

As Referred by the House Rules and Reference Committee

135th General Assembly

Regular Session

2023-2024

H. B. No. 609

Representatives Hillyer, Holmes

Cosponsor: Representative Edwards



A BILL

To amend section 3517.13 of the Revised Code to
modify the Campaign Finance Law regarding
foreign nationals and statewide initiatives and
referenda and to declare an emergency.

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

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

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

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

As used in this division, "statewide candidate" has the

same meaning as in division (F) (2) of section 3517.10 of the Revised Code. 19
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(B) No campaign committee shall fail to file a complete and accurate statement required under division (A) (1) of section 3517.10 of the Revised Code. 21
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(C) No campaign committee shall fail to file a complete and accurate statement required under division (A) (2) of section 3517.10 of the Revised Code. 24
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(D) No campaign committee shall fail to file a complete and accurate statement required under division (A) (3) or (4) of section 3517.10 of the Revised Code. 27
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(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code. 30
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(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election. 33
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(G) (1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 of the Revised Code. 36
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(2) (a) No person shall make a contribution to a campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or person making disbursements to pay the direct costs of producing or airing electioneering communications in the name of another person. 40
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(b) A person does not make a contribution in the name of 46

another when either of the following applies: 47

(i) An individual makes a contribution from a partnership 48
or other unincorporated business account, if the contribution is 49
reported by listing both the name of the partnership or other 50
unincorporated business and the name of the partner or owner 51
making the contribution as required under division (I) of 52
section 3517.10 of the Revised Code. 53

(ii) A person makes a contribution in that person's 54
spouse's name or in both of their names. 55

(H) No person within this state, publishing a newspaper or 56
other periodical, shall charge a campaign committee for 57
political advertising a rate in excess of the rate such person 58
would charge if the campaign committee were a general rate 59
advertiser whose advertising was directed to promoting its 60
business within the same area as that encompassed by the 61
particular office that the candidate of the campaign committee 62
is seeking. The rate shall take into account the amount of space 63
used, as well as the type of advertising copy submitted by or on 64
behalf of the campaign committee. All discount privileges 65
otherwise offered by a newspaper or periodical to general rate 66
advertisers shall be available upon equal terms to all campaign 67
committees. 68

No person within this state, operating a radio or 69
television station or network of stations in this state, shall 70
charge a campaign committee for political broadcasts a rate that 71
exceeds: 72

(1) During the forty-five days preceding the date of a 73
primary election and during the sixty days preceding the date of 74
a general or special election in which the candidate of the 75

campaign committee is seeking office, the lowest unit charge of 76
the station for the same class and amount of time for the same 77
period; 78

(2) At any other time, the charges made for comparable use 79
of that station by its other users. 80

(I) Subject to divisions (K), (L), (M), and (N) of this 81
section, no agency or department of this state or any political 82
subdivision shall award any contract, other than one let by 83
competitive bidding or a contract incidental to such contract or 84
which is by force account, for the purchase of goods costing 85
more than five hundred dollars or services costing more than 86
five hundred dollars to any individual, partnership, 87
association, including, without limitation, a professional 88
association organized under Chapter 1785. of the Revised Code, 89
estate, or trust if the individual has made or the individual's 90
spouse has made, or any partner, shareholder, administrator, 91
executor, or trustee or the spouse of any of them has made, as 92
an individual, within the two previous calendar years, one or 93
more contributions totaling in excess of one thousand dollars to 94
the holder of the public office having ultimate responsibility 95
for the award of the contract or to the public officer's 96
campaign committee. 97

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

Revised Code, if an owner of more than twenty per cent of the 106
corporation or business trust or the spouse of that person has 107
made, as an individual, within the two previous calendar years, 108
taking into consideration only owners for all of that period, 109
one or more contributions totaling in excess of one thousand 110
dollars to the holder of a public office having ultimate 111
responsibility for the award of the contract or to the public 112
officer's campaign committee. 113

