

As Reported by the Senate Civil Justice Committee

125th General Assembly

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Sub. H. B. No. 204

**Representatives Wolpert, Gilb, Seitz, McGregor, Collier, Barrett, Allen,
Kearns, Seaver, Chandler, Daniels, Cirelli, Domenick, C. Evans, Fessler,
Flowers, Olman, Schlichter, Sferra, Skindell, Wagner, Walcher, Carano,
DePiero, Distel, Gibbs, Harwood, Hughes, Key, Miller, Niehaus, S. Patton,
Raussen, Reidelbach, Schmidt, Schneider, G. Smith, J. Stewart, Sykes
Senators Amstutz, Goodman**

A B I L L

To amend sections 1.59, 9.08, 9.314, 9.48, 101.691, 1
113.40, 125.04, 125.072, 149.38, 149.432, 307.12, 2
341.42, 505.10, 718.07, 721.15, 753.32, 955.013, 3
1306.16, 2307.64, 3517.10, 3517.106, 3517.11, 4
5145.31, and 5703.49 and to enact sections 5
117.111, 304.01, 304.02, 304.03, and 304.04 of the 6
Revised Code to provide for the use of electronic 7
records and signatures by county offices if 8
specified security procedures are adopted, to 9
require the Auditor of State to audit electronic 10
record security procedures adopted by county 11
offices, to create a single definition of the 12
"internet" to be used throughout the Revised Code, 13
to allow a county or township to participate in 14
contract offerings from the federal government, to 15
modify the law governing payment of state expenses 16
by a financial transaction device, to provide 17
notice to county historical societies and other 18
local entities that county records are being sent 19

to the Ohio Historical Society for potential 20
distribution, to create the Ohio Privacy/Public 21
Access Study Committee, and to amend Section 3.18 22
of Am. Sub. H.B. 95 of the 125th General Assembly, 23
as subsequently amended, and Section 4 of Am. Sub. 24
H.B. 168 of the 125th General Assembly to delay 25
until July 1, 2005, the effective date of certain 26
sales and use tax sourcing laws that were intended 27
to take effect January 1, 2005, and to authorize 28
vendors to commence destination-based sourcing 29
prior to that effective date. 30

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

Section 1. That sections 1.59, 9.08, 9.314, 9.48, 101.691, 31
113.40, 125.04, 125.072, 149.38, 149.432, 307.12, 341.42, 505.10, 32
718.07, 721.15, 753.32, 955.013, 1306.16, 2307.64, 3517.10, 33
3517.106, 3517.11, 5145.31, and 5703.49 be amended and section 34
117.111, 304.01, 304.02, 304.03, and 304.04 of the Revised Code be 35
enacted to read as follows: 36

Sec. 1.59. As used in any statute, unless another definition 37
is provided in ~~such~~ that statute or a related statute: 38

(A) "Child" includes child by adoption. 39

(B) "Oath" includes affirmation, and "swear" includes affirm. 40

(C) "Person" includes an individual, corporation, business 41
trust, estate, trust, partnership, and association. 42

(D) "Population" means that shown by the most recent regular 43
federal census. 44

(E) "Property" means real and personal property. 45

(F) "Rule" includes regulation. 46

(G) "State," when applied to a part of the United States, 47
includes any state, district, commonwealth, territory, insular 48
possession thereof, and any area subject to the legislative 49
authority of the United States of America. "This state" or "the 50
state" means the state of Ohio. 51

(H) "United States" includes all the states. 52

(I) "Will" includes codicil. 53

(J) "Written" or "in writing" includes any representation of 54
words, letters, symbols, or figures; this provision does not 55
affect any law relating to signatures. 56

(K) "Internet" means the international computer network of 57
both federal and nonfederal interoperable packet switched data 58
networks, including the graphical subnetwork known as the world 59
wide web. 60

Sec. 9.08. (A) As used in this section: 61

(1) "Computer," "computer network," "computer system," 62
"computer services," "telecommunications service," and 63
"information service" have the same meanings as in section 2913.01 64
of the Revised Code. 65

(2) "Contractor" means either of the following: 66

(a) A person who enters into a contract under section 9.06 of 67
the Revised Code. 68

(b) A person who enters into a contract under section 9.07 of 69
the Revised Code to operate and manage a correctional facility in 70
this state for out-of-state prisoners. 71

(3) "Private correctional facility" means a correctional 72
facility that is operated by a contractor under a contract 73
pursuant to section 9.06 or 9.07 of the Revised Code. 74

~~(4) "Internet" has the same meaning as in section 341.42 of 75~~

~~the Revised Code.~~

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(B) No officer or employee of a contractor who is operating
and managing a private correctional facility shall provide a
prisoner in the private correctional facility access to or permit
a prisoner in the private correctional facility to have access to
the internet through the use of a computer, computer network,
computer system, computer services, telecommunications service, or
information service unless both of the following apply:

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(1) The prisoner is participating in an approved educational
program with direct supervision that requires the use of the
internet for training or research purposes.

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(2) The provision of and access to the internet is in
accordance with rules promulgated by the department of
rehabilitation and correction pursuant to section 5120.62 of the
Revised Code.

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(C)(1) No prisoner in a private correctional facility shall
access the internet through the use of a computer, computer
network, computer system, computer services, telecommunications
service, or information service unless both of the following
apply:

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(a) The prisoner is participating in an approved educational
program with direct supervision that requires the use of the
internet for training or research purposes.

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(b) The provision of and access to the internet is in
accordance with rules promulgated by the department of
rehabilitation and correction pursuant to section 5120.62 of the
Revised Code.

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(2) Whoever violates division (C)(1) of this section is
guilty of improper internet access, a misdemeanor of the first
degree.

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Sec. 9.314. (A) As used in this section:	106
(1) "Contracting authority" has the same meaning as in section 307.92 of the Revised Code.	107 108
(2) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.	109 110 111 112
(3) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state and also includes a contracting authority.	113 114 115 116 117
(4) <u>(3)</u> "Reverse auction" means a purchasing process in which offerors submit proposals in competing to sell services or supplies in an open environment via the internet.	118 119 120
(5) <u>(4)</u> "Services" means the furnishing of labor, time, or effort by a person, not involving the delivery of a specific end product other than a report which, if provided, is merely incidental to the required performance. "Services" does not include services furnished pursuant to employment agreements or collective bargaining agreements.	121 122 123 124 125 126
(6) <u>(5)</u> "Supplies" means all property, including, but not limited to, equipment, materials, other tangible assets, and insurance, but excluding real property or interests in real property.	127 128 129 130
(B) Whenever any political subdivision that is required by law to purchase services or supplies by competitive sealed bidding or competitive sealed proposals determines that the use of a reverse auction is advantageous to the political subdivision, the political subdivision, in accordance with this section and rules	131 132 133 134 135

the political subdivision shall adopt, may purchase services or 136
supplies by reverse auction. 137

(C) A political subdivision shall solicit proposals through a 138
request for proposals. The request for proposals shall state the 139
relative importance of price and other evaluation factors. The 140
political subdivision shall give notice of the request for 141
proposals in accordance with the rules it adopts. 142

(D) As provided in the request for proposals and in the rules 143
a political subdivision adopts, and to ensure full understanding 144
of and responsiveness to solicitation requirements, the political 145
subdivision may conduct discussions with responsible offerors who 146
submit proposals determined to be reasonably susceptible of being 147
selected for award. The political subdivision shall accord 148
offerors fair and equal treatment with respect to any opportunity 149
for discussion regarding any clarification, correction, or 150
revision of their proposals. 151

(E) A political subdivision may award a contract to the 152
offeror whose proposal the political subdivision determines to be 153
the most advantageous to the political subdivision, taking into 154
consideration factors such as price and the evaluation criteria 155
set forth in the request for proposals. The contract file shall 156
contain the basis on which the award is made. 157

(F) The rules that a political subdivision adopts under this 158
section may require the provision of a performance bond, or 159
another similar form of financial security, in the amount and in 160
the form specified in the rules. 161

Sec. 9.48. (A) A county or township may do ~~either~~ any of the 162
following: 163

