

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 358**

**Representatives Lanese, Manning**

**Cosponsors: Representatives Bird, John, Koehler, Lightbody, McClain, Miller, J.,  
Riedel, Russo, Young, T.**

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**A BILL**

To amend section 102.02 of the Revised Code to 1  
change the minimum dollar amount of a gift 2  
required to be reported, and to require that 3  
reporting be done according to a dollar amount 4  
range, under the Ohio Ethics Law. 5

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

**Section 1.** That section 102.02 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 102.02.** (A) (1) Except as otherwise provided in 8  
division (H) of this section, all of the following shall file 9  
with the appropriate ethics commission the disclosure statement 10  
described in this division on a form prescribed by the 11  
appropriate commission: every person who is elected to or is a 12  
candidate for a state, county, or city office and every person 13  
who is appointed to fill a vacancy for an unexpired term in such 14  
an elective office; all members of the state board of education; 15  
the director, assistant directors, deputy directors, division 16  
chiefs, or persons of equivalent rank of any administrative 17  
department of the state; the president or other chief 18

administrative officer of every state institution of higher 19  
education as defined in section 3345.011 of the Revised Code; 20  
the executive director and the members of the capitol square 21  
review and advisory board appointed or employed pursuant to 22  
section 105.41 of the Revised Code; all members of the Ohio 23  
casino control commission, the executive director of the 24  
commission, all professional employees of the commission, and 25  
all technical employees of the commission who perform an 26  
internal audit function; the individuals set forth in division 27  
(B) (2) of section 187.03 of the Revised Code; the chief 28  
executive officer and the members of the board of each state 29  
retirement system; each employee of a state retirement board who 30  
is a state retirement system investment officer licensed 31  
pursuant to section 1707.163 of the Revised Code; the members of 32  
the Ohio retirement study council appointed pursuant to division 33  
(C) of section 171.01 of the Revised Code; employees of the Ohio 34  
retirement study council, other than employees who perform 35  
purely administrative or clerical functions; the administrator 36  
of workers' compensation and each member of the bureau of 37  
workers' compensation board of directors; the bureau of workers' 38  
compensation director of investments; the chief investment 39  
officer of the bureau of workers' compensation; all members of 40  
the board of commissioners on grievances and discipline of the 41  
supreme court and the ethics commission created under section 42  
102.05 of the Revised Code; every business manager, treasurer, 43  
or superintendent of a city, local, exempted village, joint 44  
vocational, or cooperative education school district or an 45  
educational service center; every person who is elected to or is 46  
a candidate for the office of member of a board of education of 47  
a city, local, exempted village, joint vocational, or 48  
cooperative education school district or of a governing board of 49  
an educational service center that has a total student count of 50

twelve thousand or more as most recently determined by the 51  
department of education pursuant to section 3317.03 of the 52  
Revised Code; every person who is appointed to the board of 53  
education of a municipal school district pursuant to division 54  
(B) or (F) of section 3311.71 of the Revised Code; all members 55  
of the board of directors of a sanitary district that is 56  
established under Chapter 6115. of the Revised Code and 57  
organized wholly for the purpose of providing a water supply for 58  
domestic, municipal, and public use, and that includes two 59  
municipal corporations in two counties; every public official or 60  
employee who is paid a salary or wage in accordance with 61  
schedule C of section 124.15 or schedule E-2 of section 124.152 62  
of the Revised Code; members of the board of trustees and the 63  
executive director of the southern Ohio agricultural and 64  
community development foundation; all members appointed to the 65  
Ohio livestock care standards board under section 904.02 of the 66  
Revised Code; all entrepreneurs in residence assigned by the 67  
LeanOhio office in the department of administrative services 68  
under section 125.65 of the Revised Code and every other public 69  
official or employee who is designated by the appropriate ethics 70  
commission pursuant to division (B) of this section. 71

(2) The disclosure statement shall include all of the 72  
following: 73

(a) The name of the person filing the statement and each 74  
member of the person's immediate family and all names under 75  
which the person or members of the person's immediate family do 76  
business; 77

