action committee, 477
political contributing entity, legislative campaign fund, or 478
such a campaign committee, except for the following: 479

(1) Reimbursement for legitimate and verifiable ordinary 480
and necessary prior expenses not otherwise prohibited by law 481
incurred by the candidate or public official or employee while 482
engaged in any legitimate activity of the political party, 483
political action committee, political contributing entity, 484
legislative campaign fund, or such campaign committee. Without 485
limitation, reimbursable expenses under this division include 486
those incurred while doing any of the following: 487

(a) Engaging in activities in support of or opposition to 488

another candidate, political party, or ballot issue;	489
(b) Raising funds for a political party, legislative campaign fund, campaign committee, or another candidate;	490 491
(c) Attending a political party convention or other political meeting.	492 493
(2) Compensation not otherwise prohibited by law for actual and valuable personal services rendered under a written contract to the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee for any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee.	494 495 496 497 498 499 500 501
Reimbursable expenses under this division do not include, and it is a violation of this division for a candidate or public official or employee to accept, or for any person to knowingly give to a candidate or public official or employee from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, anything of value for activities primarily related to the candidate's or public official's or employee's own campaign for election, except for contributions to the candidate's or public official's or employee's campaign committee.	502 503 504 505 506 507 508 509 510 511 512 513
For purposes of this division, an expense is incurred whenever a candidate or public official or employee has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure, or by the use of goods or	514 515 516 517

services on account. 518

(R) (1) Division (O) or (P) of this section does not 519
prohibit a campaign committee from making direct advance or post 520
payment from contributions to vendors for goods and services for 521
which reimbursement is permitted under division (O) of this 522
section, except that no campaign committee shall pay its 523
candidate or other beneficiary for services personally performed 524
by the candidate or other beneficiary. 525

(2) If any expense that may be reimbursed under division 526
(O), (P), or (Q) of this section is part of other expenses that 527
may not be paid or reimbursed, the separation of the two types 528
of expenses for the purpose of allocating for payment or 529
reimbursement those expenses that may be paid or reimbursed may 530
be by any reasonable accounting method, considering all of the 531
surrounding circumstances. 532

(3) For purposes of divisions (O), (P), and (Q) of this 533
section, mileage allowance at a rate not greater than that 534
allowed by the internal revenue service at the time the travel 535
occurs may be paid instead of reimbursement for actual travel 536
expenses allowable. 537

(S) (1) As used in division (S) of this section: 538

(a) "State elective office" has the same meaning as in 539
section 3517.092 of the Revised Code. 540

(b) "Federal office" means a federal office as defined in 541
the Federal Election Campaign Act. 542

(c) "Federal campaign committee" means a principal 543
campaign committee or authorized committee as defined in the 544
Federal Election Campaign Act. 545

(2) No person who is a candidate for state elective office 546
and who previously sought nomination or election to a federal 547
office shall transfer any funds or assets from that person's 548
federal campaign committee for nomination or election to the 549
federal office to that person's campaign committee as a 550
candidate for state elective office. 551

(3) No campaign committee of a person who is a candidate 552
for state elective office and who previously sought nomination 553
or election to a federal office shall accept any funds or assets 554
from that person's federal campaign committee for that person's 555
nomination or election to the federal office. 556

(T) (1) Except as otherwise provided in division (B) (6) (c) 557
of section 3517.102 of the Revised Code, a state or county 558
political party shall not disburse moneys from any account other 559
than a state candidate fund to make contributions to any of the 560
following: 561

(a) A state candidate fund; 562

(b) A legislative campaign fund; 563

(c) A campaign committee of a candidate for the office of 564
governor, lieutenant governor, secretary of state, auditor of 565
state, treasurer of state, attorney general, member of the state 566
board of education, or member of the general assembly. 567

(2) No state candidate fund, legislative campaign fund, or 568
campaign committee of a candidate for any office described in 569
division (T) (1) (c) of this section shall knowingly accept a 570
contribution in violation of division (T) (1) of this section. 571

