

As Passed by the House

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Am. Sub. H. B. No. 1

Representative Seitz

Cosponsors: Representatives Abrams, Barhorst, Bird, Callender, Carruthers, Click, Creech, Cutrona, Daniels, Demetriou, Dobos, Edwards, Fowler Arthur, Ghanbari, Gross, Hall, Hillyer, Holmes, Hoops, John, Johnson, Jones, Kick, King, LaRe, Lipps, Loychik, McClain, Miller, K., Miller, M., Pavliga, Peterson, Plummer, Richardson, Robb Blasdel, Santucci, Schmidt, Stein, Stewart, Swearingen, Wiggam, Williams, Young, T.

A BILL

To enact section 3517.121 of the Revised Code to
modify the Campaign Finance Law regarding
foreign nationals and ballot issues.

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

Section 1. That section 3517.121 of the Revised Code be
enacted to read as follows:

Sec. 3517.121. Notwithstanding any contrary provision of
the Revised Code:

(A) As used in this section:

(1) "Electioneering communication" has the same meaning as
in section 3517.1011 of the Revised Code.

(2) "Foreign national" means any of the following, as
applicable:

(a) In the case of an individual, an individual who is not

- a United States citizen or national; 14
- (b) A government of a foreign country or of a political 15
subdivision of a foreign country; 16
- (c) A foreign political party; 17
- (d) A person, other than an individual, that is organized 18
under the laws of, or has its principal place of business in, a 19
foreign country. 20
- (B) No foreign national shall, directly or indirectly 21
through any person or entity, do any of the following: 22
- (1) Make a contribution, expenditure, or independent 23
expenditure in support of or opposition to a candidate for any 24
elective office in this state, including an office of a 25
political party; 26
- (2) Make a contribution, expenditure, or independent 27
expenditure in support of or opposition to a statewide ballot 28
issue or question, regardless of whether the ballot issue or 29
question has yet been certified to appear on the ballot; 30
- (3) Make a disbursement for the direct cost of producing 31
or airing an electioneering communication; 32
- (4) Make a contribution to a candidate, campaign 33
committee, political action committee, political contributing 34
entity, legislative campaign fund, state candidate fund, 35
political party, or separate segregated fund, to any committee 36
created to support or oppose a ballot issue or question, or, to 37
the maximum extent permitted by law and by the constitutions of 38
the United States and of this state, to a continuing 39
association; 40
- (5) Promise, either expressly or implicitly, to make a 41

contribution, expenditure, independent expenditure, or 42
disbursement described in division (B) (1), (2), (3), or (4) of 43
this section. 44

(C) No individual, candidate, campaign committee, 45
political action committee, political contributing entity, 46
legislative campaign fund, state candidate fund, political 47
party, separate segregated fund, or committee created to support 48
or oppose a ballot issue or question and, to the maximum extent 49
permitted by law and by the constitutions of the United States 50
and of this state, no continuing association shall, directly or 51
indirectly through any other person or entity, knowingly do 52
either of the following: 53

(1) Solicit, accept, or receive any funds from a foreign 54
national for any purpose described in division (B) of this 55
section; 56

(2) Make a contribution, expenditure, or independent 57
expenditure using any funds the person knows were received from 58
a foreign national for any purpose described in division (B) of 59
this section. 60

(D) No person shall knowingly aid or facilitate a 61
violation of division (B) or (C) of this section. 62

(E) Any complaint that alleges a violation of division (W) 63
of section 3517.13 of the Revised Code shall be treated as 64
instead alleging a violation of this section. 65

(F) (1) Whoever knowingly violates division (B) of this 66
section is guilty of a misdemeanor of the first degree on a 67
first offense and is guilty of a felony of the fifth degree on a 68
second or subsequent offense. The violator also shall be fined 69
an amount equal to three times the amount involved in the 70

violation or ten thousand dollars, whichever amount is greater. 71

(2) Whoever knowingly violates division (C) of this 72
section is guilty of a misdemeanor of the first degree on a 73
first offense and is guilty of a felony of the fifth degree on a 74
second or subsequent offense. The violator also shall be fined 75
an amount equal to three times the amount involved in the 76
violation or ten thousand dollars, whichever amount is greater, 77
and shall be required to return the total amount accepted in 78
violation of that division to the foreign national from whom it 79
was accepted. 80

(3) Whoever knowingly violates division (D) of this 81
section is guilty of a misdemeanor of the first degree and shall 82
be fined one thousand dollars. 83

(G) (1) (a) Except as otherwise provided in division (G) (1) 84
(b) of this section, the attorney general has exclusive 85
authority to prosecute a violation of this section and has 86
exclusive supervision and control of all investigations, 87
prosecutions, and enforcement proceedings under this section. 88

(b) If the attorney general is a victim or witness or 89
otherwise involved in an alleged violation of this section, the 90
attorney general shall refer the matter to the appropriate 91
prosecutor, as determined under division (A) (2) of section 92
3517.155 of the Revised Code, except that if applicable, the 93
attorney general shall make the determination described in 94
division (A) (2) (b) of that section instead of the Ohio elections 95
commission. 96

(2) Upon the occurrence of either of the following, the 97
attorney general shall investigate an alleged violation of this 98
section in consultation with the secretary of state: 99

(a) The submission of a written request to the attorney 100
general by the governor, the secretary of state, the general 101
assembly, or the Ohio elections commission, alleging a violation 102
of this section; 103

(b) The filing of a complaint with the attorney general by 104
an elector of this state, alleging a violation of this section. 105

(3) If it appears to the attorney general, after 106
conducting an investigation under division (G)(2) of this 107
section, that there is probable cause to believe that a 108
violation of this section has occurred, the attorney general may 109
prosecute the violation in a court of competent jurisdiction. 110

(H) When proceeding under this section, the attorney 111
general and any assistant or special counsel designated by the 112
attorney general for that purpose have all the rights, 113
privileges, and powers conferred by law on prosecuting 114
attorneys, including the power to appear before grand juries and 115
to interrogate witnesses before such grand juries. These powers 116
of the attorney general are in addition to any other applicable 117
powers of the attorney general. 118