

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 246**

**Representative Clyde**

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

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**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 after its acceptance. 778  
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(b) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the board of elections or the secretary of state that a transfer or contribution in excess of the permitted amount has been received. 780  
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(K) (1) Any legislative campaign fund that violates division (F) (1) of section 3517.102 of the Revised Code shall be fined twenty-five dollars for each day of violation. 785  
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(2) Any legislative campaign fund that violates division (F) (2) of section 3517.102 of the Revised Code shall give to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund all excess contributions not disposed of as required by division (E) of section 3517.102 of the Revised Code. 788  
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(L) Whoever violates section 3517.105 of the Revised Code shall be fined one thousand dollars. 794  
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(M) (1) Whoever solicits a contribution in violation of section 3517.092 or violates division (B) of section 3517.09 of the Revised Code is guilty of a misdemeanor of the first degree. 796  
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(2) Whoever knowingly accepts a contribution in violation of division (B) or (C) of section 3517.092 of the Revised Code shall be fined an amount equal to three times the amount accepted in violation of either of those divisions and shall return to the contributor any amount so accepted. Whoever unknowingly accepts a contribution in violation of division (B) or (C) of section 3517.092 of the Revised Code shall return to the contributor any amount so accepted. 799  
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(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 3517.13 of the Revised Code is guilty of misuse of public resources related to an election mailing. Except as otherwise provided in division (FF) (1) (b) or (c) of this section, misuse of public resources related to an election mailing is a felony of the fifth degree. 924  
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(b) If the amount of the public funds expended in conducting the mailing in violation of division (AA) of section 3517.13 of the Revised Code is one thousand dollars or more and is less than seven thousand five hundred dollars, the offense is a felony of the fourth degree. 930  
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(c) If the amount of the public funds expended in conducting the mailing in violation of division (AA) of section 3517.13 of the Revised Code is seven thousand five hundred dollars or more, the offense is a felony of the third degree. 935  
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(2) (a) A court that imposes a sentence for misuse of public resources related to an election mailing shall require the offender to make restitution in the amount of the public funds expended in conducting the mailing, in addition to any term of imprisonment and any fine imposed. 939  
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(b) If the offender, at the time of the commission of the offense or at any other time, was a member, electing employee, participating employee, continuing member, or participant in a retirement system, pension fund, alternative retirement plan, or deferred compensation program described in division (C) (2) (b) (i) of section 2921.41 of the Revised Code, the entity to which restitution is to be made may file a motion with the sentencing court specifying any such system, fund, plan, or program and 944  
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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