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 78  
this section and except as otherwise provided in section 102.022 79  
of the Revised Code, identification of every source of income, 80

other than income from a legislative agent identified in 81  
division (A) (2) (b) (ii) of this section, received during the 82  
preceding calendar year, in the person's own name or by any 83  
other person for the person's use or benefit, by the person 84  
filing the statement, and a brief description of the nature of 85  
the services for which the income was received. If the person 86  
filing the statement is a member of the general assembly, the 87  
statement shall identify the amount of every source of income 88  
received in accordance with the following ranges of amounts: 89  
zero or more, but less than one thousand dollars; one thousand 90  
dollars or more, but less than ten thousand dollars; ten 91  
thousand dollars or more, but less than twenty-five thousand 92  
dollars; twenty-five thousand dollars or more, but less than 93  
fifty thousand dollars; fifty thousand dollars or more, but less 94  
than one hundred thousand dollars; and one hundred thousand 95  
dollars or more. Division (A) (2) (b) (i) of this section shall not 96  
be construed to require a person filing the statement who 97  
derives income from a business or profession to disclose the 98  
individual items of income that constitute the gross income of 99  
that business or profession, except for those individual items 100  
of income that are attributable to the person's or, if the 101  
income is shared with the person, the partner's, solicitation of 102  
services or goods or performance, arrangement, or facilitation 103  
of services or provision of goods on behalf of the business or 104  
profession of clients, including corporate clients, who are 105  
legislative agents. A person who files the statement under this 106  
section shall disclose the identity of and the amount of income 107  
received from a person who the public official or employee knows 108  
or has reason to know is doing or seeking to do business of any 109  
kind with the public official's or employee's agency. 110

(ii) If the person filing the statement is a member of the 111

general assembly, the statement shall identify every source of 112  
income and the amount of that income that was received from a 113  
legislative agent during the preceding calendar year, in the 114  
person's own name or by any other person for the person's use or 115  
benefit, by the person filing the statement, and a brief 116  
description of the nature of the services for which the income 117  
was received. Division (A) (2) (b) (ii) of this section requires 118  
the disclosure of clients of attorneys or persons licensed under 119  
section 4732.12 of the Revised Code, or patients of persons 120  
licensed under section 4731.14 of the Revised Code, if those 121  
clients or patients are legislative agents. Division (A) (2) (b) 122  
(ii) of this section requires a person filing the statement who 123  
derives income from a business or profession to disclose those 124  
individual items of income that constitute the gross income of 125  
that business or profession that are received from legislative 126  
agents. 127

(iii) Except as otherwise provided in division (A) (2) (b) 128  
(iii) of this section, division (A) (2) (b) (i) of this section 129  
applies to attorneys, physicians, and other persons who engage 130  
in the practice of a profession and who, pursuant to a section 131  
of the Revised Code, the common law of this state, a code of 132  
ethics applicable to the profession, or otherwise, generally are 133  
required not to reveal, disclose, or use confidences of clients, 134  
patients, or other recipients of professional services except 135  
under specified circumstances or generally are required to 136  
maintain those types of confidences as privileged communications 137  
except under specified circumstances. Division (A) (2) (b) (i) of 138  
this section does not require an attorney, physician, or other 139  
professional subject to a confidentiality requirement as 140  
described in division (A) (2) (b) (iii) of this section to disclose 141  
the name, other identity, or address of a client, patient, or 142

other recipient of professional services if the disclosure would 143  
threaten the client, patient, or other recipient of professional 144  
services, would reveal details of the subject matter for which 145  
legal, medical, or professional advice or other services were 146  
sought, or would reveal an otherwise privileged communication 147  
involving the client, patient, or other recipient of 148  
professional services. Division (A) (2) (b) (i) of this section 149  
does not require an attorney, physician, or other professional 150  
subject to a confidentiality requirement as described in 151  
division (A) (2) (b) (iii) of this section to disclose in the brief 152  
description of the nature of services required by division (A) 153  
(2) (b) (i) of this section any information pertaining to specific 154  
professional services rendered for a client, patient, or other 155  
recipient of professional services that would reveal details of 156  
the subject matter for which legal, medical, or professional 157  
advice was sought or would reveal an otherwise privileged 158  
communication involving the client, patient, or other recipient 159  
of professional services. 160

