

As Reported by the House Government Oversight Committee

135th General Assembly

Regular Session

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H. B. No. 114

Representatives Humphrey, Seitz

Cosponsors: Representatives Brennan, Williams, Miranda, Blackshear, Brent, Upchurch, McNally, Schmidt, Rogers, Weinstein, Isaacsohn, Brown, Mohamed

A BILL

To amend section 3517.13 of the Revised Code to
allow a candidate to use campaign funds to pay
certain child care costs.

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. 18
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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. 20
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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. 23
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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. 26
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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. 29
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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. 32
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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. 35
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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. 39
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(b) A person does not make a contribution in the name of 45

another when either of the following applies: 46

(i) An individual makes a contribution from a partnership 47
or other unincorporated business account, if the contribution is 48
reported by listing both the name of the partnership or other 49
unincorporated business and the name of the partner or owner 50
making the contribution as required under division (I) of 51
section 3517.10 of the Revised Code. 52

(ii) A person makes a contribution in that person's 53
spouse's name or in both of their names. 54

(H) No person within this state, publishing a newspaper or 55
other periodical, shall charge a campaign committee for 56
political advertising a rate in excess of the rate such person 57
would charge if the campaign committee were a general rate 58
advertiser whose advertising was directed to promoting its 59
business within the same area as that encompassed by the 60
particular office that the candidate of the campaign committee 61
is seeking. The rate shall take into account the amount of space 62
used, as well as the type of advertising copy submitted by or on 63
behalf of the campaign committee. All discount privileges 64
otherwise offered by a newspaper or periodical to general rate 65
advertisers shall be available upon equal terms to all campaign 66
committees. 67

No person within this state, operating a radio or 68
television station or network of stations in this state, shall 69
charge a campaign committee for political broadcasts a rate that 70
exceeds: 71

(1) During the forty-five days preceding the date of a 72
primary election and during the sixty days preceding the date of 73
a general or special election in which the candidate of the 74

campaign committee is seeking office, the lowest unit charge of 75
the station for the same class and amount of time for the same 76
period; 77

(2) At any other time, the charges made for comparable use 78
of that station by its other users. 79

(I) Subject to divisions (K), (L), (M), and (N) of this 80
section, no agency or department of this state or any political 81
subdivision shall award any contract, other than one let by 82
competitive bidding or a contract incidental to such contract or 83
which is by force account, for the purchase of goods costing 84
more than five hundred dollars or services costing more than 85
five hundred dollars to any individual, partnership, 86
association, including, without limitation, a professional 87
association organized under Chapter 1785. of the Revised Code, 88
estate, or trust if the individual has made or the individual's 89
spouse has made, or any partner, shareholder, administrator, 90
executor, or trustee or the spouse of any of them has made, as 91
an individual, within the two previous calendar years, one or 92
more contributions totaling in excess of one thousand dollars to 93
the holder of the public office having ultimate responsibility 94
for the award of the contract or to the public officer's 95
campaign committee. 96

(J) Subject to divisions (K), (L), (M), and (N) of this 97
section, no agency or department of this state or any political 98
subdivision shall award any contract, other than one let by 99
competitive bidding or a contract incidental to such contract or 100
which is by force account, for the purchase of goods costing 101
more than five hundred dollars or services costing more than 102
five hundred dollars to a corporation or business trust, except 103
a professional association organized under Chapter 1785. of the 104

Revised Code, if an owner of more than twenty per cent of the 105
corporation or business trust or the spouse of that person has 106
made, as an individual, within the two previous calendar years, 107
taking into consideration only owners for all of that period, 108
one or more contributions totaling in excess of one thousand 109
dollars to the holder of a public office having ultimate 110
responsibility for the award of the contract or to the public 111
officer's campaign committee. 112

(K) For purposes of divisions (I) and (J) of this section, 113
if a public officer who is responsible for the award of a 114
contract is appointed by the governor, whether or not the 115
appointment is subject to the advice and consent of the senate, 116
excluding members of boards, commissions, committees, 117
authorities, councils, boards of trustees, task forces, and 118
other such entities appointed by the governor, the office of the 119
governor is considered to have ultimate responsibility for the 120
award of the contract. 121

(L) For purposes of divisions (I) and (J) of this section, 122
if a public officer who is responsible for the award of a 123
contract is appointed by the elected chief executive officer of 124
a municipal corporation, or appointed by the elected chief 125
executive officer of a county operating under an alternative 126
form of county government or county charter, excluding members 127
of boards, commissions, committees, authorities, councils, 128
boards of trustees, task forces, and other such entities 129
appointed by the chief executive officer, the office of the 130
chief executive officer is considered to have ultimate 131
responsibility for the award of the contract. 132

