

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. C. R. No. 4

Senator Schuring

A CONCURRENT RESOLUTION

To adopt the Legislative Code of Ethics for the 1
members and employees of both chambers of the 2
135th General Assembly, employees of any 3
legislative agency, and candidates for the 136th 4
General Assembly. 5

BE IT RESOLVED BY THE SENATE OF THE STATE OF OHIO (THE HOUSE OF REPRESENTATIVES CONCURRING):

WHEREAS, The Joint Legislative Ethics Committee, appointed 6
by the Speaker of the House of Representatives and the President 7
of the Senate pursuant to section 101.34 of the Revised Code, is 8
required to recommend a Code of Ethics that is consistent with 9
the law to govern all members and employees of each chamber of 10
the General Assembly and all candidates for the office of member 11
of each chamber; and 12

WHEREAS, The Joint Legislative Ethics Committee is the 13
appropriate ethics committee for matters relating to members and 14
employees of the General Assembly, employees of any legislative 15
agency, and candidates for the office of member of the General 16
Assembly; now therefore be it 17

RESOLVED, That the House of Representatives and the Senate 18
of the ~~134th~~ 135th General Assembly adopt the following 19
Legislative Code of Ethics: 20

LEGISLATIVE CODE OF ETHICS	21
FOR MEMBERS AND EMPLOYEES OF THE	22
134th - <u>135th</u> OHIO GENERAL ASSEMBLY,	23
EMPLOYEES OF ANY LEGISLATIVE AGENCY,	24
AND CANDIDATES FOR THE 135th - <u>136th</u> GENERAL ASSEMBLY	25
Section 1. CONDUCT	26
All members of the Senate or the House of Representatives	27
shall conduct themselves at all times so as to reflect credit	28
upon the member's respective chamber of the General Assembly,	29
shall obey all rules of the member's respective chamber of the	30
General Assembly, and shall conform the member's conduct to this	31
Code of Ethics. All employees of the Senate or House of	32
Representatives and all employees of any legislative agency	33
shall conduct themselves at all times so as to reflect credit	34
upon the employee's respective chamber of the General Assembly	35
or institution of employment, shall obey all rules of the	36
employee's respective chamber of the General Assembly or	37
institution of employment, and shall conform the employee's	38
conduct to this Code of Ethics.	39
Section 2. DISCLOSURE STATEMENT	40
(A) The Office of the Legislative Inspector General shall	41
accept disclosure statements filed by members and employees of	42
the General Assembly and employees of any legislative agency	43
pursuant to section 102.02 of the Revised Code and shall	44
maintain a file of all disclosure statements that are filed	45
pursuant to that section. Every member of the General Assembly	46
and every employee of the General Assembly and any legislative	47
agency who is required to file a financial disclosure statement,	48
within the period prescribed by law, shall file with the Office	49
of the Legislative Inspector General, a disclosure statement as	50
provided for by section 102.02 of the Revised Code. Each member	51

and each employee of the General Assembly and employee of any legislative agency required to file a financial disclosure statement, within the period and in the manner prescribed by section 102.02 of the Revised Code, shall receive from the Office of the Legislative Inspector General the form on which the statement shall be prepared.

(B) Division (A) (2) (b) (iii) of section 102.02 of the Revised Code applies to members of the General Assembly who are attorneys or physicians or who otherwise engage in the practice of a profession and to the clients, patients, and other recipients of professional services of members of the General Assembly who are attorneys or physicians or who otherwise engage in the practice of a profession, even if those clients, patients, and other recipients of professional services are legislative agents.

(C) Division (A) (2) (h) of section 102.02 of the Revised Code requires a member of the General Assembly and an employee of the General Assembly or any legislative agency required to file a disclosure statement under section 102.02 of the Revised Code to identify on a disclosure statement the source and amount of any payment of expenses incurred for travel to destinations inside or outside this state that the member or employee receives in the member's or employee's own name or that another person receives for the member's or employee's use or benefit in connection with the member's or employee's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues.

(D) Division (A) (2) (i) of section 102.02 of the Revised

Code requires a member of the General Assembly and an employee 85
of the General Assembly or any legislative agency required to 86
file a disclosure statement under section 102.02 of the Revised 87
Code to identify on a disclosure statement the source of payment 88
of expenses for meals and other food and beverages that are 89
incurred in connection with the person's official duties and 90
that exceed one hundred dollars aggregated per calendar year, 91
except for expenses for meals and other food and beverages 92
provided at a meeting at which the member or employee 93
participated in a panel, seminar, or speaking engagement or at a 94
meeting or convention of a national or state organization to 95
which a state agency, including, but not limited to, any 96
legislative agency or state institution of higher education as 97
defined in section 3345.011 of the Revised Code, pays membership 98
dues, or any political subdivision or any office or agency of a 99
political subdivision pays membership dues. 100

(E) (1) Except as otherwise provided in division (E) (2) of 101
this section, in accordance with section 102.02 of the Revised 102
Code, every member of the General Assembly and every employee of 103
the General Assembly or any legislative agency required to file 104
an annual statement under section 102.02 of the Revised Code 105
shall disclose the source of a gift or gifts, where the value of 106
the gift or gifts aggregated per calendar year exceeds seventy- 107
five dollars, except gifts received by will or by virtue of 108
section 2105.06 of the Revised Code, or received from spouses, 109
parents, grandparents, children, grandchildren, siblings, 110
nephews, nieces, uncles, aunts, cousins, brothers-in-law, 111
sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, 112
mothers-in-law, step-relations, or any person to whom the member 113
or employee of the General Assembly or employee of any 114
legislative agency stands in loco parentis, or received by way 115
of distribution from any inter vivos or testamentary trust 116
established by a spouse or by an ancestor. 117

(2) In accordance with section 102.02 of the Revised Code, 118
every member of the General Assembly and every employee of the 119
General Assembly or any legislative agency required to file an 120
annual statement under section 102.02 of the Revised Code shall 121
disclose the source of a gift or gifts from a legislative agent, 122
where the value of the gift or gifts aggregated per calendar 123
year exceeds twenty-five dollars. 124