(K) For purposes of divisions (I) and (J) of this section, 114
if a public officer who is responsible for the award of a 115
contract is appointed by the governor, whether or not the 116
appointment is subject to the advice and consent of the senate, 117
excluding members of boards, commissions, committees, 118
authorities, councils, boards of trustees, task forces, and 119
other such entities appointed by the governor, the office of the 120
governor is considered to have ultimate responsibility for the 121
award of the contract. 122

(L) For purposes of divisions (I) and (J) of this section, 123
if a public officer who is responsible for the award of a 124
contract is appointed by the elected chief executive officer of 125
a municipal corporation, or appointed by the elected chief 126
executive officer of a county operating under an alternative 127
form of county government or county charter, excluding members 128
of boards, commissions, committees, authorities, councils, 129
boards of trustees, task forces, and other such entities 130
appointed by the chief executive officer, the office of the 131
chief executive officer is considered to have ultimate 132
responsibility for the award of the contract. 133

(M) (1) Divisions (I) and (J) of this section do not apply 134
to contracts awarded by the board of commissioners of the 135

sinking fund, municipal legislative authorities, boards of 136
education, boards of county commissioners, boards of township 137
trustees, or other boards, commissions, committees, authorities, 138
councils, boards of trustees, task forces, and other such 139
entities created by law, by the supreme court or courts of 140
appeals, by county courts consisting of more than one judge, 141
courts of common pleas consisting of more than one judge, or 142
municipal courts consisting of more than one judge, or by a 143
division of any court if the division consists of more than one 144
judge. This division shall apply to the specified entity only if 145
the members of the entity act collectively in the award of a 146
contract for goods or services. 147

(2) Divisions (I) and (J) of this section do not apply to 148
actions of the controlling board. 149

(N) (1) Divisions (I) and (J) of this section apply to 150
contributions made to the holder of a public office having 151
ultimate responsibility for the award of a contract, or to the 152
public officer's campaign committee, during the time the person 153
holds the office and during any time such person was a candidate 154
for the office. Those divisions do not apply to contributions 155
made to, or to the campaign committee of, a candidate for or 156
holder of the office other than the holder of the office at the 157
time of the award of the contract. 158

(2) Divisions (I) and (J) of this section do not apply to 159
contributions of a partner, shareholder, administrator, 160
executor, trustee, or owner of more than twenty per cent of a 161
corporation or business trust made before the person held any of 162
those positions or after the person ceased to hold any of those 163
positions in the partnership, association, estate, trust, 164
corporation, or business trust whose eligibility to be awarded a 165

contract is being determined, nor to contributions of the 166
person's spouse made before the person held any of those 167
positions, after the person ceased to hold any of those 168
positions, before the two were married, after the granting of a 169
decree of divorce, dissolution of marriage, or annulment, or 170
after the granting of an order in an action brought solely for 171
legal separation. Those divisions do not apply to contributions 172
of the spouse of an individual whose eligibility to be awarded a 173
contract is being determined made before the two were married, 174
after the granting of a decree of divorce, dissolution of 175
marriage, or annulment, or after the granting of an order in an 176
action brought solely for legal separation. 177

(0) No beneficiary of a campaign fund or other person 178
shall convert for personal use, and no person shall knowingly 179
give to a beneficiary of a campaign fund or any other person, 180
for the beneficiary's or any other person's personal use, 181
anything of value from the beneficiary's campaign fund, 182
including, without limitation, payments to a beneficiary for 183
services the beneficiary personally performs, except as 184
reimbursement for any of the following: 185

(1) Legitimate and verifiable prior campaign expenses 186
incurred by the beneficiary; 187

(2) Legitimate and verifiable ordinary and necessary prior 188
expenses incurred by the beneficiary in connection with duties 189
as the holder of a public office, including, without limitation, 190
expenses incurred through participation in nonpartisan or 191
bipartisan events if the participation of the holder of a public 192
office would normally be expected; 193

