

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 211**

**Senator Maharath  
Cosponsor: Senator Antonio**

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**A BILL**

To amend section 3517.13 of the Revised Code to 1  
allow a candidate to use campaign funds to pay 2  
certain child care costs. 3

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

**Section 1.** That section 3517.13 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 3517.13.** (A) (1) No campaign committee of a statewide 6  
candidate shall fail to file a complete and accurate statement 7  
required under division (A) (1) of section 3517.10 of the Revised 8  
Code. 9

(2) No campaign committee of a statewide candidate shall 10  
fail to file a complete and accurate monthly statement, and no 11  
campaign committee of a statewide candidate or a candidate for 12  
the office of chief justice or justice of the supreme court 13  
shall fail to file a complete and accurate two-business-day 14  
statement, as required under section 3517.10 of the Revised 15  
Code. 16

As used in this division, "statewide candidate" has the 17  
same meaning as in division (F) (2) of section 3517.10 of the 18

Revised Code.	19
(B) No campaign committee shall fail to file a complete and accurate statement required under division (A) (1) of section 3517.10 of the Revised Code.	20 21 22
(C) No campaign committee shall fail to file a complete and accurate statement required under division (A) (2) of section 3517.10 of the Revised Code.	23 24 25
(D) No campaign committee shall fail to file a complete and accurate statement required under division (A) (3) or (4) of section 3517.10 of the Revised Code.	26 27 28
(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code.	29 30 31
(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election.	32 33 34
(G) (1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 and 3517.17 of the Revised Code.	35 36 37 38
(2) (a) No person shall make a contribution to a campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or person making disbursements to pay the direct costs of producing or airing electioneering communications in the name of another person.	39 40 41 42 43 44
(b) A person does not make a contribution in the name of another when either of the following applies:	45 46

(i) An individual makes a contribution from a partnership 47  
or other unincorporated business account, if the contribution is 48  
reported by listing both the name of the partnership or other 49  
unincorporated business and the name of the partner or owner 50  
making the contribution as required under division (I) of 51  
section 3517.10 of the Revised Code. 52

(ii) A person makes a contribution in that person's 53  
spouse's name or in both of their names. 54

(H) No person within this state, publishing a newspaper or 55  
other periodical, shall charge a campaign committee for 56  
political advertising a rate in excess of the rate such person 57  
would charge if the campaign committee were a general rate 58  
advertiser whose advertising was directed to promoting its 59  
business within the same area as that encompassed by the 60  
particular office that the candidate of the campaign committee 61  
is seeking. The rate shall take into account the amount of space 62  
used, as well as the type of advertising copy submitted by or on 63  
behalf of the campaign committee. All discount privileges 64  
otherwise offered by a newspaper or periodical to general rate 65  
advertisers shall be available upon equal terms to all campaign 66  
committees. 67

No person within this state, operating a radio or 68  
television station or network of stations in this state, shall 69  
charge a campaign committee for political broadcasts a rate that 70  
exceeds: 71

(1) During the forty-five days preceding the date of a 72  
primary election and during the sixty days preceding the date of 73  
a general or special election in which the candidate of the 74  
campaign committee is seeking office, the lowest unit charge of 75  
the station for the same class and amount of time for the same 76

period; 77

(2) At any other time, the charges made for comparable use 78  
of that station by its other users. 79

(I) Subject to divisions (K), (L), (M), and (N) of this 80  
section, no agency or department of this state or any political 81  
subdivision shall award any contract, other than one let by 82  
competitive bidding or a contract incidental to such contract or 83  
which is by force account, for the purchase of goods costing 84  
more than five hundred dollars or services costing more than 85  
five hundred dollars to any individual, partnership, 86  
association, including, without limitation, a professional 87  
association organized under Chapter 1785. of the Revised Code, 88  
estate, or trust if the individual has made or the individual's 89  
spouse has made, or any partner, shareholder, administrator, 90  
executor, or trustee or the spouse of any of them has made, as 91  
an individual, within the two previous calendar years, one or 92  
more contributions totaling in excess of one thousand dollars to 93  
the holder of the public office having ultimate responsibility 94  
for the award of the contract or to the public officer's 95  
campaign committee. 96

(J) Subject to divisions (K), (L), (M), and (N) of this 97  
section, no agency or department of this state or any political 98  
subdivision shall award any contract, other than one let by 99  
competitive bidding or a contract incidental to such contract or 100  
which is by force account, for the purchase of goods costing 101  
more than five hundred dollars or services costing more than 102  
five hundred dollars to a corporation or business trust, except 103  
a professional association organized under Chapter 1785. of the 104  
Revised Code, if an owner of more than twenty per cent of the 105  
corporation or business trust or the spouse of that person has 106

made, as an individual, within the two previous calendar years, 107  
taking into consideration only owners for all of that period, 108  
one or more contributions totaling in excess of one thousand 109  
dollars to the holder of a public office having ultimate 110  
responsibility for the award of the contract or to the public 111  
officer's campaign committee. 112

