

As Introduced

136th General Assembly

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2025-2026

H. B. No. 264

Representatives Fischer, Mathews, A.

To amend section 9.03 of the Revised Code to	1
prohibit certain government publications	2
concerning candidates or ballot issues during	3
the 30 days before an election.	4

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

Section 1. That section 9.03 of the Revised Code be	5
amended to read as follows:	6

Sec. 9.03. (A) As used in this section:	7
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(1) "Political subdivision" means any body corporate and	8
politic, except a municipal corporation that has adopted a	9
charter under Section 7 of Article XVIII, Ohio Constitution, and	10
except a county that has adopted a charter under Sections 3 and	11
4 of Article X, Ohio Constitution, to which both of the	12
following apply:	13

(a) It is responsible for governmental activities only in	14
a geographic area smaller than the state.	15

(b) It is subject to the sovereign immunity of the state.	16
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(2) "Cigarettes" and "tobacco product" have the same	17
meanings as in section 5743.01 of the Revised Code.	18

(3) "Transaction" has the same meaning as in section	19
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1315.51 of the Revised Code. 20

(4) "Campaign committee," "campaign fund," "candidate," 21
"legislative campaign fund," "political action committee," 22
"political committee," "political party," and "separate 23
segregated fund" have the same meanings as in section 3517.01 of 24
the Revised Code. 25

(5) "Government publication" means a notice, placard, 26
advertisement, brochure, flyer, direct mailer, newsletter, 27
electronic mail message, internet article or advertisement, or 28
other form of general publication that communicates information 29
about the plans, policies, and operations of a state agency, 30
political subdivision, or public official to members of the 31
public. "Government publication" does not include either of the 32
following: 33

(a) Any official notice, report, or other communication 34
that is required to be made under an applicable law; 35

(b) Any official correspondence sent to one or more 36
persons that is not sent to the general public. 37

(B) Except as otherwise provided in division (C) of this 38
section, the governing body of a political subdivision may use 39
public funds to publish and distribute ~~newsletters, or to use~~ 40
~~any other means, to communicate information about the plans,~~ 41
~~policies, and operations of the political subdivision a~~ 42
government publication to members of the public within the 43
political subdivision and to other persons who may be affected 44
by the political subdivision. 45

(C) Except as otherwise provided in division (A) (7) of 46
section 340.03 of the Revised Code, no governing body of a 47
political subdivision shall use public funds to do any of the 48

following: 49

(1) Publish, distribute, or otherwise communicate 50
information that does any of the following: 51

(a) Contains defamatory, libelous, or obscene matter; 52

(b) Promotes alcoholic beverages, cigarettes or other 53
tobacco products, or any illegal product, service, or activity; 54

(c) Promotes illegal discrimination on the basis of race, 55
color, religion, national origin, disability, age, or ancestry; 56

(d) Supports or opposes any labor organization or any 57
action by, on behalf of, or against any labor organization; 58

(e) Supports or opposes the nomination or election of a 59
candidate for public office, the investigation, prosecution, or 60
recall of a public official, or the passage of a levy or bond 61
issue. 62

(2) Compensate any employee of the political subdivision 63
for time spent on any activity to influence the outcome of an 64
election for any of the purposes described in division (C) (1) (e) 65
of this section. Division (C) (2) of this section does not 66
prohibit the use of public funds to compensate an employee of a 67
political subdivision for attending a public meeting to present 68
information about the political subdivision's finances, 69
activities, and governmental actions in a manner that is not 70
designed to influence the outcome of an election or the passage 71
of a levy or bond issue, even though the election, levy, or bond 72
issue is discussed or debated at the meeting. 73

(D) Except as otherwise provided in division (A) (7) of 74
section 340.03 of the Revised Code or in division (E) of this 75
section, no person shall knowingly conduct a direct or indirect 76

transaction of public funds to the benefit of any of the	77
following:	78
(1) A campaign committee;	79
(2) A political action committee;	80
(3) A legislative campaign fund;	81
(4) A political party;	82
(5) A campaign fund;	83
(6) A political committee;	84
(7) A separate segregated fund;	85
(8) A candidate.	86
(E) Division (D) of this section does not prohibit the	87
utilization of any person's own time to speak in support of or	88
in opposition to any candidate, recall, referendum, levy, or	89
bond issue unless prohibited by any other section of the Revised	90
Code.	91
(F) (F) (1) The use of public funds, directly or	92
indirectly, to disseminate a government publication during the	93
period beginning on the thirtieth day before the day of an	94
election and ending on the day of the election that refers to a	95
clearly identified candidate for nomination or election at that	96
election is considered to support or oppose the nomination or	97
election of a candidate for public office in violation of	98
division (C) (1) (e) of this section and is considered a	99
transaction of public funds to the benefit of a candidate in	100
violation of division (D) of this section. A government	101
publication refers to a clearly identified candidate if the	102
candidate's name, nickname, photograph, or drawing appears, or	103

if the identity of the candidate is otherwise apparent through 104
an unambiguous reference to the person such as "the chief 105
justice," "the governor," "member of the Ohio senate," "member 106
of the Ohio house of representatives," "county auditor," 107
"mayor," or "township trustee" or through an unambiguous 108
reference to the person's status as a candidate. 109

(2) The use of public funds, directly or indirectly, to 110
disseminate a government publication during the period beginning 111
on the thirtieth day before the day of an election at which a 112
levy or bond issue appears on the ballot and ending on the day 113
of the election that refers to the levy or bond issue or that 114
refers to a state agency's or political subdivision's finances 115
is considered to support the passage of the levy or bond issue 116
in violation of division (C) (1) (e) of this section and is 117
considered a transaction of public funds to the benefit of a 118
political action committee in violation of division (D) of this 119
section. 120

(3) Divisions (F) (1) and (2) of this section do not apply 121
to the official web site of a state agency, political 122
subdivision, or public official, so long as the web site refers 123
to the clearly identified candidate or to the levy or bond issue 124
before the thirtieth day before the day of the election. 125

(G) Nothing in this section prohibits or restricts any 126
political subdivision from sponsoring, participating in, or 127
doing any of the following: 128

(1) Charitable or public service advertising that is not 129
commercial in nature; 130

(2) Advertising of exhibitions, performances, programs, 131
products, or services that are provided by employees of a 132

political subdivision or are provided at or through premises 133
owned or operated by a political subdivision; 134

(3) Licensing an interest in a name or mark that is owned 135
or controlled by the political subdivision. 136

~~(G)~~ (H) Whoever violates division (D) of this section 137
shall be punished as provided in section 3599.40 of the Revised 138
Code. 139

Section 2. That existing section 9.03 of the Revised Code 140
is hereby repealed. 141