(c) The name of every corporation on file with the 161  
secretary of state that is incorporated in this state or holds a 162  
certificate of compliance authorizing it to do business in this 163  
state, trust, business trust, partnership, or association that 164  
transacts business in this state in which the person filing the 165  
statement or any other person for the person's use and benefit 166  
had during the preceding calendar year an investment of over one 167  
thousand dollars at fair market value as of the thirty-first day 168  
of December of the preceding calendar year, or the date of 169  
disposition, whichever is earlier, or in which the person holds 170  
any office or has a fiduciary relationship, and a description of 171  
the nature of the investment, office, or relationship. Division 172  
(A) (2) (c) of this section does not require disclosure of the 173

name of any bank, savings and loan association, credit union, or 174  
building and loan association with which the person filing the 175  
statement has a deposit or a withdrawable share account. 176

(d) All fee simple and leasehold interests to which the 177  
person filing the statement holds legal title to or a beneficial 178  
interest in real property located within the state, excluding 179  
the person's residence and property used primarily for personal 180  
recreation; 181

(e) The names of all persons residing or transacting 182  
business in the state to whom the person filing the statement 183  
owes, in the person's own name or in the name of any other 184  
person, more than one thousand dollars. Division (A) (2) (e) of 185  
this section shall not be construed to require the disclosure of 186  
debts owed by the person resulting from the ordinary conduct of 187  
a business or profession or debts on the person's residence or 188  
real property used primarily for personal recreation, except 189  
that the superintendent of financial institutions and any deputy 190  
superintendent of banks shall disclose the names of all state- 191  
chartered banks and all bank subsidiary corporations subject to 192  
regulation under section 1109.44 of the Revised Code to whom the 193  
superintendent or deputy superintendent owes any money. 194

(f) The names of all persons residing or transacting 195  
business in the state, other than a depository excluded under 196  
division (A) (2) (c) of this section, who owe more than one 197  
thousand dollars to the person filing the statement, either in 198  
the person's own name or to any person for the person's use or 199  
benefit. Division (A) (2) (f) of this section shall not be 200  
construed to require the disclosure of clients of attorneys or 201  
persons licensed under section 4732.12 of the Revised Code, or 202  
patients of persons licensed under section 4731.14 of the 203

Revised Code, nor the disclosure of debts owed to the person 204  
resulting from the ordinary conduct of a business or profession. 205

(g) (i) Except as otherwise provided in section 102.022 of 206  
the Revised Code, the source of each gift of over ~~seventy-five-~~ 207  
one hundred fifty dollars, or of each including a gift of over- 208  
twenty-five dollars received by a member of the general assembly 209  
from a legislative agent, received by the person in the person's 210  
own name or by any other person for the person's use or benefit 211  
during the preceding calendar year, except gifts received by 212  
will or by virtue of section 2105.06 of the Revised Code, or 213  
received from spouses, parents, grandparents, children, 214  
grandchildren, siblings, nephews, nieces, uncles, aunts, 215  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 216  
fathers-in-law, mothers-in-law, or any person to whom the person 217  
filing the statement stands in loco parentis, or received by way 218  
of distribution from any inter vivos or testamentary trust 219  
established by a spouse or by an ancestor~~r~~. The statement shall 220  
identify the amount of every gift received in accordance with 221  
the following ranges of amounts: one hundred fifty or more, but 222  
less than two hundred fifty dollars; two hundred fifty dollars 223  
or more, but less than one thousand dollars; one thousand 224  
dollars or more, but less than ten thousand dollars; ten 225  
thousand dollars or more, but less than one hundred thousand 226  
dollars; and one hundred thousand dollars or more. 227

(ii) If it is impractical or impossible to determine exact 228  
dollar amounts or values of gifts, reporting of good faith 229  
estimates, based upon reasonable accounting procedures, 230  
constitutes compliance with division (A) (2) (g) (i) of this 231  
section. 232

(h) Except as otherwise provided in section 102.022 of the 233

Revised Code, identification of the source and amount of every 234  
payment of expenses incurred for travel to destinations inside 235  
or outside this state that is received by the person in the 236  
person's own name or by any other person for the person's use or 237  
benefit and that is incurred in connection with the person's 238  
official duties, except for expenses for travel to meetings or 239  
conventions of a national or state organization to which any 240  
state agency, including, but not limited to, any legislative 241  
agency or state institution of higher education as defined in 242  
section 3345.011 of the Revised Code, pays membership dues, or 243  
any political subdivision or any office or agency of a political 244  
subdivision pays membership dues; 245