(K) For purposes of divisions (I) and (J) of this section, 113  
if a public officer who is responsible for the award of a 114  
contract is appointed by the governor, whether or not the 115  
appointment is subject to the advice and consent of the senate, 116  
excluding members of boards, commissions, committees, 117  
authorities, councils, boards of trustees, task forces, and 118  
other such entities appointed by the governor, the office of the 119  
governor is considered to have ultimate responsibility for the 120  
award of the contract. 121

(L) For purposes of divisions (I) and (J) of this section, 122  
if a public officer who is responsible for the award of a 123  
contract is appointed by the elected chief executive officer of 124  
a municipal corporation, or appointed by the elected chief 125  
executive officer of a county operating under an alternative 126  
form of county government or county charter, excluding members 127  
of boards, commissions, committees, authorities, councils, 128  
boards of trustees, task forces, and other such entities 129  
appointed by the chief executive officer, the office of the 130  
chief executive officer is considered to have ultimate 131  
responsibility for the award of the contract. 132

(M) (1) Divisions (I) and (J) of this section do not apply 133  
to contracts awarded by the board of commissioners of the 134  
sinking fund, municipal legislative authorities, boards of 135  
education, boards of county commissioners, boards of township 136

trustees, or other boards, commissions, committees, authorities, 137  
councils, boards of trustees, task forces, and other such 138  
entities created by law, by the supreme court or courts of 139  
appeals, by county courts consisting of more than one judge, 140  
courts of common pleas consisting of more than one judge, or 141  
municipal courts consisting of more than one judge, or by a 142  
division of any court if the division consists of more than one 143  
judge. This division shall apply to the specified entity only if 144  
the members of the entity act collectively in the award of a 145  
contract for goods or services. 146

(2) Divisions (I) and (J) of this section do not apply to 147  
actions of the controlling board. 148

(N) (1) Divisions (I) and (J) of this section apply to 149  
contributions made to the holder of a public office having 150  
ultimate responsibility for the award of a contract, or to the 151  
public officer's campaign committee, during the time the person 152  
holds the office and during any time such person was a candidate 153  
for the office. Those divisions do not apply to contributions 154  
made to, or to the campaign committee of, a candidate for or 155  
holder of the office other than the holder of the office at the 156  
time of the award of the contract. 157

(2) Divisions (I) and (J) of this section do not apply to 158  
contributions of a partner, shareholder, administrator, 159  
executor, trustee, or owner of more than twenty per cent of a 160  
corporation or business trust made before the person held any of 161  
those positions or after the person ceased to hold any of those 162  
positions in the partnership, association, estate, trust, 163  
corporation, or business trust whose eligibility to be awarded a 164  
contract is being determined, nor to contributions of the 165  
person's spouse made before the person held any of those 166

positions, after the person ceased to hold any of those 167  
positions, before the two were married, after the granting of a 168  
decree of divorce, dissolution of marriage, or annulment, or 169  
after the granting of an order in an action brought solely for 170  
legal separation. Those divisions do not apply to contributions 171  
of the spouse of an individual whose eligibility to be awarded a 172  
contract is being determined made before the two were married, 173  
after the granting of a decree of divorce, dissolution of 174  
marriage, or annulment, or after the granting of an order in an 175  
action brought solely for legal separation. 176

(0) No beneficiary of a campaign fund or other person 177  
shall convert for personal use, and no person shall knowingly 178  
give to a beneficiary of a campaign fund or any other person, 179  
for the beneficiary's or any other person's personal use, 180  
anything of value from the beneficiary's campaign fund, 181  
including, without limitation, payments to a beneficiary for 182  
services the beneficiary personally performs, except as 183  
reimbursement for any of the following: 184

(1) Legitimate and verifiable prior campaign expenses 185  
incurred by the beneficiary; 186

(2) Legitimate and verifiable ordinary and necessary prior 187  
expenses incurred by the beneficiary in connection with duties 188  
as the holder of a public office, including, without limitation, 189  
expenses incurred through participation in nonpartisan or 190  
bipartisan events if the participation of the holder of a public 191  
office would normally be expected; 192

(3) Legitimate and verifiable ordinary and necessary prior 193  
expenses incurred by the beneficiary while doing any of the 194  
following: 195