Section 3. LICENSE DISCLOSURE 125

Any member of the General Assembly who engages in the 126
conduct or practice of a particular business, profession, trade, 127
or occupation that is subject to licensing or regulation by any 128
branch, department, division, institution, instrumentality, 129
board, commission, or bureau of the state shall file a notice 130
that the member is the holder of a particular license, or is 131
engaged in such activity, as part of the financial disclosure 132
statement required by section 102.02 of the Revised Code. 133

Section 4. VOTING ABSTENTION 134

(A) A member who has reason to believe that the member has 135
a substantial personal interest in legislation may request 136
permission of the chair to abstain from voting on the 137
legislation and may state the member's reason for the request. 138
The request shall be granted by the chair or the member's 139
respective chamber of the General Assembly pursuant to the rules 140
of that chamber. The request and permission to abstain shall be 141
entered in the House or Senate Journal, as is appropriate. 142

(B) No member of the General Assembly shall vote on any 143
legislation that the member knows is then being actively 144
advocated if the member is one of the following with respect to 145
a legislative agent or employer that is then actively advocating 146
on that legislation: 147

(1) An employee, as defined in section 102.031 of the 148

Revised Code;	149
(2) A business associate, as defined in section 102.031 of the Revised Code;	150 151
(3) A person, other than an employee, who is hired under contract to perform certain services, and such position involves a substantial and material exercise of administrative discretion in the formulation of public policy.	152 153 154 155
(C) The Joint Legislative Ethics Committee may impose a fine of not more than one thousand dollars upon a member of the General Assembly who violates division (B) of this section.	156 157 158
Section 5. COMPENSATION	159
(A) Except as provided in division (D) of section 102.04 of the Revised Code, no person elected to or employed by the General Assembly or employed by any legislative agency shall receive or agree to receive, directly or indirectly, compensation other than from the house with which the person serves or from any legislative agency, if the person is a legislative agency employee, for any service rendered or to be rendered by the person personally in any case, proceeding, application, or other matter that is before the General Assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.	160 161 162 163 164 165 166 167 168 169 170
Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, security registrations, and other documents.	171 172 173 174 175
Except as provided in division (D) of section 102.04 of the Revised Code, no person elected to or employed by the General Assembly or employed by any legislative agency shall sell or agree to sell, except through competitive bidding, any goods or	176 177 178 179

services to the General Assembly or any department, division, 180
institution, instrumentality, board, commission, or bureau of 181
the state, excluding the courts. 182

(B) No member or employee of the General Assembly or 183
employee of any legislative agency shall knowingly accept any of 184
the following from a legislative agent: 185

(1) The payment of any expenses for travel or lodging 186
except as otherwise authorized by division (H) of section 102.03 187
of the Revised Code; 188

(2) More than seventy-five dollars aggregated per calendar 189
year as payment for meals and other food and beverages, other 190
than for those meals and other food and beverages provided to 191
the member or employee at a meeting at which the member or 192
employee participates in a panel, seminar, or speaking 193
engagement, at a meeting or convention of a national 194
organization to which either house of the General Assembly or 195
any state agency, including, but not limited to, any legislative 196
agency or state institution of higher education as defined in 197
section 3345.011 of the Revised Code, pays membership dues, or 198
at a dinner, party, or function to which all members of the 199
General Assembly or all members of either house of the General 200
Assembly are invited. 201

(C) No member or employee of the General Assembly or 202
employee of any legislative agency shall knowingly accept from a 203
legislative agent a gift of any amount in the form of cash or 204
the equivalent of cash, or a gift or gifts of any other thing of 205
value where the value of the gift or gifts aggregated per 206
calendar year exceeds seventy-five dollars. As used in this 207
division, "gift" does not include any contribution as defined in 208
section 3517.01 of the Revised Code or any gifts of meals and 209
other food and beverages or the payment of expenses incurred for 210
travel to destinations either inside or outside this state that 211

is received by a member of the General Assembly and that is 212
incurred in connection with the member's official duties. 213

(D) It is not a violation of division (B) (2) of this 214
section if, within sixty days after receiving notice pursuant to 215
division (F) (2) of section 101.73 of the Revised Code from a 216
legislative agent that the legislative agent has provided a 217
member of the General Assembly or an employee of the General 218
Assembly or any legislative agency with more than seventy-five 219
dollars aggregated in a calendar year as payment for meals and 220
other food and beverages that were purchased for consumption on 221
the premises in which the food and beverages were sold, the 222
member or employee of the General Assembly or employee of any 223
legislative agency returns to that legislative agent the amount 224
received that exceeds seventy-five dollars. 225

Section 6. CONFIDENTIAL INFORMATION 226

No present or former member or employee of the General 227
Assembly or present or former employee of any legislative agency 228
shall disclose or use for the member's or employee's personal 229
profit, without appropriate authorization, any information 230
acquired by the member or employee in the course of the member's 231
or employee's official duties that has been clearly designated 232
to the member or employee as confidential when such confidential 233
designation is warranted because of the status of the 234
proceedings or the circumstances under which the information was 235
received and preserving its confidentiality is necessary to the 236
proper conduct of government business. No present or former 237
member or employee of the General Assembly or present or former 238
employee of any legislative agency shall disclose or use, 239
without appropriate authorization, any information acquired by 240
the member or employee in the course of the member's or 241
employee's official duties that is confidential because of 242
statutory provisions, except as provided in section 101.30 of 243
the Revised Code or Section 12 or 13 of Article II, Ohio 244

Constitution. 245

Section 7. IMPROPER INFLUENCE 246

(A) No member or employee of the General Assembly or 247
employee of any legislative agency shall use or attempt to use 248
or authorize the use of the authority or influence of the 249
member's or employee's office or employment to secure anything 250
of value or the promise or offer of anything of value that is of 251
such a character as to manifest a substantial and improper 252
influence upon the member or employee with respect to the 253
member's or employee's duties. 254

(B) No member or employee of the General Assembly or 255
employee of any legislative agency shall solicit or accept 256
anything of value that is of such a character as to manifest a 257
substantial and improper influence upon the member or employee 258
with respect to the member's or employee's duties. 259