~~(A)(1)~~ Permit one or more other counties or townships to 164
participate in contracts into which it has entered for the 165

acquisition of equipment, materials, supplies, or services, and 166
may charge such participating counties or townships a reasonable 167
fee to cover any additional costs incurred as a result of their 168
participation; 169

~~(B)(2)~~ Participate in a joint purchasing program operated by 170
or through a national or state association of political 171
subdivisions in which the purchasing county or township is 172
eligible for membership. 173

(3) Participate in contract offerings from the federal 174
government that are available to a county or township including, 175
but not limited to, contract offerings from the general services 176
administration. 177

(B) Acquisition by a county or township of equipment, 178
material, supplies, or services, through participation in a 179
contract of another county or township or participation in an 180
association program under division (A)(1) or (2) of this section, 181
is exempt from any competitive selection requirements otherwise 182
required by law, if the contract in which it is participating was 183
awarded pursuant to a publicly solicited request for a proposal or 184
a competitive selection procedure, and, in the case of 185
participation in a joint purchasing program operated by or through 186
a national or state association of political subdivisions, if the 187
program has employed a competitive selection procedure 188
substantially similar to the procedure that would have been 189
required of the purchasing county or township acting alone of 190
another political subdivision within this state or in another 191
state. Acquisition by a county or township of equipment, 192
materials, supplies, or services pursuant to division (A)(3) of 193
this section is exempt from any competitive selection requirements 194
otherwise required by law. No county or township shall acquire 195
equipment, materials, supplies, or services by participating in a 196
contract under this section if it has received bids for such 197

acquisition, unless its participation enables it to make the 198
acquisition upon the same terms, conditions, and specifications at 199
a lower price. 200

(C) A county or township that is eligible to participate in a 201
joint purchasing program operated by or through a national or 202
state association of political subdivisions in which the 203
purchasing county or township is eligible for membership may 204
purchase supplies or services from another party, including 205
another political subdivision, instead of through participation in 206
contracts authorized by division (A)(2) of this section if the 207
county or township can purchase those supplies or services from 208
the other party upon equivalent terms, conditions, and 209
specifications but at a lower price than it can through those 210
contracts. Purchases that a county or township makes under this 211
division are exempt from any competitive selection procedures 212
otherwise required by law. A county or township that makes any 213
purchase under this division shall maintain sufficient information 214
regarding the purchase to verify that the county or township 215
satisfied the conditions for making a purchase under this 216
division. Nothing in this division restricts any action taken by a 217
county or township as authorized by division (A)(1) of this 218
section. 219

Sec. 101.691. (A) Either house of the general assembly or any 220
legislative agency may dispose of any excess or surplus supplies 221
that it possesses by sale, lease, donation, or other transfer, 222
including, but not limited to, sale by public auction over the 223
internet, ~~as defined in section 341.42 of the Revised Code.~~ 224
Nothing in this division prohibits either house of the general 225
assembly or a legislative agency from having the director of 226
administrative services dispose of excess or surplus supplies of 227
that house under sections 125.12 to 125.14 of the Revised Code. 228

(B) Any proceeds from sales, leases, or other transfers made 229
under division (A) of this section shall be deposited in the house 230
~~of representatives~~ reimbursement ~~special revenue~~ fund, the senate 231
reimbursement ~~special revenue~~ fund, or a legislative agency 232
special revenue fund identified by the director of the agency, as 233
appropriate. 234

Sec. 113.40. (A) As used in this section: 235

(1) "Financial transaction device" includes a credit card, 236
debit card, charge card, ~~or~~ prepaid or stored value card, or 237
automated clearinghouse network credit, debit, or e-check entry 238
that includes, but is not limited to, accounts receivable and 239
internet-initiated, point of purchase, and telephone-initiated 240
applications. 241

(2) "State expenses" includes fees, costs, taxes, 242
assessments, fines, penalties, payments, or any other expense a 243
person owes to a state office under the authority of a state 244
elected official or to a state entity. 245

(3) "State elected official" means the governor, lieutenant 246
governor, attorney general, secretary of state, treasurer of 247
state, and auditor of state. 248

(4) "State entity" includes any state department, agency, 249
board, or commission that deposits funds into the state treasury. 250

(B) Notwithstanding any other section of the Revised Code and 251
subject to division (D) of this section, the board of deposit may 252
adopt a resolution authorizing the acceptance of payments by 253
financial transaction device to pay for state expenses. The 254
resolution shall include all of the following: 255

(1) A designation of those state elected officials and state 256
entities authorized to accept payments by financial transaction 257
device; 258

(2) A list of state expenses that may be paid by the use of a financial transaction device; 259
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(3) Specific identification of financial transaction devices that a state elected official or state entity may authorize as acceptable means of payment for state expenses. Division (B)(3) of this section does not require that the same financial transaction devices be accepted for the payment of different types of state expenses. 261
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(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Division (B)(4) of this section does not require that the same surcharges or convenience fees be applied to the payment of different types of state expenses. 267
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(5) A specific requirement, as provided in division (G) of this section, for the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason. 273
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The board of deposit's resolution also shall designate the treasurer of state as the administrative agent to solicit proposals, within guidelines established by the board of deposit in the resolution and in compliance with the procedures provided in division (C) of this section, from financial institutions, issuers of financial transaction devices, and processors of financial transaction devices; to make recommendations about those proposals to the state elected officials; and to assist state offices in implementing the state's financial transaction device acceptance and processing program. 277
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(C) The administrative agent shall follow the procedures provided in this division whenever it plans to contract with financial institutions, issuers of financial transaction devices, 287
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or processors of financial transaction devices for the purposes of 290
this section. The administrative agent shall request proposals 291
from at least three financial institutions, issuers of financial 292
transaction devices, or processors of financial transaction 293
devices, as appropriate in accordance with the resolution adopted 294
under division (B) of this section. Prior to sending any financial 295
institution, issuer, or processor a copy of any such request, the 296
administrative agent shall advertise its intent to request 297
proposals in a newspaper of general circulation in the state once 298
a week for two consecutive weeks. The notice shall state that the 299
administrative agent intends to request proposals; specify the 300
purpose of the request; indicate the date, which shall be at least 301
ten days after the second publication, on which the request for 302
proposals will be mailed to financial institutions, issuers, or 303
processors; and require that any financial institution, issuer, or 304
processor, whichever is appropriate, interested in receiving the 305
request for proposals submit written notice of this interest to 306
the administrative agent not later than noon of the day on which 307
the request for proposals will be mailed. 308

Upon receiving the proposals, the administrative agent shall 309
review them and make a recommendation to the board of deposit 310
regarding which proposals to accept. The board of deposit shall 311
consider the agent's recommendation and review all proposals 312
submitted, and then may choose to contract with any or all of the 313
entities submitting proposals, as appropriate. The board of 314
deposit shall provide any financial institution, issuer, or 315
processor that submitted a proposal, but with which the board does 316
not enter into a contract, notice that its proposal is rejected. 317

(D) The board of deposit shall send a copy of the resolution 318
adopted under division (B) of this section to each state elected 319
official and state entity authorized to accept payments for state 320
expenses by financial transaction device. After receiving the 321

resolution and before accepting such payments by financial 322
transaction device, such a state elected official or state entity 323
shall provide written notification to the administrative agent of 324
the official's or entity's intent to implement the resolution 325
within the official's or entity's office. Each state office or 326
entity subject to the board's resolution adopted under division 327
(B) of this section shall use only the financial institutions, 328
issuers of financial transaction devices, and processors of 329
financial transaction devices with which the board of deposit 330
contracts, and each such office or entity is subject to the terms 331
of those contracts. 332

If a state entity under the authority of a state elected 333
official is directly responsible for collecting one or more state 334
expenses and the state elected official determines not to accept 335
payments by financial transaction device for one or more of those 336
expenses, the office is not required to accept payments by 337
financial transaction device for those expenses, notwithstanding 338
the adoption of a resolution by the board of deposit under 339
division (B) of this section. 340