(i) Except as otherwise provided in section 102.022 of the 246  
Revised Code, identification of the source of payment of 247  
expenses for meals and other food and beverages, other than for 248  
meals and other food and beverages provided at a meeting at 249  
which the person participated in a panel, seminar, or speaking 250  
engagement or at a meeting or convention of a national or state 251  
organization to which any state agency, including, but not 252  
limited to, any legislative agency or state institution of 253  
higher education as defined in section 3345.011 of the Revised 254  
Code, pays membership dues, or any political subdivision or any 255  
office or agency of a political subdivision pays membership 256  
dues, that are incurred in connection with the person's official 257  
duties and that exceed one hundred dollars aggregated per 258  
calendar year; 259

(j) If the disclosure statement is filed by a public 260  
official or employee described in division (B)(2) of section 261  
101.73 of the Revised Code or division (B)(2) of section 121.63 262  
of the Revised Code who receives a statement from a legislative 263  
agent, executive agency lobbyist, or employer that contains the 264

information described in division (F) (2) of section 101.73 of 265  
the Revised Code or division (G) (2) of section 121.63 of the 266  
Revised Code, all of the nondisputed information contained in 267  
the statement delivered to that public official or employee by 268  
the legislative agent, executive agency lobbyist, or employer 269  
under division (F) (2) of section 101.73 or (G) (2) of section 270  
121.63 of the Revised Code. 271

(3) A person may file a statement required by this section 272  
in person, by mail, or by electronic means. 273

(4) A person who is required to file a statement under 274  
this section shall file that statement according to the 275  
following deadlines, as applicable: 276

(a) Except as otherwise provided in divisions (A) (4) (b), 277  
(c), and (d) of this section, the person shall file the 278  
statement not later than the fifteenth day of May of each year. 279

(b) A person who is a candidate for elective office shall 280  
file the statement no later than the thirtieth day before the 281  
primary, special, or general election at which the candidacy is 282  
to be voted on, whichever election occurs soonest, except that a 283  
person who is a write-in candidate shall file the statement no 284  
later than the twentieth day before the earliest election at 285  
which the person's candidacy is to be voted on. 286

(c) A person who is appointed to fill a vacancy for an 287  
unexpired term in an elective office shall file the statement 288  
within fifteen days after the person qualifies for office. 289

(d) A person who is appointed or employed after the 290  
fifteenth day of May, other than a person described in division 291  
(A) (4) (c) of this section, shall file an annual statement within 292  
ninety days after appointment or employment. 293

(5) No person shall be required to file with the 294  
appropriate ethics commission more than one statement or pay 295  
more than one filing fee for any one calendar year. 296

(6) The appropriate ethics commission, for good cause, may 297  
extend for a reasonable time the deadline for filing a statement 298  
under this section. 299

(7) A statement filed under this section is subject to 300  
public inspection at locations designated by the appropriate 301  
ethics commission except as otherwise provided in this section. 302

(B) The Ohio ethics commission, the joint legislative 303  
ethics committee, and the board of commissioners on grievances 304  
and discipline of the supreme court, using the rule-making 305  
procedures of Chapter 119. of the Revised Code, may require any 306  
class of public officials or employees under its jurisdiction 307  
and not specifically excluded by this section whose positions 308  
involve a substantial and material exercise of administrative 309  
discretion in the formulation of public policy, expenditure of 310  
public funds, enforcement of laws and rules of the state or a 311  
county or city, or the execution of other public trusts, to file 312  
an annual statement under division (A) of this section. The 313  
appropriate ethics commission shall send the public officials or 314  
employees written notice of the requirement not less than thirty 315  
days before the applicable filing deadline unless the public 316  
official or employee is appointed after that date, in which case 317  
the notice shall be sent within thirty days after appointment, 318  
and the filing shall be made not later than ninety days after 319  
appointment. 320