(M) (1) Divisions (I) and (J) of this section do not apply 133
to contracts awarded by the board of commissioners of the 134

sinking fund, municipal legislative authorities, boards of 135
education, boards of county commissioners, boards of township 136
trustees, or other boards, commissions, committees, authorities, 137
councils, boards of trustees, task forces, and other such 138
entities created by law, by the supreme court or courts of 139
appeals, by county courts consisting of more than one judge, 140
courts of common pleas consisting of more than one judge, or 141
municipal courts consisting of more than one judge, or by a 142
division of any court if the division consists of more than one 143
judge. This division shall apply to the specified entity only if 144
the members of the entity act collectively in the award of a 145
contract for goods or services. 146

(2) Divisions (I) and (J) of this section do not apply to 147
actions of the controlling board. 148

(N) (1) Divisions (I) and (J) of this section apply to 149
contributions made to the holder of a public office having 150
ultimate responsibility for the award of a contract, or to the 151
public officer's campaign committee, during the time the person 152
holds the office and during any time such person was a candidate 153
for the office. Those divisions do not apply to contributions 154
made to, or to the campaign committee of, a candidate for or 155
holder of the office other than the holder of the office at the 156
time of the award of the contract. 157

(2) Divisions (I) and (J) of this section do not apply to 158
contributions of a partner, shareholder, administrator, 159
executor, trustee, or owner of more than twenty per cent of a 160
corporation or business trust made before the person held any of 161
those positions or after the person ceased to hold any of those 162
positions in the partnership, association, estate, trust, 163
corporation, or business trust whose eligibility to be awarded a 164

contract is being determined, nor to contributions of the 165
person's spouse made before the person held any of those 166
positions, after the person ceased to hold any of those 167
positions, before the two were married, after the granting of a 168
decree of divorce, dissolution of marriage, or annulment, or 169
after the granting of an order in an action brought solely for 170
legal separation. Those divisions do not apply to contributions 171
of the spouse of an individual whose eligibility to be awarded a 172
contract is being determined made before the two were married, 173
after the granting of a decree of divorce, dissolution of 174
marriage, or annulment, or after the granting of an order in an 175
action brought solely for legal separation. 176

(O) No beneficiary of a campaign fund or other person 177
shall convert for personal use, and no person shall knowingly 178
give to a beneficiary of a campaign fund or any other person, 179
for the beneficiary's or any other person's personal use, 180
anything of value from the beneficiary's campaign fund, 181
including, without limitation, payments to a beneficiary for 182
services the beneficiary personally performs, except as 183
reimbursement for any of the following: 184

(1) Legitimate and verifiable prior campaign expenses 185
incurred by the beneficiary; 186

(2) Legitimate and verifiable ordinary and necessary prior 187
expenses incurred by the beneficiary in connection with duties 188
as the holder of a public office, including, without limitation, 189
expenses incurred through participation in nonpartisan or 190
bipartisan events if the participation of the holder of a public 191
office would normally be expected; 192

(3) Legitimate and verifiable ordinary and necessary prior 193
expenses incurred by the beneficiary while doing any of the 194

following:	195
(a) Engaging in activities in support of or opposition to	196
a candidate other than the beneficiary, political party, or	197
ballot issue;	198
(b) Raising funds for a political party, political action	199
committee, political contributing entity, legislative campaign	200
fund, campaign committee, or other candidate;	201
(c) Participating in the activities of a political party,	202
political action committee, political contributing entity,	203
legislative campaign fund, or campaign committee;	204
(d) Attending a political party convention or other	205
political meeting.	206
For purposes of this division, an expense is incurred	207
whenever a beneficiary has either made payment or is obligated	208
to make payment, as by the use of a credit card or other credit	209
procedure or by the use of goods or services received on	210
account.	211
(P) No beneficiary of a campaign fund shall knowingly	212
accept, and no person shall knowingly give to the beneficiary of	213
a campaign fund, reimbursement for an expense under division (O)	214
of this section to the extent that the expense previously was	215
reimbursed or paid from another source of funds. If an expense	216
is reimbursed under division (O) of this section and is later	217
paid or reimbursed, wholly or in part, from another source of	218
funds, the beneficiary shall repay the reimbursement received	219
under division (O) of this section to the extent of the payment	220
made or reimbursement received from the other source.	221
(Q) No candidate or public official or employee shall	222
accept for personal or business use anything of value from a	223

political party, political action committee, political 224
contributing entity, legislative campaign fund, or campaign 225
committee other than the candidate's or public official's or 226
employee's own campaign committee, and no person shall knowingly 227
give to a candidate or public official or employee anything of 228
value from a political party, political action committee, 229
political contributing entity, legislative campaign fund, or 230
such a campaign committee, except for the following: 231