(C) No member of the General Assembly shall solicit or 260
receive funds from any legislative agent who is registered 261
pursuant to section 101.72 of the Revised Code, for use other 262
than by a political party, campaign committee, legislative 263
campaign fund, political action committee, or political 264
contributing entity, as defined in section 3517.01 of the 265
Revised Code, except that a member may solicit or receive funds 266
from any legislative agent on behalf of religious and benevolent 267
organizations regulated by Chapter 1716. of the Revised Code or 268
charitable organizations that have registered with the Attorney 269
General pursuant to section 109.26 or 1716.02 of the Revised 270
Code. 271

(D) In the absence of bribery or another offense under the 272
Revised Code or a purpose to defraud, the receipt of 273
contributions, as defined in section 3517.01 of the Revised 274
Code, made to a campaign committee, political party, legislative 275
campaign fund, political action committee, or political 276

contributing entity on behalf of a member of or candidate for 277
the General Assembly does not violate divisions (A) and (B) of 278
this section. 279

(E) A member or employee of the General Assembly and an 280
employee of any legislative agency may accept travel, meals, and 281
lodging or expenses or reimbursement of expenses for travel, 282
meals, and lodging in connection with conferences, seminars, and 283
similar events related to the member's or employee's official 284
duties if the travel, meals, lodging, expenses, or reimbursement 285
is not of such a character as to manifest a substantial and 286
improper influence upon the member or employee with respect to 287
those duties and if, in relation to expenses or reimbursement 288
for travel or lodging provided to a member by a legislative 289
agent, the expenses or reimbursement are not made in violation 290
of division (C) (1) of section 102.031 of the Revised Code. A 291
member or employee who acts in compliance with this division 292
does not violate division (A), (B), or (C) of this section. 293

Section 8. STAFF USE 294

(A) A member of the General Assembly shall utilize General 295
Assembly employees only for the official purposes for which they 296
are employed. 297

(B) (1) In accordance with section 3517.092 of the Revised 298
Code, no member of or candidate for the General Assembly, no 299
campaign committee of a member of or candidate for the General 300
Assembly, no legislative caucus campaign committee, and no other 301
person or entity shall knowingly solicit or accept a 302
contribution on behalf of that member or candidate, that 303
member's or candidate's campaign committee, or a legislative 304
caucus campaign committee from any of the following: 305

(a) A state employee whose appointing authority is the 306
member of the General Assembly; 307

(b) A state employee whose appointing authority is 308
authorized or required by law to be appointed by the member of 309
the General Assembly; 310

(c) A state employee who functions in or is employed by the 311
Ohio Senate, the Ohio House of Representatives, or any 312
legislative agency; 313

(d) A state employee at the time of the solicitation, whose 314
appointing authority will be the candidate for the General 315
Assembly, if elected; 316

(e) A state employee at the time of the solicitation, whose 317
appointing authority will be appointed by the candidate for the 318
General Assembly, if elected, as authorized or required by law; 319

(f) A state employee at the time of the solicitation, who 320
will function in or be employed in or by the same public agency, 321
department, division, or office as the candidate for the General 322
Assembly, if elected. 323

(2) As used in this section, "contribution" does not 324
include services provided by individuals volunteering a portion 325
of their time on behalf of a campaign. 326

(C) In addition to any complaint brought or penalty that 327
may be imposed under sections 3517.152 to 3517.157 of the 328
Revised Code, the Joint Legislative Ethics Committee may receive 329
and initiate complaints against members and employees of, and 330
candidates for, the General Assembly and employees of any 331
legislative agency concerning conduct alleged to be in violation 332
of this section. Upon a finding of a violation of this section, 333
the Joint Legislative Ethics Committee may recommend whatever 334
sanction is appropriate with respect to a particular member, 335
employee, or candidate as will best maintain in the minds of the 336
public a good opinion of the conduct and character of members 337
and employees of the General Assembly. 338

Section 9. SEPARATION OF FUNDS	339
(A) No member of or candidate for the General Assembly shall convert, receive, or accept for personal or business use anything of value from the member's or candidate's campaign fund, as defined in section 3517.01 of the Revised Code, including, without limitation, payments to the member or candidate for services personally performed by the member or candidate, except as reimbursement for any of the following:	340 341 342 343 344 345 346
(1) Legitimate and verifiable prior campaign expenses incurred by the member or candidate;	347 348
(2) Legitimate and verifiable, ordinary, and necessary prior expenses incurred by the member or candidate in connection with duties as the holder of a public office, including, without limitation, expenses incurred through participation in nonpartisan or bipartisan events where the participation of the holder of a public office would normally be expected;	349 350 351 352 353 354
(3) Legitimate and verifiable, ordinary, and necessary prior expenses incurred by a member or candidate while doing any of the following:	355 356 357
(a) Engaging in activities in support of or opposition to another candidate, political party, or ballot issue;	358 359
(b) Raising funds for a political party, political action committee, campaign committee, legislative campaign fund, political contributing entity, or other candidate;	360 361 362
(c) Participating in the activities of a political party, political action committee, legislative campaign fund, political contributing entity, or campaign committee;	363 364 365
(d) Attending a political party convention or other political meeting.	366 367
(B) For purposes of division (A) of this section, an	368

expense is incurred whenever a member or candidate has either 369
made payment or is obligated to make payment, as by the use of a 370
credit card or other credit procedure, or by the use of goods or 371
services received on account. 372

(C) No member of or candidate for the General Assembly 373
shall knowingly receive or accept reimbursement for an expense 374
under division (A) of this section to the extent that the 375
expense previously was reimbursed or paid from another source of 376
funds. If an expense is reimbursed under division (A) of this 377
section and is later paid or reimbursed, wholly or in part, from 378
another source of funds, a member or candidate shall immediately 379
repay the reimbursement received under division (A) of this 380
section to the extent of the payment made or reimbursement 381
received from the other source. 382