(a) Engaging in activities in support of or opposition to a candidate other than the beneficiary, political party, or ballot issue;	196 197 198
(b) Raising funds for a political party, political action committee, political contributing entity, legislative campaign fund, campaign committee, or other candidate;	199 200 201
(c) Participating in the activities of a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee;	202 203 204
(d) Attending a political party convention or other political meeting.	205 206
For purposes of this division, an expense is incurred whenever a beneficiary 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 services received on account.	207 208 209 210 211
(P) No beneficiary of a campaign fund shall knowingly accept, and no person shall knowingly give to the beneficiary of a campaign fund, reimbursement for an expense under division (O) of this section to the extent that the expense previously was reimbursed or paid from another source of funds. If an expense is reimbursed under division (O) of this section and is later paid or reimbursed, wholly or in part, from another source of funds, the beneficiary shall repay the reimbursement received under division (O) of this section to the extent of the payment made or reimbursement received from the other source.	212 213 214 215 216 217 218 219 220 221
(Q) No candidate or public official or employee shall accept for personal or business use anything of value from a political party, political action committee, political	222 223 224



contributing entity, legislative campaign fund, or campaign	225
committee other than the candidate's or public official's or	226
employee's own campaign committee, and no person shall knowingly	227
give to a candidate or public official or employee anything of	228
value from a political party, political action committee,	229
political contributing entity, legislative campaign fund, or	230
such a campaign committee, except for the following:	231
(1) Reimbursement for legitimate and verifiable ordinary	232
and necessary prior expenses not otherwise prohibited by law	233
incurred by the candidate or public official or employee while	234
engaged in any legitimate activity of the political party,	235
political action committee, political contributing entity,	236
legislative campaign fund, or such campaign committee. Without	237
limitation, reimbursable expenses under this division include	238
those incurred while doing any of the following:	239
(a) Engaging in activities in support of or opposition to	240
another candidate, political party, or ballot issue;	241
(b) Raising funds for a political party, legislative	242
campaign fund, campaign committee, or another candidate;	243
(c) Attending a political party convention or other	244
political meeting.	245
(2) Compensation not otherwise prohibited by law for	246
actual and valuable personal services rendered under a written	247
contract to the political party, political action committee,	248
political contributing entity, legislative campaign fund, or	249
such campaign committee for any legitimate activity of the	250
political party, political action committee, political	251
contributing entity, legislative campaign fund, or such campaign	252
committee.	253

Reimbursable expenses under this division do not include, 254  
and it is a violation of this division for a candidate or public 255  
official or employee to accept, or for any person to knowingly 256  
give to a candidate or public official or employee from a 257  
political party, political action committee, political 258  
contributing entity, legislative campaign fund, or campaign 259  
committee other than the candidate's or public official's or 260  
employee's own campaign committee, anything of value for 261  
activities primarily related to the candidate's or public 262  
official's or employee's own campaign for election, except for 263  
contributions to the candidate's or public official's or 264  
employee's campaign committee. 265

For purposes of this division, an expense is incurred 266  
whenever a candidate or public official or employee has either 267  
made payment or is obligated to make payment, as by the use of a 268  
credit card or other credit procedure, or by the use of goods or 269  
services on account. 270

(R) (1) Division (O) or (P) of this section does not 271  
prohibit a campaign committee from making direct advance or post 272  
payment from contributions to vendors for goods and services for 273  
which reimbursement is permitted under division (O) of this 274  
section, except that no campaign committee shall pay its 275  
candidate or other beneficiary for services personally performed 276  
by the candidate or other beneficiary. 277

(2) If any expense that may be reimbursed under division 278  
(O), (P), or (Q) of this section is part of other expenses that 279  
may not be paid or reimbursed, the separation of the two types 280  
of expenses for the purpose of allocating for payment or 281  
reimbursement those expenses that may be paid or reimbursed may 282  
be by any reasonable accounting method, considering all of the 283

surrounding circumstances.	284
(3) For purposes of divisions (O), (P), and (Q) of this section, mileage allowance at a rate not greater than that allowed by the internal revenue service at the time the travel occurs may be paid instead of reimbursement for actual travel expenses allowable.	285 286 287 288 289
<u>(4) For purposes of divisions (O), (P), and (Q) of this section, the cost of child care is considered an ordinary and necessary expense incurred by a beneficiary while engaging in the activities and duties described in those divisions, so long as the cost is incurred only as a direct result of the beneficiary engaging in those activities and duties and would not otherwise be incurred.</u>	290 291 292 293 294 295 296
(S) (1) As used in division (S) of this section:	297
(a) "State elective office" has the same meaning as in section 3517.092 of the Revised Code.	298 299
(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.	300 301
(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.	302 303 304
(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.	305 306 307 308 309 310
(3) No campaign committee of a person who is a candidate	311

for state elective office and who previously sought nomination 312  
or election to a federal office shall accept any funds or assets 313  
from that person's federal campaign committee for that person's 314  
nomination or election to the federal office. 315