(1) Reimbursement for legitimate and verifiable ordinary 232
and necessary prior expenses not otherwise prohibited by law 233
incurred by the candidate or public official or employee while 234
engaged in any legitimate activity of the political party, 235
political action committee, political contributing entity, 236
legislative campaign fund, or such campaign committee. Without 237
limitation, reimbursable expenses under this division include 238
those incurred while doing any of the following: 239

(a) Engaging in activities in support of or opposition to 240
another candidate, political party, or ballot issue; 241

(b) Raising funds for a political party, legislative 242
campaign fund, campaign committee, or another candidate; 243

(c) Attending a political party convention or other 244
political meeting. 245

(2) Compensation not otherwise prohibited by law for 246
actual and valuable personal services rendered under a written 247
contract to the political party, political action committee, 248
political contributing entity, legislative campaign fund, or 249
such campaign committee for any legitimate activity of the 250
political party, political action committee, political 251
contributing entity, legislative campaign fund, or such campaign 252

committee. 253

Reimbursable expenses under this division do not include, 254
and it is a violation of this division for a candidate or public 255
official or employee to accept, or for any person to knowingly 256
give to a candidate or public official or employee from a 257
political party, political action committee, political 258
contributing entity, legislative campaign fund, or campaign 259
committee other than the candidate's or public official's or 260
employee's own campaign committee, anything of value for 261
activities primarily related to the candidate's or public 262
official's or employee's own campaign for election, except for 263
contributions to the candidate's or public official's or 264
employee's campaign committee. 265

For purposes of this division, an expense is incurred 266
whenever a candidate or public official or employee has either 267
made payment or is obligated to make payment, as by the use of a 268
credit card or other credit procedure, or by the use of goods or 269
services on account. 270

(R) (1) Division (O) or (P) of this section does not 271
prohibit a campaign committee from making direct advance or post 272
payment from contributions to vendors for goods and services for 273
which reimbursement is permitted under division (O) of this 274
section, except that no campaign committee shall pay its 275
candidate or other beneficiary for services personally performed 276
by the candidate or other beneficiary. 277

(2) If any expense that may be reimbursed under division 278
(O), (P), or (Q) of this section is part of other expenses that 279
may not be paid or reimbursed, the separation of the two types 280
of expenses for the purpose of allocating for payment or 281
reimbursement those expenses that may be paid or reimbursed may 282

be by any reasonable accounting method, considering all of the 283
surrounding circumstances. 284

(3) For purposes of divisions (O), (P), and (Q) of this 285
section, mileage allowance at a rate not greater than that 286
allowed by the internal revenue service at the time the travel 287
occurs may be paid instead of reimbursement for actual travel 288
expenses allowable. 289

(4) For purposes of divisions (O), (P), and (Q) of this 290
section, the cost of child care is considered an ordinary and 291
necessary expense incurred by a beneficiary while engaging in 292
the activities and duties described in those divisions, so long 293
as the cost is incurred only as a direct result of the 294
beneficiary engaging in those activities and duties and would 295
not otherwise be incurred. 296

(S) (1) As used in division (S) of this section: 297

(a) "State elective office" has the same meaning as in 298
section 3517.092 of the Revised Code. 299

(b) "Federal office" means a federal office as defined in 300
the Federal Election Campaign Act. 301

(c) "Federal campaign committee" means a principal 302
campaign committee or authorized committee as defined in the 303
Federal Election Campaign Act. 304

(2) No person who is a candidate for state elective office 305
and who previously sought nomination or election to a federal 306
office shall transfer any funds or assets from that person's 307
federal campaign committee for nomination or election to the 308
federal office to that person's campaign committee as a 309
candidate for state elective office. 310

(3) No campaign committee of a person who is a candidate 311
for state elective office and who previously sought nomination 312
or election to a federal office shall accept any funds or assets 313
from that person's federal campaign committee for that person's 314
nomination or election to the federal office. 315

(T) (1) Except as otherwise provided in division (B) (6) (c) 316
of section 3517.102 of the Revised Code, a state or county 317
political party shall not disburse moneys from any account other 318
than a state candidate fund to make contributions to any of the 319
following: 320