Any state entity that prior to ~~the effective date of this~~ 341
~~section~~ March 18, 1999, accepted financial transaction devices may 342
continue to accept such devices until June 30, 2000, without being 343
subject to any resolution adopted by the board of deposit under 344
division (B) of this section, or any other oversight by the board 345
of the entity's financial transaction device program. Any such 346
entity may use surcharges or convenience fees in any manner the 347
state elected official or other official in charge of the entity 348
determines to be appropriate, and, if the administrative agent 349
consents, may appoint the administrative agent to be the entity's 350
administrative agent for purposes of accepting financial 351
transaction devices. In order to be exempt from the resolution of 352
the board of deposit under division (B) of this section, a state 353

entity shall notify the board in writing within thirty days after 354
~~the effective date of this section March 18, 1999,~~ that it 355
accepted financial transaction devices prior to ~~the effective date~~ 356
~~of this section March 18, 1999.~~ Each such notification shall 357
explain how processing costs associated with financial transaction 358
devices are being paid and shall indicate whether surcharge or 359
convenience fees are being passed on to consumers. 360

(E) The board of deposit may establish a surcharge or 361
convenience fee that may be imposed upon a person making payment 362
by a financial transaction device. The surcharge or convenience 363
fee shall not be imposed unless authorized or otherwise permitted 364
by the rules prescribed under a contract, between the financial 365
institution, issuer, or processor and the administrative agent, 366
governing the use and acceptance of the financial transaction 367
device. 368

The establishment of a surcharge or convenience fee shall 369
follow the guidelines of the financial institution, issuer of 370
financial transaction devices, or processor of financial 371
transaction devices with which the board of deposit contracts. 372

If a surcharge or convenience fee is imposed, every state 373
entity accepting payment by a financial transaction device, 374
regardless of whether that entity is subject to a resolution 375
adopted by the board of deposit, shall clearly post a notice in 376
the entity's office, and shall notify each person making a payment 377
by such a device, about the surcharge or fee. Notice to each 378
person making a payment shall be provided regardless of the medium 379
used to make the payment and in a manner appropriate to that 380
medium. Each notice shall include all of the following: 381

(1) A statement that there is a surcharge or convenience fee 382
for using a financial transaction device; 383

(2) The total amount of the charge or fee expressed in 384

dollars and cents for each transaction, or the rate of the charge 385
or fee expressed as a percentage of the total amount of the 386
transaction, whichever is applicable; 387

(3) A clear statement that the surcharge or convenience fee 388
is nonrefundable. 389

(F) If a person elects to make a payment by a financial 390
transaction device and a surcharge or convenience fee is imposed, 391
the payment of the surcharge or convenience fee is not refundable. 392

(G) If a person makes payment by a financial transaction 393
device and the payment is returned or dishonored for any reason, 394
the person is liable to the state for the state expense and any 395
reimbursable costs for collection, including banking charges, 396
legal fees, or other expenses incurred by the state in collecting 397
the returned or dishonored payment. The remedies and procedures 398
provided in this section are in addition to any other available 399
civil or criminal remedies provided by law. 400

(H) No person making any payment by a financial transaction 401
device to a state office shall be relieved from liability for the 402
underlying obligation, except to the extent that the state 403
realizes final payment of the underlying obligation in cash or its 404
equivalent. If final payment is not made by the financial 405
transaction device issuer or other guarantor of payment in the 406
transaction, the underlying obligation survives and the state 407
shall retain all remedies for enforcement that would have applied 408
if the transaction had not occurred. 409

(I) A state entity or employee who accepts a financial 410
transaction device payment in accordance with this section and any 411
applicable state or local policies or rules is immune from 412
personal liability for the final collection of such payments as 413
specified in section 9.87 of the Revised Code. 414

(J) The administrative agent, in cooperation with the office 415

of budget and management, may adopt, amend, and rescind rules in 416
accordance with section 111.15 of the Revised Code to implement 417
this section. 418

Sec. 117.111. (A) If a county office uses electronic records 419
and electronic signatures under Chapter 1306. of the Revised Code, 420
the auditor of state, in conducting an audit of that office under 421
division (A) or (B) of section 117.11 of the Revised Code, shall 422
inquire into the method, accuracy, and effectiveness of any 423
security procedure adopted by that office under section 304.02 of 424
the Revised Code. 425

(B) As used in this section, "county office," "electronic," 426
"electronic record," and "electronic signature" have the same 427
meanings as in section 304.01 of the Revised Code. 428

Sec. 125.04. (A) Except as provided in division (D) of this 429
section, the department of administrative services shall determine 430
what supplies and services are purchased by or for state agencies. 431
Whenever the department of administrative services makes any 432
change or addition to the lists of supplies and services that it 433
determines to purchase for state agencies, it shall provide a list 434
to the agencies of the changes or additions and indicate when the 435
department will be prepared to furnish each item listed. Except 436
for the requirements of division (B) of section 125.11 of the 437
Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of 438
the Revised Code do not apply to or affect the educational 439
institutions of the state. The department shall not include the 440
bureau of workers' compensation in the lists of supplies, 441
equipment, and services purchased and furnished by the department. 442

Nothing in this division precludes the bureau from entering 443
into a contract with the department for the department to perform 444
services relative to supplies, equipment, and services contained 445

in this division for the bureau. 446

(B)(1) As used in this division: 447

(a) "Emergency medical service organization" has the same 448
meaning as in section 4765.01 of the Revised Code. 449

(b) "Political subdivision" means any county, township, 450
municipal corporation, school district, conservancy district, 451
township park district, park district created under Chapter 1545. 452
of the Revised Code, regional transit authority, regional airport 453
authority, regional water and sewer district, or port authority. 454
"Political subdivision" also includes any other political 455
subdivision described in the Revised Code that has been approved 456
by the department to participate in the department's contracts 457
under this division. 458

(c) "Private fire company" has the same meaning as in section 459
9.60 of the Revised Code. 460

(2) Subject to division (C) of this section, the department 461
of administrative services may permit a political subdivision, 462
private fire company, or private, nonprofit emergency medical 463
service organization to participate in contracts into which the 464
department has entered for the purchase of supplies and services. 465
The department may charge the entity a reasonable fee to cover the 466
administrative costs the department incurs as a result of 467
participation by the entity in such a purchase contract. 468

A political subdivision desiring to participate in such 469
purchase contracts shall file with the department a certified copy 470
of an ordinance or resolution of the legislative authority or 471
governing board of the political subdivision. The resolution or 472
ordinance shall request that the political subdivision be 473
authorized to participate in such contracts and shall agree that 474
the political subdivision will be bound by such terms and 475
conditions as the department prescribes and that it will directly 476

pay the vendor under each purchase contract. A private fire 477
company or private, nonprofit emergency medical service 478
organization desiring to participate in such purchase contracts 479
shall file with the department a written request for inclusion in 480
the program signed by the chief officer of the company or 481
organization. The request shall include an agreement to be bound 482
by such terms and conditions as the department prescribes and to 483
make direct payments to the vendor under each purchase contract. 484

The department shall include in its annual report an estimate 485
of the cost it incurs by permitting political subdivisions, 486
private fire companies, and private, nonprofit emergency medical 487
service organizations to participate in contracts pursuant to this 488
division. The department may require such entities to file a 489
report with the department, as often as it finds necessary, 490
stating how many such contracts the entities participated in 491
within a specified period of time, and any other information the 492
department requires. 493

(3) Purchases made by a political subdivision under this 494
division are exempt from any competitive selection procedures 495
otherwise required by law. No political subdivision shall make any 496
purchase under this division when bids have been received for such 497
purchase by the subdivision, unless such purchase can be made upon 498
the same terms, conditions, and specifications at a lower price 499
under this division. 500

(C) A political subdivision as defined in division (B) of 501
this section may purchase supplies or services from another party, 502
including another political subdivision, instead of through 503
participation in contracts described in division (B) of this 504
section if the political subdivision can purchase those supplies 505
or services from the other party upon equivalent terms, 506
conditions, and specifications but at a lower price than it can 507
through those contracts. Purchases that a political subdivision 508

makes under this division are exempt from any competitive 509
selection procedures otherwise required by law. A political 510
subdivision that makes any purchase under this division shall 511
maintain sufficient information regarding the purchase to verify 512
that the political subdivision satisfied the conditions for making 513
a purchase under this division. Nothing in this division restricts 514
any action taken by a county or township as authorized by division 515
(A)(1) of section 9.48 of the Revised Code. 516