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

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

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

committee. 254

Reimbursable expenses under this division do not include, 255
and it is a violation of this division for a candidate or public 256
official or employee to accept, or for any person to knowingly 257
give to a candidate or public official or employee from a 258
political party, political action committee, political 259
contributing entity, legislative campaign fund, or campaign 260
committee other than the candidate's or public official's or 261
employee's own campaign committee, anything of value for 262
activities primarily related to the candidate's or public 263
official's or employee's own campaign for election, except for 264
contributions to the candidate's or public official's or 265
employee's campaign committee. 266

For purposes of this division, an expense is incurred 267
whenever a candidate or public official or employee has either 268
made payment or is obligated to make payment, as by the use of a 269
credit card or other credit procedure, or by the use of goods or 270
services on account. 271

(R) (1) Division (O) or (P) of this section does not 272
prohibit a campaign committee from making direct advance or post 273
payment from contributions to vendors for goods and services for 274
which reimbursement is permitted under division (O) of this 275
section, except that no campaign committee shall pay its 276
candidate or other beneficiary for services personally performed 277
by the candidate or other beneficiary. 278

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

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| be by any reasonable accounting method, considering all of the | 284 |
| surrounding circumstances. | 285 |
| (3) For purposes of divisions (O), (P), and (Q) of this | 286 |
| section, mileage allowance at a rate not greater than that | 287 |
| allowed by the internal revenue service at the time the travel | 288 |
| occurs may be paid instead of reimbursement for actual travel | 289 |
| expenses allowable. | 290 |
| (S) (1) As used in division (S) of this section: | 291 |
| (a) "State elective office" has the same meaning as in | 292 |
| section 3517.092 of the Revised Code. | 293 |
| (b) "Federal office" means a federal office as defined in | 294 |
| the Federal Election Campaign Act. | 295 |
| (c) "Federal campaign committee" means a principal | 296 |
| campaign committee or authorized committee as defined in the | 297 |
| Federal Election Campaign Act. | 298 |
| (2) No person who is a candidate for state elective office | 299 |
| and who previously sought nomination or election to a federal | 300 |
| office shall transfer any funds or assets from that person's | 301 |
| federal campaign committee for nomination or election to the | 302 |
| federal office to that person's campaign committee as a | 303 |
| candidate for state elective office. | 304 |
| (3) No campaign committee of a person who is a candidate | 305 |
| for state elective office and who previously sought nomination | 306 |
| or election to a federal office shall accept any funds or assets | 307 |
| from that person's federal campaign committee for that person's | 308 |
| nomination or election to the federal office. | 309 |
| (T) (1) Except as otherwise provided in division (B) (6) (c) | 310 |
| of section 3517.102 of the Revised Code, a state or county | 311 |

political party shall not disburse moneys from any account other 312
than a state candidate fund to make contributions to any of the 313
following: 314

(a) A state candidate fund; 315

(b) A legislative campaign fund; 316

(c) A campaign committee of a candidate for the office of 317
governor, lieutenant governor, secretary of state, auditor of 318
state, treasurer of state, attorney general, member of the state 319
board of education, or member of the general assembly. 320

(2) No state candidate fund, legislative campaign fund, or 321
campaign committee of a candidate for any office described in 322
division (T) (1) (c) of this section shall knowingly accept a 323
contribution in violation of division (T) (1) of this section. 324

(U) No person shall fail to file a statement required 325
under section 3517.12 of the Revised Code. 326

(V) No campaign committee shall fail to file a statement 327
required under division (K) (3) of section 3517.10 of the Revised 328
Code. 329

(W) (1) No foreign national shall, directly or indirectly 330
through any other person or entity, ~~make knowingly do any of the~~ 331
following: 332

(a) Make a contribution, to a candidate, campaign 333
committee, political action committee, political contributing 334
entity, legislative campaign fund, state candidate fund, 335
political party, or separate segregated fund or to any committee 336
described in section 3517.12 of the Revised Code; 337

(b) Make an expenditure, or independent expenditure or 338
promise, either expressly or implicitly, to make a contribution, 339

~~expenditure, or independent expenditure~~ in support of or 340
opposition to a candidate for any elective office in this state, 341
including an office of a political party, or in support of or 342
opposition to any initiative or referendum concerning which a 343
committee exists as described in section 3517.12 of the Revised 344
Code; 345