(D) A member of the General Assembly may be reimbursed 383
under division (A) (1) or (3) of this section for expenses 384
incurred for the member's meals and lodging in Franklin County 385
if the expenses otherwise meet the requirements for 386
reimbursement under division (A) (1) or (3) of this section and 387
were not incurred while the member was in Franklin County to 388
attend floor sessions of the General Assembly or meetings of its 389
committees, except that a member may be reimbursed under 390
division (A) (1), (2), or (3) of this section for expenses 391
incurred for the member's meals in Franklin County at any time 392
if the expenses otherwise meet the requirements for 393
reimbursement under division (A) (1), (2), or (3) of this section 394
and were incurred for meals at which the member hosted other 395
persons. 396

(E) No member of or candidate for the General Assembly 397
shall accept for personal or business use anything of value from 398
a political party, political action committee, legislative 399
campaign fund, political contributing entity, or campaign 400
committee other than the member's or candidate's own campaign 401

committee, except for the following: 402

(1) Reimbursement for legitimate and verifiable, ordinary, 403
and necessary prior expenses not otherwise prohibited by law 404
incurred by the member or candidate while engaged in any 405
legitimate activity of the political party, political action 406
committee, legislative campaign fund, political contributing 407
entity, or such campaign committee. Without limitation, 408
reimbursable expenses under this division include those incurred 409
while doing any of the following: 410

(a) Engaging in activities in support of or opposition to 411
another candidate, political party, or ballot issue; 412

(b) Raising funds for a political party, campaign 413
committee, legislative campaign fund, or another candidate; 414

(c) Attending a political party convention or other 415
political meeting. 416

(2) Compensation not otherwise prohibited by law for actual 417
and valuable personal services rendered under a written contract 418
to the political party, political action committee, legislative 419
campaign fund, political contributing entity, or the member's or 420
candidate's own campaign committee for any legitimate activity 421
of the political party, political action committee, legislative 422
campaign fund, political contributing entity, or such campaign 423
committee. 424

Reimbursable expenses under this division do not include, 425
and it is a violation of this division for a member or candidate 426
to accept from a political party, political action committee, 427
legislative campaign fund, political contributing entity, or 428
campaign committee other than the member's or candidate's own 429
campaign committee, anything of value for activities primarily 430
related to the member's or candidate's own campaign for 431
election, except for contributions to the member's or 432

candidate's campaign committee. 433

For purposes of this division, an expense is incurred 434
whenever a member or candidate has either made payment or is 435
obligated to make payment, as by the use of a credit card or 436
other credit procedure, or by the use of goods or services 437
received on account. 438

(F) (1) Divisions (A) and (C) of this section do not 439
prohibit a member's or candidate's campaign committee from 440
making a direct advance or post payment from the member's or 441
candidate's campaign fund to vendors for goods and services for 442
which reimbursement is permitted under division (A) of this 443
section, except that no campaign committee shall pay a member or 444
candidate for services personally performed by the member or the 445
candidate. 446

(2) When any expense that may be reimbursed under division 447
(A), (C), or (E) of this section is part of other expenses that 448
may not be paid or reimbursed, the separation of the two types 449
of expenses for the purpose of allocating for payment or 450
reimbursement those expenses that may be paid or reimbursed may 451
be by any reasonable accounting method, considering all of the 452
surrounding circumstances. 453

(3) For purposes of divisions (A), (C), and (E) of this 454
section, mileage allowance at a rate not greater than that 455
allowed by the Internal Revenue Service at the time the travel 456
occurs may be paid instead of reimbursement for actual travel 457
expenses allowable. 458

(G) The Joint Legislative Ethics Committee shall report 459
violations of this section to the Elections Commission pursuant 460
to division (E) (1) of Section 13 of this Code of Ethics. 461

Section 10. HONORARIA AND TESTIMONIALS 462

(A) No member of the General Assembly, employee of the 463

General Assembly who is required to file a financial disclosure statement under section 102.02 of the Revised Code, or employee of any legislative agency who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept an honorarium. This division and divisions (A), (B), and (C) of Section 7 of this Code of Ethics do not prohibit a member or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the member or employee at a meeting at which the member or employee participates in a panel, seminar, or speaking engagement or provided to the member or employee at a meeting or convention of a national organization to which either house of the General Assembly, or any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. This division and divisions (A), (B), and (C) of Section 7 of this Code of Ethics do not prohibit an employee of the General Assembly or employee of any legislative agency who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the employee that exist apart from the employee's public employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of such person or entities, that is regulated by, doing business with, or seeking to do business with the General Assembly or any legislative agency.

(B) No member of the General Assembly shall conduct a public or private fund raising event that seeks to provide money for the member's personal use.

(C) As used in this section, "honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the member or employee conducting that business was elected or appointed to the member's or employee's office or position of employment.

Section 11. IMPROPER INDUCEMENT

If any person attempts to induce a member or employee of or candidate for the General Assembly or employee of any legislative agency to violate any provision of this Code of Ethics, the member, employee, or candidate shall report the matter to the Joint Legislative Ethics Committee.

Section 12. ADVISORY BODY

(A) The Joint Legislative Ethics Committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and, upon a vote of a majority of its members, may render advisory opinions with regard to questions concerning these matters for members and employees of and candidates for the General Assembly and for employees of any legislative agency.

(B) When the Joint Legislative Ethics Committee renders an

advisory opinion that has been publicly sought and that relates 528
to a special set of circumstances involving ethics, conflicts of 529
interest, or financial disclosure under Chapter 102. or section 530
2921.42 or 2921.43 of the Revised Code, the person to whom the 531
opinion was directed or who was similarly situated may 532
reasonably rely upon such opinion and shall be immune from 533
criminal prosecutions, civil suits, or actions for removal from 534
the person's office or position of employment for a violation of 535
Chapter 102. or section 2921.42 or 2921.43 of the Revised Code 536
based on facts and circumstances covered by the opinion, if the 537
opinion states that there is no violation of Chapter 102. or 538
section 2921.42 or 2921.43 of the Revised Code. The committee 539
shall include in every advisory opinion it renders a statement 540
as to whether the set of circumstances described in the advisory 541
opinion constitutes a violation of section 2921.42 or 2921.43 of 542
the Revised Code. When the Joint Legislative Ethics Committee 543
renders an opinion that has been publicly sought, the advisory 544
opinion is a public record available under section 149.43 of the 545
Revised Code. 546