(D) This section does not apply to supplies or services 517
required by the legislative or judicial branches, boards of 518
elections, the capitol square review and advisory board, the 519
adjutant general, to supplies or services purchased by a state 520
agency directly as provided in division (A) or (E) of section 521
125.05 of the Revised Code, to purchases of supplies or services 522
for the emergency management agency as provided in section 125.023 523
of the Revised Code, or to purchases of supplies or services for 524
the department of rehabilitation and correction in its operation 525
of the program for the employment of prisoners established under 526
section 5145.16 of the Revised Code that shall be made pursuant to 527
rules adopted by the director of administrative services and the 528
director of rehabilitation and correction in accordance with 529
Chapter 119. of the Revised Code. The rules may provide for the 530
exemption of the program for the employment of prisoners from the 531
requirements of division (A) of this section. 532

Sec. 125.072. (A) As used in this section: 533

~~(1) "Internet" means the international computer network of 534
both federal and nonfederal interoperable packet switched data 535
networks, including the graphical subnetwork called the world wide 536
web. 537~~

~~(2) "Reverse, "reverse auction" means a purchasing process in 538
which offerors submit bids in competing to sell services or 539~~

supplies in an open environment via the internet. 540

(B) Whenever the director of administrative services 541
determines that the use of a reverse auction is advantageous to 542
the state, the director, in accordance with rules the director 543
shall adopt, may purchase services or supplies by reverse auction. 544

(C) The director, by rule, may authorize a state agency that 545
is authorized to purchase services or supplies directly to 546
purchase them by reverse auction in the same manner as this 547
section and the rules adopted under this section authorize the 548
director to do so. 549

Sec. 149.38. (A) There is hereby created in each county a 550
county records commission, composed of the president of the board 551
of county commissioners as ~~chairman~~ chairperson, the prosecuting 552
attorney, the auditor, the recorder, and the clerk of the court of 553
common pleas. The commission shall appoint a secretary, who may or 554
may not be a member of the commission and who shall serve at the 555
pleasure of the commission. The commission may employ an archivist 556
to serve under its direction. The commission shall meet at least 557
once every six months, and upon call of the ~~chairman~~ chairperson. 558

(B) The functions of the county records commission shall be 559
to provide rules for retention and disposal of records of the 560
county and to review applications for one-time records disposal 561
and schedules of records retention and disposal submitted by 562
county offices. Records may be disposed of by the commission 563
pursuant to the procedure outlined in this section. The commission 564
~~may~~, at any time, may review any schedule it has previously 565
approved, and, for good cause shown, may revise that schedule, 566
subject to division (D) of this section. 567

(C) When the county records commission has approved county 568
records ~~have been approved~~ for disposal, a copy of ~~such records~~ a 569
list of those records shall be sent to the auditor of state. If ~~he~~ 570

the auditor of state disapproves the action by the ~~county~~ 571
commission in whole or in part, ~~he~~ the auditor of state shall so 572
inform the commission within a period of sixty days, ~~and these~~ 573
those records shall not be destroyed. Before public records are to 574
be disposed of, the commission shall inform the Ohio historical 575
society ~~shall be informed~~ and ~~given~~ give the society the 576
opportunity for a period of sixty days to select for its custody 577
such records as it considers to be of continuing historical value. 578
When the Ohio historical society is so informed that public 579
records are to be disposed of, the county records commission also 580
shall notify the county historical society, and any public or 581
quasi-public institutions, agencies, or corporations in the county 582
that have provided the commission with their name and address for 583
these notification purposes, that the Ohio historical society has 584
been so informed and may select records of continuing historical 585
value, including records that may be distributed to any of the 586
notified entities under section 149.31 of the Revised Code. 587

(D) The rules of the county records commission shall include 588
a rule that requires any receipts, checks, vouchers, or other 589
similar records pertaining to expenditures from the delinquent tax 590
and assessment collection fund created in section 321.261 of the 591
Revised Code, from the real estate assessment fund created in 592
section 325.31 of the Revised Code, or from amounts allocated for 593
the furtherance of justice to the county sheriff under section 594
325.071 of the Revised Code or to the prosecuting attorney under 595
section 325.12 of the Revised Code to be retained for at least 596
four years. 597

(E) No person shall knowingly violate the rule adopted under 598
division (D) of this section. Whoever violates that rule is guilty 599
of a misdemeanor of the first degree. 600

Sec. 149.432. (A) As used in this section: 601

(1) "Library" means a library that is open to the public, 602
including any of the following: 603

(a) A library that is maintained and regulated under section 604
715.13 of the Revised Code; 605

(b) A library that is created, maintained, and regulated 606
under Chapter 3375. of the Revised Code; 607

(c) A library that is created and maintained by a public or 608
private school, college, university, or other educational 609
institution; 610

(d) A library that is created and maintained by a historical 611
or charitable organization, institution, association, or society. 612

"Library" includes the members of the governing body and the 613
employees of a library. 614

(2) "Library record" means a record in any form that is 615
maintained by a library and that contains any of the following 616
types of information: 617

(a) Information that the library requires an individual to 618
provide in order to be eligible to use library services or borrow 619
materials; 620

(b) Information that identifies an individual as having 621
requested or obtained specific materials or materials on a 622
particular subject; 623

(c) Information that is provided by an individual to assist a 624
library staff member to answer a specific question or provide 625
information on a particular subject. 626

"Library record" does not include information that does not 627
identify any individual and that is retained for the purpose of 628
studying or evaluating the use of a library and its materials and 629
services. 630

(3) Subject to division (B)(5) of this section, "patron information" means personally identifiable information about an individual who has used any library service or borrowed any library materials.

~~(4) "Internet" has the same meaning as in section 3517.106 of the Revised Code.~~

(B) A library shall not release any library record or disclose any patron information except in the following situations:

(1) If a library record or patron information pertaining to a minor child is requested from a library by the minor child's parent, guardian, or custodian, the library shall make that record or information available to the parent, guardian, or custodian in accordance with division (B) of section 149.43 of the Revised Code.

(2) Library records or patron information shall be released in the following situations:

(a) In accordance with a subpoena, search warrant, or other court order;

(b) To a law enforcement officer who is acting in the scope of the officer's law enforcement duties and who is investigating a matter involving public safety in exigent circumstances.

(3) A library record or patron information shall be released upon the request or with the consent of the individual who is the subject of the record or information.

(4) Library records may be released for administrative library purposes, including establishment or maintenance of a system to manage the library records or to assist in the transfer of library records from one records management system to another, compilation of statistical data on library use, and collection of

661 fines and penalties.

662 (5) A library may release under division (B) of section
663 149.43 of the Revised Code records that document improper use of
664 the internet at the library so long as any patron information is
665 removed from those records. As used in division (B)(5) of this
666 section, "patron information" does not include information about
667 the age or gender of an individual.

668 Sec. 304.01. As used in this chapter:

669 (A) "Agreement" means the bargain of the parties in fact, as
670 found in their language or inferred from other circumstances and
671 from rules, regulations, and procedures given the effect of
672 agreements under laws otherwise applicable to a particular
673 transaction.

674 (B) "County office" means any officer, department, board,
675 commission, agency, court, or other instrumentality of a county.

676 (C) "Electronic" means relating to technology having
677 electrical, digital, magnetic, wireless, optical, electromagnetic,
678 or similar capabilities.

679 (D) "Electronic record" means a record created, generated,
680 sent, communicated, received, or stored by electronic means.

681 (E) "Electronic signature" means an electronic sound, symbol,
682 or process attached to or logically associated with a record and
683 executed or adopted by a person with the intent to sign the
684 record.

685 (F) "Information" means data, text, images, sounds, codes,
686 computer programs, software, databases, or the like.

687 (G) "Person" means an individual, corporation, business
688 trust, estate, trust, partnership, limited liability company,
689 association, joint venture, governmental agency, public
690 corporation, or other legal or commercial entity.