(T) (1) Except as otherwise provided in division (B) (6) (c) 316  
of section 3517.102 of the Revised Code, a state or county 317  
political party shall not disburse moneys from any account other 318  
than a state candidate fund to make contributions to any of the 319  
following: 320

(a) A state candidate fund; 321

(b) A legislative campaign fund; 322

(c) A campaign committee of a candidate for the office of 323  
governor, lieutenant governor, secretary of state, auditor of 324  
state, treasurer of state, attorney general, member of the state 325  
board of education, or member of the general assembly. 326

(2) No state candidate fund, legislative campaign fund, or 327  
campaign committee of a candidate for any office described in 328  
division (T) (1) (c) of this section shall knowingly accept a 329  
contribution in violation of division (T) (1) of this section. 330

(U) No person shall fail to file a statement required 331  
under section 3517.12 of the Revised Code. 332

(V) No campaign committee shall fail to file a statement 333  
required under division (K) (3) of section 3517.10 of the Revised 334  
Code. 335

(W) (1) No foreign national shall, directly or indirectly 336  
through any other person or entity, make a contribution, 337  
expenditure, or independent expenditure or promise, either 338  
expressly or implicitly, to make a contribution, expenditure, or 339

independent expenditure in support of or opposition to a 340  
candidate for any elective office in this state, including an 341  
office of a political party. 342

(2) No candidate, campaign committee, political action 343  
committee, political contributing entity, legislative campaign 344  
fund, state candidate fund, political party, or separate 345  
segregated fund shall solicit or accept a contribution, 346  
expenditure, or independent expenditure from a foreign national. 347  
The secretary of state may direct any candidate, committee, 348  
entity, fund, or party that accepts a contribution, expenditure, 349  
or independent expenditure in violation of this division to 350  
return the contribution, expenditure, or independent expenditure 351  
or, if it is not possible to return the contribution, 352  
expenditure, or independent expenditure, then to return instead 353  
the value of it, to the contributor. 354

(3) As used in division (W) of this section, "foreign 355  
national" has the same meaning as in section 441e(b) of the 356  
Federal Election Campaign Act. 357

(X) (1) No state or county political party shall transfer 358  
any moneys from its restricted fund to any account of the 359  
political party into which contributions may be made or from 360  
which contributions or expenditures may be made. 361

(2) (a) No state or county political party shall deposit a 362  
contribution or contributions that it receives into its 363  
restricted fund. 364

(b) No state or county political party shall make a 365  
contribution or an expenditure from its restricted fund. 366

(3) (a) No corporation or labor organization shall make a 367  
gift or gifts from the corporation's or labor organization's 368

money or property aggregating more than ten thousand dollars to 369  
any one state or county political party for the party's 370  
restricted fund in a calendar year. 371

(b) No state or county political party shall accept a gift 372  
or gifts for the party's restricted fund aggregating more than 373  
ten thousand dollars from any one corporation or labor 374  
organization in a calendar year. 375

(4) No state or county political party shall transfer any 376  
moneys in the party's restricted fund to any other state or 377  
county political party. 378

(5) No state or county political party shall knowingly 379  
fail to file a statement required under section 3517.1012 of the 380  
Revised Code. 381

(Y) The administrator of workers' compensation and the 382  
employees of the bureau of workers' compensation shall not 383  
conduct any business with or award any contract, other than one 384  
awarded by competitive bidding, for the purchase of goods 385  
costing more than five hundred dollars or services costing more 386  
than five hundred dollars to any individual, partnership, 387  
association, including, without limitation, a professional 388  
association organized under Chapter 1785. of the Revised Code, 389  
estate, or trust, if the individual has made, or the 390  
individual's spouse has made, or any partner, shareholder, 391  
administrator, executor, or trustee, or the spouses of any of 392  
those individuals has made, as an individual, within the two 393  
previous calendar years, one or more contributions totaling in 394  
excess of one thousand dollars to the campaign committee of the 395  
governor or lieutenant governor or to the campaign committee of 396  
any candidate for the office of governor or lieutenant governor. 397

(Z) The administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct 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 a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust, or the spouse of the owner, has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of such period, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

**Section 2.** That existing section 3517.13 of the Revised Code is hereby repealed.