(C) When the Joint Legislative Ethics Committee renders a 547
written opinion that has been privately sought and that relates 548
to a special set of circumstances involving ethics, conflicts of 549
interest, or financial disclosure under Chapter 102. or section 550
2921.42 or 2921.43 of the Revised Code, the written opinion does 551
not have the legal effect of an advisory opinion issued under 552
division (B) of this section. When the Joint Legislative Ethics 553
Committee renders a written opinion that has been privately 554
sought, the written opinion is not a public record available 555
under section 149.43 of the Revised Code. 556

The person to whom a written opinion is issued under this 557
division may request the committee to issue the written opinion 558
as an advisory opinion. The person may make the request at any 559
time within thirty days after the written opinion is issued and 560

prior to committing any proposed action discussed in the written opinion. Upon receiving a timely request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (B) of this section and is a public record available under section 149.43 of the Revised Code. If the person commits any proposed action discussed in the written opinion before the committee issues the written opinion as an advisory opinion, the advisory opinion grants no immunity to the person regarding any action that is discussed in the written opinion and that the person commits before the committee issues the written opinion as an advisory opinion.

(D) The Joint Legislative Ethics Committee shall issue an advisory opinion under division (B) of this section or a written opinion under division (C) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(E) All requests for an opinion shall be submitted in writing by the member or employee of or candidate for the General Assembly or employee of any legislative agency who desires the opinion and shall state in the request whether the opinion is being publicly or privately sought. If the request fails to state whether the opinion is being publicly or privately sought, the committee shall consider the opinion to be privately sought. The committee shall issue in writing all advisory opinions that have been publicly sought, appropriately number them, and make them available for public inspection. The Joint Legislative Ethics Committee shall conduct all of its proceedings surrounding the rendering of an opinion so as to protect the confidentiality of those named in the request for

the opinion. 594

Section 13. CONSIDERATION AND HEARING OF COMPLAINTS 595

(A) (1) The Joint Legislative Ethics Committee shall 596
receive, and may initiate, complaints concerning breach of 597
privilege and complaints against members and employees of and 598
candidates for the General Assembly and employees of any 599
legislative agency concerning conduct alleged to be misconduct, 600
a violation of Chapter 102. or section 2921.42 or 2921.43 of the 601
Revised Code, or this Code of Ethics. All complaints except 602
those by the committee shall be by affidavit made on personal 603
knowledge, subject to the penalties of perjury. A complaint by 604
the committee shall be by affidavit, based upon facts that 605
constitute reasonable cause to believe that a breach of 606
privilege, misconduct, or a violation of this Code of Ethics or 607
Chapter 102. or section 2921.42 or 2921.43 of the Revised Code 608
has occurred. The complaint shall not contain innuendo, 609
speculative assertions, or conclusory statements. 610

At the first meeting of the committee in each calendar 611
year, the chairperson of the committee for that year shall 612
appoint an investigation subcommittee. The subcommittee shall 613
consist of the chairperson of the committee for that year and a 614
member of the committee who is a member of the chamber and 615
political party of which the chairperson is not a member. This 616
subcommittee shall have the authority to issue subpoenas 617
regarding complaints referred to it and approve depositions by 618
the Office of the Legislative Inspector General. 619

(2) A complaint other than a complaint by the committee 620
shall be filed with the executive director of the Office of the 621
Legislative Inspector General of the Joint Legislative Ethics 622
Committee. Upon receiving the complaint, the executive director 623
or the executive director's designee shall gather, if necessary, 624
preliminary facts surrounding the complaint for presentation to 625

the chairperson or committee. Thereafter, the executive director shall seal the complaint and deliver it to the chairperson of the Joint Legislative Ethics Committee. A complaint by the committee shall be drafted by the legal counsel of the Office of the Legislative Inspector General, and, if at least eight members of the committee approve the draft complaint, the draft complaint shall be a complaint by the committee and shall be filed with the Office of the Legislative Inspector General and delivered to the chairperson of the committee.

Within fourteen days after the filing of a complaint by a complainant, the chairperson shall notify the complainant that the complaint has been filed with the committee, that all further proceedings of the committee are confidential, that the committee is required to dismiss the complaint if it is not disposed of within six months after the complaint is filed, and that, if a report dealing with the complaint has not been published in the House or Senate Journal, as appropriate, within that time, the complaint has been dismissed because no violation was found to have been committed by the accused person. Within fourteen days after the filing of any complaint, the chairperson shall deliver a copy of the complaint to the accused person and shall notify the accused person that the accused person may file, within twenty days after receiving the copy, a written response to the complaint with the executive director of the Office of the Legislative Inspector General and, if desired, may file in addition to the written response a request to appear personally before the committee to answer to the complaint. The executive director immediately shall seal the written response to the complaint, the request, or both and deliver the written response, the request, or both to the chairperson.

Within forty-five days after the filing of any complaint and at least twenty days after the chairperson has delivered a copy of the complaint to the accused person, the chairperson

shall convene a meeting of the committee regarding the 659
complaint. If at least eight members of the committee find that 660
the complaint before the committee is not frivolous and that the 661
facts alleged constitute on their face a breach of privilege, 662
misconduct, a violation of this Code of Ethics, or a violation 663
of Chapter 102. or section 2921.42 or 2921.43 of the Revised 664
Code, the committee shall refer the complaint to the Office of 665
the Legislative Inspector General for further investigation and 666
may delegate to the investigation subcommittee appointed 667
pursuant to division (A) (1) of this section the authority to 668
issue subpoenas regarding a given complaint or other matter. The 669
chairperson of the committee shall notify the accused of the 670
referral. Unless eight members of the committee find that the 671
complaint before the committee alleges facts that, on their 672
face, constitute a breach of privilege, misconduct, a violation 673
of this Code of Ethics, or a violation of Chapter 102. or 674
sections 2921.42 or 2921.43 of the Revised Code, the committee 675
shall dismiss the complaint. 676