(H) "Record" means information that is inscribed on a 691
tangible medium or that is stored in an electronic or other medium 692
and is retrievable in perceivable form. 693

(I) "Transaction" means an action or set of actions occurring 694
between two or more persons relating to the conduct of business, 695
commercial, or governmental affairs. 696

Sec. 304.02. Prior to the use of electronic records and 697
electronic signatures by a county office under Chapter 1306. of 698
the Revised Code, and except as otherwise provided in section 699
955.013 of the Revised Code, a county office shall adopt, in 700
writing, a security procedure for the purpose of verifying that an 701
electronic signature, record, or performance is that of a specific 702
person or for detecting changes or errors in the information in an 703
electronic record. A security procedure includes, but is not 704
limited to, a procedure that requires the use of algorithms or 705
other codes, identifying words or numbers, encryption, or callback 706
or other acknowledgment procedures. 707

Sec. 304.03. (A) Whenever any rule or law requires or 708
authorizes the filing of any information, notice, lien, or other 709
document or record with any county office, a filing made by an 710
electronic record shall have the same force and effect as a filing 711
made on paper in all cases where the county office has authorized 712
or agreed to the electronic filing and the filing is made in 713
accordance with applicable rules or an applicable agreement. 714

(B) Nothing in this section authorizes or shall be construed 715
to authorize the use of a financial transaction device in an 716
electronic transaction for the acceptance of payments for county 717
expenses, except pursuant to section 301.28 or 955.013 of the 718
Revised Code. 719

(C) As used in this section, "financial transaction device" 720

and "county expenses" have the same meanings as in section 301.28 721
of the Revised Code. 722

Sec. 304.04. Nothing in this chapter or Chapter 1306. of the 723
Revised Code requires or shall be construed to require any county 724
office to use or permit the use of electronic records and 725
electronic signatures. 726

Sec. 307.12. (A) Except as otherwise provided in divisions 727
(B), (C), and (E) of this section, when the board of county 728
commissioners finds, by resolution, that the county has personal 729
property, including motor vehicles acquired for the use of county 730
officers and departments, and road machinery, equipment, tools, or 731
supplies, which is not needed for public use, or is obsolete or 732
unfit for the use for which it was acquired, and when the fair 733
market value of the property to be sold under this division is, in 734
the opinion of the board, in excess of two thousand five hundred 735
dollars, the board may do either of the following: 736

(1) Sell the property at public auction or by sealed bid to 737
the highest bidder. Notice of the time, place, and manner of the 738
sale shall be published in a newspaper of general circulation in 739
the county at least ten days prior to the sale, and a typewritten 740
or printed notice of the time, place, and manner of the sale shall 741
be posted at least ten days before the sale in the offices of the 742
county auditor and the board of county commissioners. 743

If a board conducts a sale of property by sealed bid, the 744
form of the bid shall be as prescribed by the board, and each bid 745
shall contain the name of the person submitting it. Bids received 746
shall be opened and tabulated at the time stated in the notice. 747
The property shall be sold to the highest bidder, except that the 748
board may reject all bids and hold another sale, by public auction 749
or sealed bid, in the manner prescribed by this section. 750

(2) Donate any motor vehicle that does not exceed four 751
thousand five hundred dollars in value to a nonprofit organization 752
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 753
and (c)(3) for the purpose of meeting the transportation needs of 754
participants in the Ohio works first program established under 755
Chapter 5107. of the Revised Code and participants in the 756
prevention, retention, and contingency program established under 757
Chapter 5108. of the Revised Code. 758

(B) When the board of county commissioners finds, by 759
resolution, that the county has personal property, including motor 760
vehicles acquired for the use of county officers and departments, 761
and road machinery, equipment, tools, or supplies, which is not 762
needed for public use, or is obsolete or unfit for the use for 763
which it was acquired, and when the fair market value of the 764
property to be sold under this division is, in the opinion of the 765
board, two thousand five hundred dollars or less, the board may 766
sell the property by private sale, without advertisement or public 767
notification. 768

Notwithstanding anything to the contrary in division (A) or 769
(C) of this section and regardless of the property's value, the 770
board may sell or donate county personal property, including motor 771
vehicles, to the federal government, the state, or any political 772
subdivision of the state without advertisement or public 773
notification. 774

(C) Notwithstanding anything to the contrary in division (A), 775
(B), or (E) of this section and regardless of the property's 776
value, the board of county commissioners may sell personal 777
property, including motor vehicles acquired for the use of county 778
officers and departments, and road machinery, equipment, tools, or 779
supplies, which is not needed for public use, or is obsolete or 780
unfit for the use for which it was acquired, by internet auction. 781
The board shall adopt, during each calendar year, a resolution 782

expressing its intent to sell that property by internet auction. 783
The resolution shall include a description of how the auctions 784
will be conducted and shall specify the number of days for bidding 785
on the property, which shall be no less than fifteen days, 786
including Saturdays, Sundays, and legal holidays. The resolution 787
shall indicate whether the county will conduct the auction or the 788
board will contract with a representative to conduct the auction 789
and shall establish the general terms and conditions of sale. If a 790
representative is known when the resolution is adopted, the 791
resolution shall provide contact information such as the 792
representative's name, address, and telephone number. 793

After adoption of the resolution, the board shall publish, in 794
a newspaper of general circulation in the county, notice of its 795
intent to sell unneeded, obsolete, or unfit county personal 796
property by internet auction. The notice shall include a summary 797
of the information provided in the resolution and shall be 798
published at least twice. The second and any subsequent notice 799
shall be published not less than ten nor more than twenty days 800
after the previous notice. A similar notice also shall be posted 801
continually throughout the calendar year in a conspicuous place in 802
the offices of the county auditor and the board of county 803
commissioners, and, if the county maintains a website on the 804
internet, the notice shall be posted continually throughout the 805
calendar year at that website. 806

When property is to be sold by internet auction, the board or 807
its representative may establish a minimum price that will be 808
accepted for specific items and may establish any other terms and 809
conditions for the particular sale, including requirements for 810
pick-up or delivery, method of payment, and sales tax. This type 811
of information shall be provided on the internet at the time of 812
the auction and may be provided before that time upon request 813
after the terms and conditions have been determined by the board 814

or its representative. 815

(D) When a county officer or department head determines that 816
county-owned personal property under the jurisdiction of the 817
officer or department head, including motor vehicles, road 818
machinery, equipment, tools, or supplies, is not of immediate 819
need, the county officer or department head may notify the board 820
of county commissioners, and the board may lease that personal 821
property to any municipal corporation, township, or other 822
political subdivision of the state. The lease shall require the 823
county to be reimbursed under terms, conditions, and fees 824
established by the board, or under contracts executed by the 825
board. 826

(E) If the board of county commissioners finds, by 827
resolution, that the county has vehicles, equipment, or machinery 828
which is not needed, or is unfit for public use, and the board 829
desires to sell the vehicles, equipment, or machinery to the 830
person or firm from which it proposes to purchase other vehicles, 831
equipment, or machinery, the board may offer to sell the vehicles, 832
equipment, or machinery to that person or firm, and to have the 833
selling price credited to the person or firm against the purchase 834
price of other vehicles, equipment, or machinery. 835

(F) If the board of county commissioners advertises for bids 836
for the sale of new vehicles, equipment, or machinery to the 837
county, it may include in the same advertisement a notice of the 838
willingness of the board to accept bids for the purchase of 839
county-owned vehicles, equipment, or machinery which is obsolete 840
or not needed for public use, and to have the amount of those bids 841
subtracted from the selling price of the other vehicles, 842
equipment, or machinery as a means of determining the lowest 843
responsible bidder. 844

(G) If a board of county commissioners determines that county 845
personal property is not needed for public use, or is obsolete or 846

unfit for the use for which it was acquired, and that the property 847
has no value, the board may discard or salvage that property. 848

~~(H) As used in this section, "internet" means the 849
international computer network of both federal and nonfederal 850
interoperable packet switched data networks, including the 851
graphical subnetwork called the world wide web. 852~~

Sec. 341.42. (A) As used in this section: 853

(1) "County correctional officer" has the same meaning as in 854
section 341.41 of the Revised Code. 855

(2) "Computer," "computer network," "computer system," 856
"computer services," "telecommunications service," and 857
"information service" have the same meanings as in section 2913.01 858
of the Revised Code. 859

~~(3) "Internet" means the international computer network of 860
both federal and nonfederal interoperable packet switched data 861
networks, including the graphical subnetwork called the world wide 862
web. 863~~