(U) No person shall fail to file a statement required 572
under section 3517.12 of the Revised Code. 573

(V) No campaign committee shall fail to file a statement 574
required under division (K) (3) of section 3517.10 of the Revised 575
Code. 576

(W) (1) No foreign national shall, directly or indirectly 577
through any other person or entity, make a contribution, 578
expenditure, or independent expenditure or promise, either 579
expressly or implicitly, to make a contribution, expenditure, or 580
independent expenditure in support of or opposition to a 581
candidate for any elective office in this state, including an 582
office of a political party. 583

(2) No candidate, campaign committee, political action 584
committee, political contributing entity, legislative campaign 585
fund, state candidate fund, political party, or separate 586
segregated fund shall solicit or accept a contribution, 587
expenditure, or independent expenditure from a foreign national. 588
The secretary of state may direct any candidate, committee, 589
entity, fund, or party that accepts a contribution, expenditure, 590
or independent expenditure in violation of this division to 591
return the contribution, expenditure, or independent expenditure 592
or, if it is not possible to return the contribution, 593
expenditure, or independent expenditure, then to return instead 594
the value of it, to the contributor. 595

(3) As used in division (W) of this section, "foreign 596
national" has the same meaning as in section 441e(b) of the 597
Federal Election Campaign Act. 598

(X) (1) No state or county political party shall transfer 599
any moneys from its restricted fund to any account of the 600
political party into which contributions may be made or from 601
which contributions or expenditures may be made. 602

(2) (a) No state or county political party shall deposit a contribution or contributions that it receives into its restricted fund.

(b) No state or county political party shall make a contribution or an expenditure from its restricted fund.

(3) (a) No corporation or labor organization shall make a gift or gifts from the corporation's or labor organization's money or property aggregating more than ten thousand dollars to any one state or county political party for the party's restricted fund in a calendar year.

(b) No state or county political party shall accept a gift or gifts for the party's restricted fund aggregating more than ten thousand dollars from any one corporation or labor organization in a calendar year.

(4) No state or county political party shall transfer any moneys in the party's restricted fund to any other state or county political party.

(5) No state or county political party shall knowingly fail to file a statement required under section 3517.1012 of the Revised Code.

(Y) The administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, if the individual has made, or the

individual's spouse has made, or any partner, shareholder, 632
administrator, executor, or trustee, or the spouses of any of 633
those individuals has made, as an individual, within the two 634
previous calendar years, one or more contributions totaling in 635
excess of one thousand dollars to the campaign committee of the 636
governor or lieutenant governor or to the campaign committee of 637
any candidate for the office of governor or lieutenant governor. 638

(Z) The administrator of workers' compensation and the 639
employees of the bureau of workers' compensation shall not 640
conduct business with or award any contract, other than one 641
awarded by competitive bidding, for the purchase of goods 642
costing more than five hundred dollars or services costing more 643
than five hundred dollars to a corporation or business trust, 644
except a professional association organized under Chapter 1785. 645
of the Revised Code, if an owner of more than twenty per cent of 646
the corporation or business trust, or the spouse of the owner, 647
has made, as an individual, within the two previous calendar 648
years, taking into consideration only owners for all of such 649
period, one or more contributions totaling in excess of one 650
thousand dollars to the campaign committee of the governor or 651
lieutenant governor or to the campaign committee of any 652
candidate for the office of governor or lieutenant governor. 653

(AA) The secretary of state shall not knowingly use public 654
funds to mail to individuals unsolicited applications for absent 655
voter's ballots that contain the secretary of state's name, 656
signature, or likeness on the applications, on the envelopes 657
containing the applications, or on any other materials included 658
in the mailing. 659

Sec. 3517.992. This section establishes penalties only 660
with respect to acts or failures to act that occur on and after 661