(B) The Office of the Legislative Inspector General shall 677
investigate each complaint referred to it by the committee and 678
shall investigate any other matters as directed by the 679
committee. The Office of the Legislative Inspector General may 680
request further information from the complainant, any person 681
presenting charges to the committee, the accused person if the 682
information sought is directly relevant to a complaint or 683
charges received by the committee pursuant to this section, and 684
any other person it believes may have information pertaining to 685
the complaint or other matter referred for investigation to the 686
Office of the Legislative Inspector General. It may request the 687
committee to issue a subpoena to obtain any necessary 688
information. Upon the approval of the investigation subcommittee 689
appointed pursuant to division (A) (1) of this section, the 690
Office of the Legislative Inspector General may depose any 691

person. Any person interviewed or deposed by the Office of the 692
Legislative Inspector General may be represented by an attorney. 693
The substance of any request for further information and the 694
information provided pursuant to any request are confidential. 695
Except as otherwise provided in this section, the person from 696
whom information is requested shall not divulge the substance of 697
the committee's request to any person other than the person's 698
attorney and shall not divulge the information provided in 699
response to the request to any person other than the person's 700
attorney and any person necessary to prepare the information for 701
delivery to the committee. Except as otherwise provided in this 702
section, no attorney or person who prepares information for 703
delivery to the committee shall divulge the substance of the 704
committee's request or the information provided in response to 705
the request. 706

Upon the completion of an investigation based on a 707
complaint referred to the Office of the Legislative Inspector 708
General, the executive director, or the executive director's 709
designee, shall present to the committee the executive 710
director's or designee's preliminary findings with respect to 711
the facts and evidence gathered regarding the complaint. Upon 712
receiving the preliminary findings, the committee, upon a vote 713
of at least eight members of the committee, may refer the 714
complaint back to the Office of the Legislative Inspector 715
General for further investigation, hold a hearing pursuant to 716
divisions (E) and (G) of this section, order remedial action 717
pursuant to division (E) of this section, or dismiss the 718
complaint. 719

Upon the completion of an investigation of any other matter 720
referred to the Office of the Legislative Inspector General, the 721
executive director or the executive director's designee shall 722
present to the committee the executive director's or designee's 723
preliminary findings with respect to the facts and evidence 724

gathered regarding the matter referred. Upon receiving the 725
preliminary findings, the committee, upon a vote of at least 726
eight members of the committee, may refer the matter back to the 727
Office of the Legislative Inspector General for further 728
investigation, request that a complaint be drafted by the legal 729
counsel of the Office of the Legislative Inspector General, 730
terminate the investigation, or hold a hearing pursuant to 731
division (E) of this section. 732

Before the fifth day of each month, the executive director 733
of the Office of the Legislative Inspector General shall make a 734
report, in writing, to the committee regarding the status of any 735
ongoing investigation that the committee referred to the Office 736
of the Legislative Inspector General. 737

(C) Before the committee takes any formal action against a 738
person who is the subject of an investigation based upon a 739
complaint filed with the committee, the committee shall consider 740
the complaint. 741

(D) The committee may defer action on a complaint against 742
members and employees of and candidates for the General Assembly 743
and employees of any legislative agency when the complaint 744
alleges conduct that at least eight members of the committee 745
find reason to believe is being reviewed by appropriate law 746
enforcement or regulatory authorities, or when at least eight 747
members of the committee determine that it is appropriate for 748
the conduct alleged in the complaint to be reviewed initially by 749
law enforcement or regulatory authorities. 750

(E) (1) If, in any case in which a complaint is filed with 751
the committee, at least eight members of the committee find that 752
the complaint is not frivolous and there is reasonable cause to 753
believe that the facts alleged in the complaint constitute a 754
breach of privilege, misconduct, or a violation of Chapter 102. 755
or section 2921.42 or 2921.43 of the Revised Code, or this Code 756

of Ethics, the committee shall hold a hearing. At the hearing, 757
the legal counsel of the Office of the Legislative Inspector 758
General shall present to the committee the case against the 759
accused person, introduce evidence, call witnesses, and cross- 760
examine witnesses. The chairperson of the committee shall make 761
all rulings regarding procedure and the admissibility of 762
evidence. The hearing and all related proceedings of the 763
committee are absolutely confidential as provided under this 764
Code of Ethics and section 102.06 of the Revised Code. No member 765
or employee of the committee, person who staffs or otherwise 766
serves the committee, witness, or other person shall divulge any 767
information about the hearing or related proceedings, except 768
that a witness and the complainant may consult with an attorney 769
before and after the hearing and any related proceeding, any 770
witness may be represented by an attorney while the witness is 771
being examined or cross-examined, the accused person may be 772
represented by an attorney at all stages of the proceedings, and 773
the attorney of the accused person may attend all hearings and 774
related proceedings of the committee. 775

(2) If, in any case in which a complaint is filed with the 776
committee, at least eight members of the committee find that the 777
complaint is frivolous or that there is no reasonable cause to 778
believe that the charge or complaint constitutes a breach of 779
privilege, misconduct, or a violation of Chapter 102. or section 780
2921.42 or 2921.43 of the Revised Code, or this Code of Ethics, 781
the committee shall dismiss the complaint and notify the accused 782
person in writing of the dismissal of the complaint. If the 783
committee so dismisses the complaint, the committee shall not 784
issue a report of its findings unless the accused person 785
requests a report. If the accused person requests a report, the 786
committee shall issue a report in accordance with division (F) 787
(2) of this section. 788

(3) If, in any case in which a complaint is filed with the 789

committee, the committee finds by unanimous concurrence of its 790
membership that there is reasonable cause to believe that the 791
charges presented constitute a breach of privilege, misconduct, 792
or a violation of this Code of Ethics but do not constitute a 793
violation of Chapter 102. or section 2921.42 or 2921.43 of the 794
Revised Code and also finds by unanimous concurrence of its 795
membership that the breach of privilege, misconduct, or 796
violation was in good faith and without wrongful intent and the 797
person has taken or will take suitable remedial action, it may 798
order the person to take any further remedial action it 799
considers necessary and, upon satisfaction that any order it 800
makes is complied with, terminate the investigation, with the 801
concurrence of the accused person. If an investigation is so 802
terminated, the committee shall not issue a report of its 803
findings unless the accused person requests a report. If the 804
accused person requests a report, the committee shall issue a 805
report in accordance with division (F) (2) of this section. If 806
the accused person fails to comply with an order of the 807
committee, the committee, upon concurrence of at least eight of 808
its members, shall proceed with the original complaint filed 809
against the person. 810