~~(4) "County correctional facility" means a county jail, 864
county workhouse, minimum security jail, joint city and county 865
workhouse, municipal-county correctional center, 866
multicounty-municipal correctional center, municipal-county jail 867
or workhouse, or multicounty-municipal jail or workhouse. 868~~

(B) No county correctional officer shall provide a prisoner 869
access to or permit a prisoner to have access to the internet 870
through the use of a computer, computer network, computer system, 871
computer services, telecommunications service, or information 872
service unless both of the following apply: 873

(1) The prisoner is participating in an approved educational 874
program with direct supervision that requires the use of the 875
internet for training or research purposes. 876

(2) The provision of and access to the internet is in 877
accordance with rules promulgated by the department of 878
rehabilitation and correction pursuant to section 5120.62 of the 879
Revised Code. 880

(C)(1) No prisoner in a county correctional facility under 881
the control of a county shall access the internet through the use 882
of a computer, computer network, computer system, computer 883
services, telecommunications service, or information service 884
unless both of the following apply: 885

(a) The prisoner is participating in an approved educational 886
program with direct supervision that requires the use of the 887
internet for training or research purposes. 888

(b) The provision of and access to the internet is in 889
accordance with rules promulgated by the department of 890
rehabilitation and correction pursuant to section 5120.62 of the 891
Revised Code. 892

(2) Whoever violates division (C)(1) of this section is 893
guilty of improper internet access, a misdemeanor of the first 894
degree. 895

Sec. 505.10. The board of township trustees may accept, on 896
behalf of the township, the donation by bequest, devise, deed of 897
gift, or otherwise, of any real or personal property for any 898
township use. When the township has property, including motor 899
vehicles, road machinery, equipment, and tools, which the board, 900
by resolution, finds is not needed for public use, is obsolete, or 901
is unfit for the use for which it was acquired, the board may sell 902
and convey that property or otherwise dispose of it in accordance 903
with this section. Except as otherwise provided in sections 904
505.08, 505.101, and 505.102 of the Revised Code, the sale or 905
other disposition of unneeded, obsolete, or unfit for use property 906

shall be made in accordance with one of the following: 907

(A)(1) If the fair market value of property to be sold is, in 908
the opinion of the board, in excess of two thousand five hundred 909
dollars, the sale shall be by public auction or by sealed bid to 910
the highest bidder. The board shall publish notice of the time, 911
place, and manner of the sale once a week for three weeks in a 912
newspaper published, or of general circulation, in the township, 913
the last of those publications to be at least five days before the 914
date of sale, and shall post a typewritten or printed notice of 915
the time, place, and manner of the sale in the office of the board 916
for at least ten days prior to the sale. 917

If the board conducts the sale of the property by sealed bid, 918
the form of the bid shall be as prescribed by the board, and each 919
bid shall contain the name of the person submitting it. Bids 920
received shall be opened and tabulated at the time stated in the 921
published and posted notices. The property shall be sold to the 922
highest bidder, except that the board may reject all bids and hold 923
another sale, by public auction or sealed bid, in the manner 924
prescribed by this section. 925

(2) If the fair market value of property to be sold is, in 926
the opinion of the board, two thousand five hundred dollars or 927
less, the board may sell the property by private sale, without 928
advertisement or public notification. 929

(3) If the board finds, by resolution, that the township has 930
motor vehicles, road machinery, equipment, or tools which are not 931
needed or are unfit for public use, and the board wishes to sell 932
the motor vehicles, road machinery, equipment, or tools to the 933
person or firm from which it proposes to purchase other motor 934
vehicles, road machinery, equipment, or tools, the board may offer 935
to sell the motor vehicles, road machinery, equipment, or tools to 936
that person or firm, and to have the selling price credited to the 937

person or firm against the purchase price of other motor vehicles, 938
road machinery, equipment, or tools. 939

(4) If the board advertises for bids for the sale of new 940
motor vehicles, road machinery, equipment, or tools to the 941
township, it may include in the same advertisement a notice of the 942
willingness of the board to accept bids for the purchase of 943
township-owned motor vehicles, road machinery, equipment, or tools 944
which are obsolete or not needed for public use, and to have the 945
amount of those bids subtracted from the selling price of the new 946
motor vehicles, road machinery, equipment, or tools, as a means of 947
determining the lowest responsible bidder. 948

(5) When a township has title to real property, the board of 949
township trustees, by resolution, may authorize the transfer and 950
conveyance of that property to any other political subdivision of 951
the state upon such terms as are agreed to between the board and 952
the legislative authority of that political subdivision. 953

(6) When a township has title to real property and the board 954
of township trustees wishes to sell or otherwise transfer the 955
property, the board, upon a unanimous vote of its members and by 956
resolution, may authorize the transfer and conveyance of that real 957
property to any person upon whatever terms are agreed to between 958
the board and that person. 959

(7) If the board of township trustees determines that 960
township personal property is not needed for public use, or is 961
obsolete or unfit for the use for which it was acquired, and that 962
the property has no value, the board may discard or salvage that 963
property. 964

(B) When the board has offered property at public auction 965
under this section and has not received an acceptable offer, the 966
board, by resolution, may enter into a contract, without 967
advertising or bidding, for the sale of that property. The 968

resolution shall specify a minimum acceptable price and the 969
minimum acceptable terms for the contract. The minimum acceptable 970
price shall not be lower than the minimum price established for 971
the public auction. 972

(C) Notwithstanding anything to the contrary in division (A) 973
or (B) of this section and regardless of the property's value, the 974
board may sell personal property, including motor vehicles, road 975
machinery, equipment, tools, or supplies, which is not needed for 976
public use, or is obsolete or unfit for the use for which it was 977
acquired, by internet auction. The board shall adopt, during each 978
calendar year, a resolution expressing its intent to sell that 979
property by internet auction. The resolution shall include a 980
description of how the auctions will be conducted and shall 981
specify the number of days for bidding on the property, which 982
shall be no less than fifteen days, including Saturdays, Sundays, 983
and legal holidays. The resolution shall indicate whether the 984
township will conduct the auction or the board will contract with 985
a representative to conduct the auction and shall establish the 986
general terms and conditions of sale. If a representative is known 987
when the resolution is adopted, the resolution shall provide 988
contact information such as the representative's name, address, 989
and telephone number. 990

After adoption of the resolution, the board shall publish, in 991
a newspaper of general circulation in the township, notice of its 992
intent to sell unneeded, obsolete, or unfit for use township 993
personal property by internet auction. The notice shall include a 994
summary of the information provided in the resolution and shall be 995
published at least twice. The second and any subsequent notice 996
shall be published not less than ten nor more than twenty days 997
after the previous notice. A clerk also shall post a similar 998
notice throughout the calendar year in a conspicuous place in the 999
board's office, and, if the township maintains a web site on the 1000

internet, the notice shall be posted continually throughout the 1001
calendar year at that web site. 1002

When property is to be sold by internet auction, the board or 1003
its representative may establish a minimum price that will be 1004
accepted for specific items and may establish any other terms and 1005
conditions for the particular sale, including requirements for 1006
pick-up or delivery, method of payment, and sales tax. This type 1007
of information shall be provided on the internet at the time of 1008
the auction and may be provided before that time upon request 1009
after the terms and conditions have been determined by the board 1010
or its representative. 1011

~~As used in this section, "internet" means the international 1012
computer network of both federal and nonfederal interoperable 1013
packet switched data networks, including the graphical subnetwork 1014
called the world wide web. 1015~~

~~**Sec. 718.07.** As used in this section, "internet" means the 1016
international computer network of both federal and nonfederal 1017
interoperable packet switched data networks, including the 1018
graphical subnetwork known as the world wide web. 1019~~