August 24, 1995. 662

(A) (1) A candidate whose campaign committee violates 663
division (A), (B), (C), (D), or (V) of section 3517.13 of the 664
Revised Code, or a treasurer of a campaign committee who 665
violates any of those divisions, shall be fined not more than 666
one hundred dollars for each day of violation. 667

(2) Whoever violates division (E) or (X) (5) of section 668
3517.13 or division (E) (1) of section 3517.1014 of the Revised 669
Code shall be fined not more than one hundred dollars for each 670
day of violation. 671

(B) An entity that violates division (G) (1) of section 672
3517.101 of the Revised Code shall be fined not more than one 673
hundred dollars for each day of violation. 674

(C) Whoever violates division (G) (2) of section 3517.101, 675
division (G) of section 3517.13, or division (E) (2) or (3) of 676
section 3517.1014 of the Revised Code shall be fined not more 677
than ten thousand dollars or, if the offender is a person who 678
was nominated or elected to public office, shall forfeit the 679
nomination or the office to which the offender was elected, or 680
both. 681

(D) Whoever violates division (F) of section 3517.13 of 682
the Revised Code shall be fined not more than three times the 683
amount contributed. 684

(E) Whoever violates division (H) of section 3517.13 of 685
the Revised Code shall be fined not more than one hundred 686
dollars. 687

(F) Whoever violates division (O), (P), or (Q) of section 688
3517.13 of the Revised Code is guilty of a misdemeanor of the 689
first degree. 690

(G) A state or county committee of a political party that 691
violates division (B) (1) of section 3517.18 of the Revised Code 692
shall be fined not more than twice the amount of the improper 693
expenditure. 694

(H) An entity that violates division (H) of section 695
3517.101 of the Revised Code shall be fined not more than twice 696
the amount of the improper expenditure or use. 697

(I) (1) Any individual who violates division (B) (1) of 698
section 3517.102 of the Revised Code and knows that the 699
contribution the individual makes violates that division shall 700
be fined an amount equal to three times the amount contributed 701
in excess of the amount permitted by that division. 702

(2) Any political action committee that violates division 703
(B) (2) of section 3517.102 of the Revised Code shall be fined an 704
amount equal to three times the amount contributed in excess of 705
the amount permitted by that division. 706

(3) Any campaign committee that violates division (B) (3) 707
or (5) of section 3517.102 of the Revised Code shall be fined an 708
amount equal to three times the amount contributed in excess of 709
the amount permitted by that division. 710

(4) (a) Any legislative campaign fund that violates 711
division (B) (6) of section 3517.102 of the Revised Code shall be 712
fined an amount equal to three times the amount transferred or 713
contributed in excess of the amount permitted by that division, 714
as applicable. 715

(b) Any state political party, county political party, or 716
state candidate fund of a state political party or county 717
political party that violates division (B) (6) of section 718
3517.102 of the Revised Code shall be fined an amount equal to 719

three times the amount transferred or contributed in excess of 720
the amount permitted by that division, as applicable. 721

(c) Any political contributing entity that violates 722
division (B) (7) of section 3517.102 of the Revised Code shall be 723
fined an amount equal to three times the amount contributed in 724
excess of the amount permitted by that division. 725

(5) Any political party that violates division (B) (4) of 726
section 3517.102 of the Revised Code shall be fined an amount 727
equal to three times the amount contributed in excess of the 728
amount permitted by that division. 729

(6) Notwithstanding divisions (I) (1), (2), (3), (4), and 730
(5) of this section, no violation of division (B) of section 731
3517.102 of the Revised Code occurs, and the secretary of state 732
shall not refer parties to the Ohio elections commission, if the 733
amount transferred or contributed in excess of the amount 734
permitted by that division meets either of the following 735
conditions: 736

(a) It is completely refunded within five business days 737
after it is accepted. 738

(b) It is completely refunded on or before the tenth 739
business day after notification to the recipient of the excess 740
transfer or contribution by the board of elections or the 741
secretary of state that a transfer or contribution in excess of 742
the permitted amount has been received. 743