Disclosure statements filed under this division with the 321  
Ohio ethics commission by members of boards, commissions, or 322  
bureaus of the state for which no compensation is received other 323

than reasonable and necessary expenses shall be kept 324  
confidential. Disclosure statements filed with the Ohio ethics 325  
commission under division (A) of this section by business 326  
managers, treasurers, and superintendents of city, local, 327  
exempted village, joint vocational, or cooperative education 328  
school districts or educational service centers shall be kept 329  
confidential, except that any person conducting an audit of any 330  
such school district or educational service center pursuant to 331  
Chapter 117. of the Revised Code may examine the disclosure 332  
statement of any business manager, treasurer, or superintendent 333  
of that school district or educational service center. 334  
Disclosure statements filed with the Ohio ethics commission 335  
under division (A) of this section by the individuals set forth 336  
in division (B) (2) of section 187.03 of the Revised Code shall 337  
be kept confidential. The Ohio ethics commission shall examine 338  
each disclosure statement required to be kept confidential to 339  
determine whether a potential conflict of interest exists for 340  
the person who filed the disclosure statement. A potential 341  
conflict of interest exists if the private interests of the 342  
person, as indicated by the person's disclosure statement, might 343  
interfere with the public interests the person is required to 344  
serve in the exercise of the person's authority and duties in 345  
the person's office or position of employment. If the commission 346  
determines that a potential conflict of interest exists, it 347  
shall notify the person who filed the disclosure statement and 348  
shall make the portions of the disclosure statement that 349  
indicate a potential conflict of interest subject to public 350  
inspection in the same manner as is provided for other 351  
disclosure statements. Any portion of the disclosure statement 352  
that the commission determines does not indicate a potential 353  
conflict of interest shall be kept confidential by the 354  
commission and shall not be made subject to public inspection, 355

except as is necessary for the enforcement of Chapters 102. and 356  
2921. of the Revised Code and except as otherwise provided in 357  
this division. 358

(C) No person shall knowingly fail to file, on or before 359  
the applicable filing deadline established under this section, a 360  
statement that is required by this section. 361

(D) No person shall knowingly file a false statement that 362  
is required to be filed under this section. 363

(E) (1) Except as provided in divisions (E) (2) and (3) of 364  
this section, the statement required by division (A) or (B) of 365  
this section shall be accompanied by a filing fee of sixty 366  
dollars. 367

(2) The statement required by division (A) of this section 368  
shall be accompanied by the following filing fee to be paid by 369  
the person who is elected or appointed to, or is a candidate 370  
for, any of the following offices: 371

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A	For state office, except member of the state board of education	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35

E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30
G	For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$30
	(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E) (1) or (2) or (F) of this section.	374 375 376 377
	(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E) (1) or (F) of this section.	378 379 380 381 382 383
	(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.	384 385 386 387 388 389 390
	(G) (1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E)	391 392 393

and (F) of this section into the general revenue fund of the state. 394  
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(2) The Ohio ethics commission shall deposit all receipts, 396  
including, but not limited to, fees it receives under divisions 397  
(E) and (F) of this section, investigative or other fees, costs, 398  
or other funds it receives as a result of court orders, and all 399  
moneys it receives from settlements under division (G) of 400  
section 102.06 of the Revised Code, into the Ohio ethics 401  
commission fund, which is hereby created in the state treasury. 402  
All moneys credited to the fund shall be used solely for 403  
expenses related to the operation and statutory functions of the 404  
commission. 405

(3) The joint legislative ethics committee shall deposit 406  
all receipts it receives from the payment of financial 407  
disclosure statement filing fees under divisions (E) and (F) of 408  
this section into the joint legislative ethics committee 409  
investigative and financial disclosure fund. 410

(H) Division (A) of this section does not apply to a 411  
person elected or appointed to the office of precinct, ward, or 412  
district committee member under Chapter 3517. of the Revised 413  
Code; a presidential elector; a delegate to a national 414  
convention; village or township officials and employees; any 415  
physician or psychiatrist who is paid a salary or wage in 416  
accordance with schedule C of section 124.15 or schedule E-2 of 417  
section 124.152 of the Revised Code and whose primary duties do 418  
not require the exercise of administrative discretion; or any 419  
member of a board, commission, or bureau of any county or city 420  
who receives less than one thousand dollars per year for serving 421  
in that position. 422

**Section 2.** That existing section 102.02 of the Revised 423

Code is hereby repealed.

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