On and after January 1, 2002, each municipal corporation that 1020
imposes a tax on income shall make electronic versions of any 1021
rules or ordinances governing the tax available to the public 1022
through the internet, including, but not limited to, ordinances or 1023
rules governing the rate of tax; payment and withholding of taxes; 1024
filing any prescribed returns, reports, or other documents; dates 1025
for filing or paying taxes, including estimated taxes; penalties, 1026
interest, assessment, and other collection remedies; rights of 1027
taxpayers to appeal; and procedures for filing appeals. On and 1028
after that date, any municipal corporation that requires taxpayers 1029
to file income tax returns, reports, or other documents shall make 1030
blanks of such returns, reports, or documents, and any 1031

instructions pertaining thereto, available to the public 1032
electronically through the internet. Electronic versions of rules, 1033
ordinances, blanks, and instructions shall be made available 1034
either by posting them on the electronic site established by the 1035
tax commissioner under section 5703.49 of the Revised Code or by 1036
posting them on an electronic site established by the municipal 1037
corporation that is accessible through the internet. If a 1038
municipal corporation establishes such an electronic site, the 1039
municipal corporation shall incorporate an electronic link between 1040
that site and the site established pursuant to section 5703.49 of 1041
the Revised Code, and shall provide to the tax commissioner the 1042
uniform resource locator of the site established pursuant to this 1043
division. 1044

Sec. 721.15. (A) Personal property not needed for municipal 1045
purposes, the estimated value of which is less than one thousand 1046
dollars, may be sold by the board or officer having supervision or 1047
management of that property. If the estimated value of that 1048
property is one thousand dollars or more, it shall be sold only 1049
when authorized by an ordinance of the legislative authority of 1050
the municipal corporation and approved by the board, officer, or 1051
director having supervision or management of that property. When 1052
so authorized, the board, officer, or director shall make a 1053
written contract with the highest and best bidder after 1054
advertisement for not less than two or more than four consecutive 1055
weeks in a newspaper of general circulation within the municipal 1056
corporation, or with a board of county commissioners upon such 1057
lawful terms as are agreed upon, as provided by section 721.27 of 1058
the Revised Code. 1059

(B) When the legislative authority finds, by resolution, that 1060
the municipal corporation has vehicles, equipment, or machinery 1061
which is obsolete, or is not needed or is unfit for public use, 1062
that the municipal corporation has need of other vehicles, 1063

equipment, or machinery of the same type, and that it will be in 1064
the best interest of the municipal corporation that the sale of 1065
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 1066
made simultaneously with the purchase of the new vehicles, 1067
equipment, or machinery of the same type, the legislative 1068
authority may offer to sell, or authorize a board, officer, or 1069
director of the municipal corporation having supervision or 1070
management of the property to offer to sell, those vehicles, 1071
equipment, or machinery and to have the selling price credited 1072
against the purchase price of other vehicles, equipment, or 1073
machinery and to consummate the sale and purchase by a single 1074
contract with the lowest and best bidder to be determined by 1075
subtracting from the selling price of the vehicles, equipment, or 1076
machinery to be purchased by the municipal corporation the 1077
purchase price offered for the municipally-owned vehicles, 1078
equipment, or machinery. When the legislative authority or the 1079
authorized board, officer, or director of a municipal corporation 1080
advertises for bids for the sale of new vehicles, equipment, or 1081
machinery to the municipal corporation, they may include in the 1082
same advertisement a notice of willingness to accept bids for the 1083
purchase of municipally-owned vehicles, equipment, or machinery 1084
which is obsolete, or is not needed or is unfit for public use, 1085
and to have the amount of those bids subtracted from the selling 1086
price as a means of determining the lowest and best bidder. 1087

(C) If the legislative authority of the municipal corporation 1088
determines that municipal personal property is not needed for 1089
public use, or is obsolete or unfit for the use for which it was 1090
acquired, and that the property has no value, the legislative 1091
authority may discard or salvage that property. 1092

(D) Notwithstanding anything to the contrary in division (A) 1093
or (B) of this section and regardless of the property's value, the 1094
legislative authority of a municipal corporation may sell personal 1095

property, including motor vehicles acquired for the use of 1096
municipal officers and departments, and road machinery, equipment, 1097
tools, or supplies, which is not needed for public use, or is 1098
obsolete or unfit for the use for which it was acquired, by 1099
internet auction. The legislative authority shall adopt, during 1100
each calendar year, a resolution expressing its intent to sell 1101
that property by internet auction. The resolution shall include a 1102
description of how the auctions will be conducted and shall 1103
specify the number of days for bidding on the property, which 1104
shall be no less than fifteen days, including Saturdays, Sundays, 1105
and legal holidays. The resolution shall indicate whether the 1106
municipal corporation will conduct the auction or the legislative 1107
authority will contract with a representative to conduct the 1108
auction and shall establish the general terms and conditions of 1109
sale. If a representative is known when the resolution is adopted, 1110
the resolution shall provide contact information such as the 1111
representative's name, address, and telephone number. 1112

After adoption of the resolution, the legislative authority 1113
shall publish, in a newspaper of general circulation in the 1114
municipal corporation, notice of its intent to sell unneeded, 1115
obsolete, or unfit municipal personal property by internet 1116
auction. The notice shall include a summary of the information 1117
provided in the resolution and shall be published at least twice. 1118
The second and any subsequent notice shall be published not less 1119
than ten nor more than twenty days after the previous notice. A 1120
similar notice also shall be posted continually throughout the 1121
calendar year in a conspicuous place in the offices of the village 1122
clerk or city auditor, and the legislative authority, and, if the 1123
municipal corporation maintains a website on the internet, the 1124
notice shall be posted continually throughout the calendar year at 1125
that website. 1126

When the property is to be sold by internet auction, the 1127

legislative authority or its representative may establish a 1128
minimum price that will be accepted for specific items and may 1129
establish any other terms and conditions for the particular sale, 1130
including requirements for pick-up or delivery, method of payment, 1131
and sales tax. This type of information shall be provided on the 1132
internet at the time of the auction and may be provided before 1133
that time upon request after the terms and conditions have been 1134
determined by the legislative authority or its representative. 1135

~~As used in this section, "internet" means the international 1136
computer network of both federal and nonfederal interoperable 1137
packet switched data networks, including the graphical subnetwork 1138
called the world wide web. 1139~~

Sec. 753.32. (A) As used in this section: 1140

(1) "Municipal correctional officer" has the same meaning as 1141
in section 753.31 of the Revised Code. 1142

(2) "Computer," "computer network," "computer system," 1143
"computer services," "telecommunications service," and 1144
"information service" have the same meanings as in section 2913.01 1145
of the Revised Code. 1146

~~(3) "Internet" has the same meaning as in section 341.42 of 1147
the Revised Code. 1148~~

~~(4) "Municipal correctional facility" means a municipal jail, 1149
municipal workhouse, minimum security jail, joint city and county 1150
workhouse, municipal-county correctional center, 1151
multicounty-municipal correctional center, municipal-county jail 1152
or workhouse, or multicounty-municipal jail or workhouse. 1153~~

(B) No municipal correctional officer shall provide a 1154
prisoner access to or permit a prisoner to have access to the 1155
internet through the use of a computer, computer network, computer 1156
system, computer services, telecommunications service, or 1157

information service unless both of the following apply: 1158

(1) The prisoner is participating in an approved educational 1159
program with direct supervision that requires the use of the 1160
internet for training or research purposes. 1161

(2) The provision of and access to the internet is in 1162
accordance with rules promulgated by the department of 1163
rehabilitation and correction pursuant to section 5120.62 of the 1164
Revised Code. 1165

(C)(1) No prisoner in a municipal correctional facility under 1166
the control of a municipal corporation shall access the internet 1167
through the use of a computer, computer network, computer system, 1168
computer services, telecommunications service, or information 1169
service unless both of the following apply: 1170

(a) The prisoner is participating in an approved educational 1171
program with direct supervision that requires the use of the 1172
internet for training or research purposes. 1173

(b) The provision of and access to the internet is in 1174
accordance with rules promulgated by the department of 1175
rehabilitation and correction pursuant to section 5120.62 of the 1176
Revised Code. 1177

(2) Whoever violates division (C)(1) of this section is 1178
guilty of improper internet access, a misdemeanor of the first 1179
degree. 1180

Sec. 955.013. (A) As used in this section: 1181

~~(1) "Financial, "financial~~ transaction device" has the same 1182
meaning as in section 301.28 of the Revised Code. 1183

~~(2) "Internet" means the international computer network of 1184
both federal and nonfederal interoperable packet switched data 1185
networks, including the graphical subnetwork called the world wide 1186
web. 1187~~

(B) A county auditor may establish procedures and take actions that are necessary to allow for either or both of the following:

(1) The registration of dogs and kennels under this chapter via the internet;

(2) The payment of dog and kennel registration fees under this chapter by financial transaction devices, including payment by financial transaction devices via the internet.