(J) (1) Any campaign committee that violates division (C) 744
(1), (2), (3), or (6) of section 3517.102 of the Revised Code 745
shall be fined an amount equal to three times the amount 746
accepted in excess of the amount permitted by that division. 747

(2) (a) Any county political party that violates division 748

(C) (4) (a) (ii) or (iii) of section 3517.102 of the Revised Code 749
shall be fined an amount equal to three times the amount 750
accepted. 751

(b) Any county political party that violates division (C) 752
(4) (a) (i) of section 3517.102 of the Revised Code shall be fined 753
an amount from its state candidate fund equal to three times the 754
amount accepted in excess of the amount permitted by that 755
division. 756

(c) Any state political party that violates division (C) 757
(4) (b) of section 3517.102 of the Revised Code shall be fined an 758
amount from its state candidate fund equal to three times the 759
amount accepted in excess of the amount permitted by that 760
division. 761

(3) Any legislative campaign fund that violates division 762
(C) (5) of section 3517.102 of the Revised Code shall be fined an 763
amount equal to three times the amount accepted in excess of the 764
amount permitted by that division. 765

(4) Any political action committee or political 766
contributing entity that violates division (C) (7) of section 767
3517.102 of the Revised Code shall be fined an amount equal to 768
three times the amount accepted in excess of the amount 769
permitted by that division. 770

(5) Notwithstanding divisions (J) (1), (2), (3), and (4) of 771
this section, no violation of division (C) of section 3517.102 772
of the Revised Code occurs, and the secretary of state shall not 773
refer parties to the Ohio elections commission, if the amount 774
transferred or contributed in excess of the amount permitted to 775
be accepted by that division meets either of the following 776
conditions: 777

(a) It is completely refunded within five business days 778
after its acceptance. 779

(b) It is completely refunded on or before the tenth 780
business day after notification to the recipient of the excess 781
transfer or contribution by the board of elections or the 782
secretary of state that a transfer or contribution in excess of 783
the permitted amount has been received. 784

(K) (1) Any legislative campaign fund that violates 785
division (F) (1) of section 3517.102 of the Revised Code shall be 786
fined twenty-five dollars for each day of violation. 787

(2) Any legislative campaign fund that violates division 788
(F) (2) of section 3517.102 of the Revised Code shall give to the 789
treasurer of state for deposit into the state treasury to the 790
credit of the Ohio elections commission fund all excess 791
contributions not disposed of as required by division (E) of 792
section 3517.102 of the Revised Code. 793

(L) Whoever violates section 3517.105 of the Revised Code 794
shall be fined one thousand dollars. 795

(M) (1) Whoever solicits a contribution in violation of 796
section 3517.092 or violates division (B) of section 3517.09 of 797
the Revised Code is guilty of a misdemeanor of the first degree. 798

(2) Whoever knowingly accepts a contribution in violation 799
of division (B) or (C) of section 3517.092 of the Revised Code 800
shall be fined an amount equal to three times the amount 801
accepted in violation of either of those divisions and shall 802
return to the contributor any amount so accepted. Whoever 803
unknowingly accepts a contribution in violation of division (B) 804
or (C) of section 3517.092 of the Revised Code shall return to 805
the contributor any amount so accepted. 806

(N) Whoever violates division (S) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount of funds transferred or three times the value of the assets transferred in violation of that division.

(O) Any campaign committee that accepts a contribution or contributions in violation of section 3517.108 of the Revised Code, uses a contribution in violation of that section, or fails to dispose of excess contributions in violation of that section shall be fined an amount equal to three times the amount accepted, used, or kept in violation of that section.

(P) Any political party, state candidate fund, legislative candidate fund, or campaign committee that violates division (T) of section 3517.13 of the Revised Code shall be fined an amount equal to three times the amount contributed or accepted in violation of that section.