(c) Promise, either expressly or implicitly, to make a 346
contribution, expenditure, or independent expenditure described 347
in division (W) (1) (a) or (b) of this section. 348

(2) No candidate, campaign committee, political action 349
committee, political contributing entity, legislative campaign 350
fund, state candidate fund, political party, or separate 351
segregated fund and no committee described in section 3517.12 of 352
the Revised Code shall knowingly solicit or accept a 353
contribution, expenditure, or independent expenditure from a 354
foreign national. The secretary of state may direct any 355
candidate, committee, entity, fund, or party that knowingly 356
accepts a contribution, expenditure, or independent expenditure 357
in violation of this division to return the contribution, 358
expenditure, or independent expenditure or, if it is not 359
possible to return the contribution, expenditure, or independent 360
expenditure, then to return instead the value of it, to the 361
contributor. 362

(3) As used in division (W) of this section, "foreign 363
national" has the same meaning as in section 441e(b) of the 364
Federal Election Campaign Act. 365

(X) (1) No state or county political party shall transfer 366
any moneys from its restricted fund to any account of the 367
political party into which contributions may be made or from 368
which contributions or expenditures may be made. 369

(2) (a) No state or county political party shall deposit a 370
contribution or contributions that it receives into its 371
restricted fund. 372

(b) No state or county political party shall make a 373
contribution or an expenditure from its restricted fund. 374

(3) (a) No corporation or labor organization shall make a 375
gift or gifts from the corporation's or labor organization's 376
money or property aggregating more than ten thousand dollars to 377
any one state or county political party for the party's 378
restricted fund in a calendar year. 379

(b) No state or county political party shall accept a gift 380
or gifts for the party's restricted fund aggregating more than 381
ten thousand dollars from any one corporation or labor 382
organization in a calendar year. 383

(4) No state or county political party shall transfer any 384
moneys in the party's restricted fund to any other state or 385
county political party. 386

(5) No state or county political party shall knowingly 387
fail to file a statement required under section 3517.1012 of the 388
Revised Code. 389

(Y) The administrator of workers' compensation and the 390
employees of the bureau of workers' compensation shall not 391
conduct any business with or award any contract, other than one 392
awarded by competitive bidding, for the purchase of goods 393
costing more than five hundred dollars or services costing more 394
than five hundred dollars to any individual, partnership, 395
association, including, without limitation, a professional 396
association organized under Chapter 1785. of the Revised Code, 397
estate, or trust, if the individual has made, or the 398

individual's spouse has made, or any partner, shareholder, 399
administrator, executor, or trustee, or the spouses of any of 400
those individuals has made, as an individual, within the two 401
previous calendar years, one or more contributions totaling in 402
excess of one thousand dollars to the campaign committee of the 403
governor or lieutenant governor or to the campaign committee of 404
any candidate for the office of governor or lieutenant governor. 405

(Z) The administrator of workers' compensation and the 406
employees of the bureau of workers' compensation shall not 407
conduct business with or award any contract, other than one 408
awarded by competitive bidding, for the purchase of goods 409
costing more than five hundred dollars or services costing more 410
than five hundred dollars to a corporation or business trust, 411
except a professional association organized under Chapter 1785. 412
of the Revised Code, if an owner of more than twenty per cent of 413
the corporation or business trust, or the spouse of the owner, 414
has made, as an individual, within the two previous calendar 415
years, taking into consideration only owners for all of such 416
period, one or more contributions totaling in excess of one 417
thousand dollars to the campaign committee of the governor or 418
lieutenant governor or to the campaign committee of any 419
candidate for the office of governor or lieutenant governor. 420

Section 2. That existing section 3517.13 of the Revised 421
Code is hereby repealed. 422

Section 3. This act is hereby declared to be an emergency 423
measure necessary for the immediate preservation of the public 424
peace, health, and safety. The reason for such necessity is to 425
allow its provisions to be effective for purposes of the 2024 426
general election. Therefore, this act shall go into immediate 427
effect. 428