(F) (1) If, upon the basis of the hearing, at least eight 811
members of the committee find, based upon a preponderance of the 812
evidence, that the facts alleged in the complaint are true and 813
constitute a violation of Chapter 102. or section 2921.42 or 814
2921.43 of the Revised Code, the committee, upon concurrence of 815
at least eight of its members, shall order the Office of the 816
Legislative Inspector General to prepare a report of the 817
committee's findings to the appropriate prosecuting authority or 818
other appropriate body for proceedings in prosecution of the 819
violations and, in accordance with division (F) (1) of this 820
section, issue a report to the General Assembly recommending 821
reprimand, censure, expulsion, or other sanction the committee 822

considers appropriate. Upon acceptance by at least eight members 823
of the committee of the report to the appropriate prosecuting 824
authority or other appropriate body, the committee shall report 825
its findings to the appropriate prosecuting authority, the 826
Elections Commission, or other appropriate body. This report is 827
the investigative report described in division (E) of section 828
101.34 of the Revised Code and shall contain any findings of 829
fact and conclusions of law made by the committee. This report 830
shall not contain any papers, records, affidavits, or documents 831
upon any complaint, inquiry, or investigation relating to the 832
proceedings of the committee. If at least eight members of the 833
committee find, based upon a preponderance of the evidence, that 834
the facts alleged in the complaint are true and constitute a 835
violation of division (B) of section 102.031 of the Revised 836
Code, the committee may impose a fine of not more than one 837
thousand dollars upon the member. 838

(2) If, upon the basis of the hearing, at least eight 839
members of the committee find, based upon a preponderance of the 840
evidence, that a breach of privilege has been committed or that 841
a member or employee of or candidate for the General Assembly or 842
employee of any legislative agency has violated a provision of 843
this Code of Ethics that is not a violation of Chapter 102. or 844
section 2921.42 or 2921.43 of the Revised Code, or has committed 845
misconduct, the committee, upon concurrence of at least eight of 846
its members and in accordance with division (F)(1) of this 847
section, may issue a report recommending reprimand, censure, 848
expulsion, or other sanction the committee considers appropriate 849
or, upon a finding by unanimous concurrence of its membership 850
that the breach of privilege, misconduct, or violation was in 851
good faith and without wrongful intent and the person has taken 852
or will take suitable remedial action, may order the person to 853
take any further remedial action it considers necessary and, 854
upon satisfaction that any order it makes is complied with, 855

dismiss the complaint without issuing a report of its findings, 856
unless the accused person requests a report. If the accused 857
person requests a report, the committee shall issue a report in 858
accordance with division (F) (2) of this section. If the person 859
fails to comply with an order of the committee, the committee, 860
upon concurrence of eight of its members, shall recommend some 861
sanction. 862

(3) If, upon the basis of the hearing, at least eight 863
members of the committee do not find, based upon a preponderance 864
of the evidence, that the facts alleged in a complaint 865
constitute a breach of privilege, misconduct, or a violation of 866
Chapter 102. or section 2921.42 or 2921.43 of the Revised Code 867
or this Code of Ethics, the committee shall dismiss the 868
complaint. The complaint shall also be dismissed if the 869
committee has not conducted a hearing within ninety days after 870
the complaint is filed with the committee, or if the committee 871
has not finally disposed of the complaint within six months 872
after the complaint is filed with the committee. The committee 873
shall notify the accused person in writing of the dismissal of 874
the complaint. The committee shall not issue a report of its 875
findings unless the accused person requests a report. If the 876
accused person requests a report, the committee shall issue a 877
report in accordance with division (F) (2) of this section. If 878
the committee issues the report, all evidence and the record of 879
the hearing shall remain confidential unless the accused person 880
also requests that the evidence and record be made public. Upon 881
request by the accused person, the committee shall make the 882
evidence and the record available for public inspection. 883

(G) (1) Any report of the committee that is issued pursuant 884
to division (E) (1) of this section and contains a finding that 885
the facts in the complaint are true and constitute a violation 886
of Chapter 102. or section 2921.42 or 2921.43 of the Revised 887
Code, or that is issued pursuant to division (E) (2) of this 888

section and contains a finding that a breach of privilege, 889
misconduct, or violation of this Code of Ethics has occurred and 890
recommends reprimand, censure, expulsion, or another appropriate 891
sanction, shall be entered in the House Journal and the Senate 892
Journal. The House of Representatives and the Senate shall vote 893
on approval of any report entered in the House or Senate Journal 894
in accordance with this division. Concurrence of two-thirds of 895
the members of both the House and the Senate shall be necessary 896
for approval of the report, and, upon approval, any recommended 897
sanction shall be imposed immediately. 898

(2) If the investigation of the committee results in a 899
finding that a complaint that is filed is frivolous or that no 900
misconduct, breach of privilege, or violation of Chapter 102. or 901
section 2921.42 or 2921.43 of the Revised Code or this Code of 902
Ethics has been committed or if the committee terminates an 903
investigation or dismisses a complaint pursuant to division (E) 904
(2) or (3) of this section, the committee shall not issue a 905
report of its findings unless the accused person requests a 906
report. If the accused person requests a report, the committee 907
shall issue a report and publish it in the House Journal, if the 908
accused person is a member or employee of, or candidate for, the 909
House of Representatives, or the Senate Journal, if the accused 910
person is a member or employee of, or candidate for, the Senate 911
or an employee of any legislative agency. A report published in 912
the House or Senate Journal under division (F) (2) of this 913
section does not require a vote by the House or Senate. 914