(Q) A treasurer of a committee or another person who violates division (U) of section 3517.13 of the Revised Code shall be fined not more than two hundred fifty dollars.

(R) Whoever violates division (I) or (J) of section 3517.13 of the Revised Code shall be fined not more than one thousand dollars. Whenever a person is found guilty of violating division (I) or (J) of section 3517.13 of the Revised Code, the contract awarded in violation of either of those divisions shall be rescinded if its terms have not yet been performed.

(S) A candidate whose campaign committee violates or a treasurer of a campaign committee who violates section 3517.081 of the Revised Code, and a candidate whose campaign committee violates or a treasurer of a campaign committee or another person who violates division (C) of section 3517.10 of the

Revised Code, shall be fined not more than five hundred dollars. 836

(T) A candidate whose campaign committee violates or a 837
treasurer of a committee who violates division (B) of section 838
3517.09 of the Revised Code, or a candidate whose campaign 839
committee violates or a treasurer of a campaign committee or 840
another person who violates division (C) of section 3517.09 of 841
the Revised Code shall be fined not more than one thousand 842
dollars. 843

(U) Whoever violates section 3517.20 of the Revised Code 844
shall be fined not more than five hundred dollars. 845

(V) Whoever violates section 3517.21 or 3517.22 of the 846
Revised Code shall be imprisoned for not more than six months or 847
fined not more than five thousand dollars, or both. 848

(W) A campaign committee that is required to file a 849
declaration of no limits under division (D) (2) of section 850
3517.103 of the Revised Code that, before filing that 851
declaration, accepts a contribution or contributions that exceed 852
the limitations prescribed in section 3517.102 of the Revised 853
Code, shall return that contribution or those contributions to 854
the contributor. 855

(X) Any campaign committee that fails to file the 856
declaration of filing-day finances required by division (F) of 857
section 3517.109 of the Revised Code shall be fined twenty-five 858
dollars for each day of violation. 859

(Y) (1) Any campaign committee that fails to dispose of 860
excess funds or excess aggregate contributions under division 861
(B) of section 3517.109 of the Revised Code in the manner 862
required by division (C) of that section shall give to the 863
treasurer of state for deposit into the Ohio elections 864

commission fund created under division (I) of section 3517.152 865
of the Revised Code all funds not disposed of pursuant to that 866
division. 867

(2) Any treasurer of a transition fund that fails to 868
dispose of assets remaining in the transition fund as required 869
under division (H) (1) or (2) of section 3517.1014 of the Revised 870
Code shall give to the treasurer of state for deposit into the 871
Ohio elections commission fund all assets not disposed of 872
pursuant to that division. 873

(Z) Any individual, campaign committee, political action 874
committee, political contributing entity, legislative campaign 875
fund, political party, treasurer of a transition fund, or other 876
entity that violates any provision of sections 3517.09 to 877
3517.12 of the Revised Code for which no penalty is provided for 878
under any other division of this section shall be fined not more 879
than one thousand dollars. 880

(AA) (1) Whoever knowingly violates division (W) (1) of 881
section 3517.13 of the Revised Code shall be fined an amount 882
equal to three times the amount contributed, expended, or 883
promised in violation of that division or ten thousand dollars, 884
whichever amount is greater. 885

(2) Whoever knowingly violates division (W) (2) of section 886
3517.13 of the Revised Code shall be fined an amount equal to 887
three times the amount solicited or accepted in violation of 888
that division or ten thousand dollars, whichever amount is 889
greater. 890

(BB) Whoever knowingly violates division (C) or (D) of 891
section 3517.1011 of the Revised Code shall be fined not more 892
than ten thousand dollars plus not more than one thousand 893

dollars for each day of violation. 894

(CC) (1) Subject to division (CC) (2) of this section, 895
whoever violates division (H) of section 3517.1011 of the 896
Revised Code shall be fined an amount up to three times the 897
amount disbursed for the direct costs of airing the 898
communication made in violation of that division. 899