(a) A state candidate fund; 321

(b) A legislative campaign fund; 322

(c) A campaign committee of a candidate for the office of 323
governor, lieutenant governor, secretary of state, auditor of 324
state, treasurer of state, attorney general, member of the state 325
board of education, or member of the general assembly. 326

(2) No state candidate fund, legislative campaign fund, or 327
campaign committee of a candidate for any office described in 328
division (T) (1) (c) of this section shall knowingly accept a 329
contribution in violation of division (T) (1) of this section. 330

(U) No person shall fail to file a statement required 331
under section 3517.12 of the Revised Code. 332

(V) No campaign committee shall fail to file a statement 333
required under division (K) (3) of section 3517.10 of the Revised 334
Code. 335

(W) (1) No foreign national shall, directly or indirectly 336
through any other person or entity, make a contribution, 337
expenditure, or independent expenditure or promise, either 338

expressly or implicitly, to make a contribution, expenditure, or 339
independent expenditure in support of or opposition to a 340
candidate for any elective office in this state, including an 341
office of a political party. 342

(2) No candidate, campaign committee, political action 343
committee, political contributing entity, legislative campaign 344
fund, state candidate fund, political party, or separate 345
segregated fund shall solicit or accept a contribution, 346
expenditure, or independent expenditure from a foreign national. 347
The secretary of state may direct any candidate, committee, 348
entity, fund, or party that accepts a contribution, expenditure, 349
or independent expenditure in violation of this division to 350
return the contribution, expenditure, or independent expenditure 351
or, if it is not possible to return the contribution, 352
expenditure, or independent expenditure, then to return instead 353
the value of it, to the contributor. 354

(3) As used in division (W) of this section, "foreign 355
national" has the same meaning as in section 441e(b) of the 356
Federal Election Campaign Act. 357

(X) (1) No state or county political party shall transfer 358
any moneys from its restricted fund to any account of the 359
political party into which contributions may be made or from 360
which contributions or expenditures may be made. 361

(2) (a) No state or county political party shall deposit a 362
contribution or contributions that it receives into its 363
restricted fund. 364

(b) No state or county political party shall make a 365
contribution or an expenditure from its restricted fund. 366

(3) (a) No corporation or labor organization shall make a 367

gift or gifts from the corporation's or labor organization's 368
money or property aggregating more than ten thousand dollars to 369
any one state or county political party for the party's 370
restricted fund in a calendar year. 371

(b) No state or county political party shall accept a gift 372
or gifts for the party's restricted fund aggregating more than 373
ten thousand dollars from any one corporation or labor 374
organization in a calendar year. 375

(4) No state or county political party shall transfer any 376
moneys in the party's restricted fund to any other state or 377
county political party. 378

(5) No state or county political party shall knowingly 379
fail to file a statement required under section 3517.1012 of the 380
Revised Code. 381

(Y) The administrator of workers' compensation and the 382
employees of the bureau of workers' compensation shall not 383
conduct any business with or award any contract, other than one 384
awarded by competitive bidding, for the purchase of goods 385
costing more than five hundred dollars or services costing more 386
than five hundred dollars to any individual, partnership, 387
association, including, without limitation, a professional 388
association organized under Chapter 1785. of the Revised Code, 389
estate, or trust, if the individual has made, or the 390
individual's spouse has made, or any partner, shareholder, 391
administrator, executor, or trustee, or the spouses of any of 392
those individuals has made, as an individual, within the two 393
previous calendar years, one or more contributions totaling in 394
excess of one thousand dollars to the campaign committee of the 395
governor or lieutenant governor or to the campaign committee of 396
any candidate for the office of governor or lieutenant governor. 397

(Z) The administrator of workers' compensation and the 398
employees of the bureau of workers' compensation shall not 399
conduct business with or award any contract, other than one 400
awarded by competitive bidding, for the purchase of goods 401
costing more than five hundred dollars or services costing more 402
than five hundred dollars to a corporation or business trust, 403
except a professional association organized under Chapter 1785. 404
of the Revised Code, if an owner of more than twenty per cent of 405
the corporation or business trust, or the spouse of the owner, 406
has made, as an individual, within the two previous calendar 407
years, taking into consideration only owners for all of such 408
period, one or more contributions totaling in excess of one 409
thousand dollars to the campaign committee of the governor or 410
lieutenant governor or to the campaign committee of any 411
candidate for the office of governor or lieutenant governor. 412

Section 2. That existing section 3517.13 of the Revised 413
Code is hereby repealed. 414