(H) A person against whom a complaint is filed shall be 915
given by certified mail, return receipt requested, or by 916
personal service reasonable notice of the date, time, and place 917
of the hearing and a statement of the charges and the law or 918
provision directly involved, and shall be granted the following 919
rights: to be represented by counsel, to have counsel appointed 920
for the person if the person is unable to afford counsel without 921

undue hardship, to examine the evidence against the person, to 922
have access to all information relative to the complaint that is 923
in the possession or knowledge of the committee or the Office of 924
the Legislative Inspector General, to produce evidence and to 925
call and subpoena witnesses in the person's defense, to confront 926
the person's accusers, to cross-examine witnesses, to have a 927
stenographic record made of the hearing, to have the hearing 928
follow the rules of evidence applicable to the courts of this 929
state, and to have the hearing closed to the public. A person, 930
with the approval of the committee, may waive any or all of such 931
rights by executing a written waiver and filing it with the 932
committee. 933

(I) The chairperson of the committee and the executive 934
director and chief legal counsel of the Office of the 935
Legislative Inspector General may administer oaths, and the 936
committee or the investigation subcommittee appointed pursuant 937
to division (A) (1) of this section may issue subpoenas to any 938
person in the state compelling the attendance of witnesses and 939
the production of relevant papers, books, accounts, and records. 940
The committee or the investigation subcommittee shall issue 941
subpoenas to compel the attendance of witnesses and the 942
production of documents upon the request of an accused person. 943
Section 101.42 of the Revised Code shall govern the issuance of 944
such subpoenas insofar as applicable. Upon the refusal of any 945
person to obey a subpoena, be sworn, or answer as a witness, the 946
committee or the investigation subcommittee may apply to the 947
Court of Common Pleas of Franklin County under section 2705.03 948
of the Revised Code. The court shall hold proceedings in 949
accordance with Chapter 2705. of the Revised Code. The 950
committee, the Office of the Legislative Inspector General, or 951
the accused person may take the depositions of witnesses 952
residing within or without the state in the same manner as 953
prescribed by law for the taking of depositions in civil actions 954

in the court of common pleas. 955

(J) (1) All complaints, papers, records, affidavits, and 956
documents upon any complaint, inquiry, or investigation relating 957
to the proceedings of the committee shall be sealed and are 958
private and confidential, except as otherwise provided in this 959
section. The substance of any charges received by the committee 960
and of any request made by the committee for further 961
information, any information received by the committee, all 962
testimony and other evidence presented during a hearing, and all 963
committee discussions are private and confidential, except as 964
otherwise provided in this section. No person serving on or 965
employed in the service of the committee, or employee of the 966
Office of the Legislative Inspector General who staffs or 967
otherwise assists the committee or the Office of the Legislative 968
Inspector General employee who staffs the committee shall 969
divulge any of the following: 970

(a) Any matter concerning a complaint after it is filed 971
with the executive director of the Office of the Legislative 972
Inspector General; 973

(b) In the case of complaints initiated by the committee, 974
any matter concerning a complaint after the matter is under 975
investigation by the committee, whether before or after a 976
complaint is filed; 977

(c) Any other information that is made private and 978
confidential by this section. 979

(2) The requirement of confidentiality set forth in 980
division (I) (1) of this section includes without limitation 981
divulging any matter to members or employees of the House or 982
Senate or employees of any legislative agency who are not 983
members of or assigned to the committee or to any employees of 984
the Office of the Legislative Inspector General who are not 985
assigned to staff the committee or do not assist any Office of 986

the Legislative Inspector General employee assigned to staff the committee, but does not prevent any of the following:	987 988
(a) The issuance of a final report by the committee or any commentary upon the contents of the final report;	989 990
(b) Discussion of any complaint, request for an advisory opinion, charges presented to the committee, information related to a complaint, to an advisory opinion request, or to charges presented to the committee, proceedings of the committee, or other papers, records, affidavits, documents, or proceedings that are made private and confidential by this section between the members of the committee and any of the following:	991 992 993 994 995 996 997
(i) Any employees or staff of the committee;	998
(ii) Any employees of the General Assembly assigned to serve the committee, and any employee who serves as legal counsel for a caucus of the General Assembly;	999 1000 1001
(iii) Any employees of the Office of the Legislative Inspector General assigned to staff the committee;	1002 1003
(iv) Any other persons employed by or assigned to serve the committee.	1004 1005
(c) The preparation of any documents necessary for the operation of the committee by employees of the General Assembly assigned to the committee chairperson, employees of the General Assembly assigned to staff the committee, or employees of the Office of the Legislative Inspector General who assist the Office of the Legislative Inspector General employee assigned to staff the committee, except that any confidentiality requirements of this section applicable to the members of the committee shall apply to the employees of the General Assembly, committee, or Office of the Legislative Inspector General who prepare those documents.	1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016
(K) If a complaint filed with the committee alleges a	1017

violation by a member of the committee, the member against whom 1018
the allegation is made shall not vote on the matter. The 1019
committee shall conduct no business concerning complaints unless 1020
a majority of its members are present. 1021

(L) The committee shall deliver all notices and other 1022
documents by certified mail, return receipt requested, or by 1023
personal service. 1024

(M) Within fourteen days after the final disposition of a 1025
complaint, either by dismissal or by referral to the appropriate 1026
prosecuting authority, the committee shall notify the 1027
complainant of the dismissal or referral by certified mail, 1028
return receipt requested, or by personal service. 1029

Section 14. AMENDMENTS TO THE ETHICS CODE 1030

The Joint Legislative Ethics Committee may recommend 1031
amendments to this Code of Ethics at any time by proposing to 1032
the General Assembly a concurrent resolution containing the 1033
desired amendments. 1034

Section 15. DISTRIBUTION OF ETHICS CODE 1035

Each member and employee of the General Assembly and each 1036
employee of any legislative agency shall be given a copy of this 1037
Code of Ethics within ten days after its adoption. 1038

Section 16. APPLICATION TO ~~135th-136th~~ GENERAL ASSEMBLY 1039

The Code of Ethics for the ~~134th-135th~~ General Assembly 1040
shall be effective until the ~~135th-136th~~ General Assembly adopts 1041
the Code of Ethics for the ~~135th-136th~~ General Assembly. 1042