(2) Whoever has been ordered by the Ohio elections 900
commission or by a court of competent jurisdiction to cease 901
making communications in violation of division (H) of section 902
3517.1011 of the Revised Code who again violates that division 903
shall be fined an amount equal to three times the amount 904
disbursed for the direct costs of airing the communication made 905
in violation of that division. 906

(DD) (1) Any corporation or labor organization that 907
violates division (X) (3) (a) of section 3517.13 of the Revised 908
Code shall be fined an amount equal to three times the amount 909
given in excess of the amount permitted by that division. 910

(2) Any state or county political party that violates 911
division (X) (3) (b) of section 3517.13 of the Revised Code shall 912
be fined an amount equal to three times the amount accepted in 913
excess of the amount permitted by that division. 914

(EE) (1) Any campaign committee or person who violates 915
division (C) (1) (b) or (c) of section 3517.1014 of the Revised 916
Code shall be fined an amount equal to three times the amount 917
donated in excess of the amount permitted by that division. 918

(2) Any officeholder or treasurer of a transition fund who 919
violates division (C) (3) (a) or (b) of section 3517.1014 of the 920
Revised Code shall be fined an amount equal to three times the 921
amount accepted in excess of the amount permitted by that 922

division. 923

(FF) (1) (a) Whoever violates division (AA) of section 924
3517.13 of the Revised Code is guilty of misuse of public 925
resources related to an election mailing. Except as otherwise 926
provided in division (FF) (1) (b) or (c) of this section, misuse 927
of public resources related to an election mailing is a felony 928
of the fifth degree. 929

(b) If the amount of the public funds expended in 930
conducting the mailing in violation of division (AA) of section 931
3517.13 of the Revised Code is one thousand dollars or more and 932
is less than seven thousand five hundred dollars, the offense is 933
a felony of the fourth degree. 934

(c) If the amount of the public funds expended in 935
conducting the mailing in violation of division (AA) of section 936
3517.13 of the Revised Code is seven thousand five hundred 937
dollars or more, the offense is a felony of the third degree. 938

(2) (a) A court that imposes a sentence for misuse of 939
public resources related to an election mailing shall require 940
the offender to make restitution in the amount of the public 941
funds expended in conducting the mailing, in addition to any 942
term of imprisonment and any fine imposed. 943

(b) If the offender, at the time of the commission of the 944
offense or at any other time, was a member, electing employee, 945
participating employee, continuing member, or participant in a 946
retirement system, pension fund, alternative retirement plan, or 947
deferred compensation program described in division (C) (2) (b) (i) 948
of section 2921.41 of the Revised Code, the entity to which 949
restitution is to be made may file a motion with the sentencing 950
court specifying any such system, fund, plan, or program and 951

requesting the court to issue an order requiring that the amount 952
of the restitution be withheld from the benefits that have been 953
or will be granted to the offender by that system, fund, plan, 954
or program, in accordance with the requirements of division (C) 955
(2)(b) of that section. The court shall process the request in 956
accordance with that division. 957

(c) Upon the filing of charges against a person for misuse 958
of public resources related to an election mailing, the 959
prosecutor who is assigned the case shall send written notice 960
that charges have been filed against that person to the entities 961
listed in division (D) of section 2921.41 of the Revised Code. 962
The written notice shall specifically identify the person 963
charged. 964

Section 2. That existing sections 3501.05, 3517.13, and 965
3517.992 of the Revised Code are hereby repealed. 966

Section 3. Section 3501.05 of the Revised Code is 967
presented in this act as a composite of the section as amended 968
by both Am. Sub. S.B. 109 and Sub. S.B. 205 of the 130th General 969
Assembly. The General Assembly, applying the principle stated in 970
division (B) of section 1.52 of the Revised Code that amendments 971
are to be harmonized if reasonably capable of simultaneous 972
operation, finds that the composite is the resulting version of 973
the section in effect prior to the effective date of the section 974
as presented in this act. 975