Sec. 1306.16. (A) A provision of a nonelectronic contract involving a consumer and to which a state agency or a county office is not a party that authorizes the conducting of a transaction or any part of a transaction by electronic means is unenforceable against the consumer, unless the consumer separately signs the provision.

(B) A consumer's agreement to conduct a transaction or a part of a transaction electronically shall not be inferred solely from the fact that the consumer has used electronic means to pay an account or register a purchase or warranty.

(C) Divisions (A) and (B) of this section apply to every transaction described in those divisions notwithstanding any other provision of ~~sections 1306.01 to 1306.23 of the Revised Code~~ this chapter. This section shall not be varied by agreement.

(D) For purposes of this section, ~~both of the following~~ apply:

(1) "Consumer" means an individual who is involved in a transaction primarily for personal, family, or household purposes.

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government.

(3) "County office" means any officer, department, board, commission, agency, court, or other instrumentality of a county. 1217
1218

Sec. 2307.64. (A) As used in this section: 1219

(1) "Advertisement" has the same meaning as in section 1220
4931.55 of the Revised Code. 1221

(2) "Computer," "computer network," "computer program," 1222
"computer services," and "telecommunications device" have the same 1223
meanings as in section 2913.01 of the Revised Code. 1224

(3) "Electronic mail" means an electronic message that is 1225
transmitted between two or more telecommunications devices or 1226
electronic devices capable of receiving electronic messages, 1227
whether or not the message is converted to hard copy format after 1228
receipt, and whether or not the message is viewed upon the 1229
transmission or stored for later retrieval. "Electronic mail" 1230
includes electronic messages that are transmitted through a local, 1231
regional, or global computer network. 1232

(4) "Electronic mail advertisement" means electronic mail 1233
containing an advertisement. 1234

(5) "Electronic mail service provider" means any person that 1235
is an intermediary in sending and receiving electronic mail and 1236
that provides to users of electronic mail services the ability to 1237
send or receive electronic mail. "Electronic mail service 1238
provider" includes an internet service provider. 1239

~~(6) "Internet" has the same meaning as in section 341.42 of~~ 1240
~~the Revised Code.~~ 1241

~~(7)~~ "Originating address" means the string of characters used 1242
to specify the source of any electronic mail message. 1243

~~(8)~~(7) "Person" has the same meaning as in section 1.59 of 1244
the Revised Code, but when a person is not an individual, the 1245

person responsible for transmitting or causing to be transmitted 1246
an electronic mail advertisement is the particular division of the 1247
partnership, corporation, or other business entity actually 1248
responsible for the transmission of the electronic mail 1249
advertisement. 1250

~~(9)~~(8) "Pre-existing business relationship" means that there 1251
was a business transaction between the initiator and the recipient 1252
of a commercial electronic mail message during the five-year 1253
period preceding the receipt of that message. A pre-existing 1254
business relationship includes a transaction involving the free 1255
provision of information, goods, or services requested by the 1256
recipient. A pre-existing business relationship does not exist 1257
after a recipient requests to be removed from the distribution 1258
lists of an initiator pursuant to division (B) of this section and 1259
a reasonable amount of time has expired since that request. 1260

~~(10)~~(9) "Receiving address" means the string of characters 1261
used to specify a recipient with each receiving address creating a 1262
unique and separate recipient. 1263

~~(11)~~(10) "Recipient" means a person who receives an 1264
electronic mail advertisement at any one of the following 1265
receiving addresses: 1266

(a) A receiving address furnished by an electronic mail 1267
service provider that bills for furnishing and maintaining that 1268
receiving address to a mailing address within this state; 1269

(b) A receiving address ordinarily accessed from a computer 1270
located within this state; 1271

(c) A receiving address ordinarily accessed by a person 1272
domiciled within this state; 1273

(d) Any other receiving address with respect to which the 1274
obligations imposed by this section can be imposed consistent with 1275
the United States Constitution. 1276

(B)(1) Except as otherwise provided in division (B)(3) of 1277
this section, a person that transmits or causes to be transmitted 1278
to a recipient an electronic mail advertisement shall clearly and 1279
conspicuously provide to the recipient, within the body of the 1280
electronic mail advertisement, both of the following: 1281

(a) The person's name and complete residence or business 1282
address and the electronic mail address of the person transmitting 1283
the electronic mail advertisement; 1284

(b) A notice that the recipient may decline to receive from 1285
the person transmitting or causing to be transmitted the 1286
electronic mail advertisement any additional electronic mail 1287
advertisements and a detailed procedure for declining to receive 1288
any additional electronic mail advertisements at no cost. The 1289
notice shall be of the same size of type as the majority of the 1290
text of the message and shall not require that the recipient 1291
provide any information other than the receiving address. 1292

(2) If the recipient of an electronic mail advertisement uses 1293
the procedure contained in the notice described in division 1294
(B)(1)(b) of this section to decline to receive any additional 1295
electronic mail advertisements, the person that transmitted or 1296
caused to be transmitted the original electronic mail 1297
advertisement, within a reasonable period of time, shall cease 1298
transmitting or causing to be transmitted to the receiving address 1299
any additional electronic mail advertisements. 1300

(3) A person does not violate division (B) of this section if 1301
the person transmits or causes to be transmitted to the recipient 1302
an electronic mail advertisement when any of the following apply: 1303

(a) The person has a pre-existing business or personal 1304
relationship with the recipient. 1305

(b) The recipient has consented or has agreed as a condition 1306
of service to receive the electronic mail advertisement. 1307

(c) The recipient receives the electronic mail advertisement 1308
because another recipient forwarded the advertisement to that 1309
recipient via an internet web site or another recipient made a 1310
direct referral of that recipient to receive the advertisement. 1311

(C) No person shall use a computer, a computer network, or 1312
the computer services of an electronic mail service provider to 1313
transmit an electronic mail advertisement in contravention of the 1314
authority granted by, or in violation of the policies related to 1315
electronic mail advertisements set by, the electronic mail service 1316
provider if the electronic mail service provider has provided the 1317
person notice of those policies. For the purposes of this 1318
division, notice of those policies shall be deemed sufficient if 1319
an electronic mail service provider maintains an easily accessible 1320
web page containing its policies regarding electronic mail 1321
advertisements and can demonstrate that notice was supplied via 1322
electronic means between the sending and receiving computers. 1323

(D) No electronic mail service provider shall be liable for 1324
transmitting another person's electronic mail advertisement 1325
through its service in violation of this section, or shall be 1326
liable for any action it voluntarily takes in good faith to block 1327
the receipt or transmission through its service of any electronic 1328
mail advertisement that it believes is, or will be sent, in 1329
violation of this section. 1330

(E) A recipient of an electronic mail advertisement 1331
transmitted in violation of division (B) of this section may bring 1332
a civil action against a person who transmitted that advertisement 1333
or caused it to be transmitted. In that action, the recipient may 1334
recover the following: 1335

(1) One hundred dollars for each violation, not to exceed a 1336
total of fifty thousand dollars; 1337

(2) Reasonable attorney's fees, court costs, and other costs 1338

of bringing the action. 1339

(F) An electronic mail service provider whose authority or 1340
policy has been contravened in violation of division (C) of this 1341
section may bring a civil action against a person who transmitted 1342
that advertisement or caused it to be transmitted. In that action, 1343
the electronic mail service provider may recover the following: 1344

(1)(a) Fifty dollars for each violation of division (C) of 1345
this section, not to exceed fifty thousand dollars; 1346

(b) If a violation of division (C) of this section is a 1347
willful or knowing violation, the court may increase the amount 1348
recoverable to an amount not to exceed five hundred thousand 1349
dollars. 1350

(c) If a violation of division (C) of this section is 1351
accompanied by a violation of division (H) of this section, there 1352
shall be no limit on the amount that may be recovered pursuant to 1353
this section. 1354

(2) Reasonable attorney's fees, court costs, and other costs 1355
of bringing the action. 1356

(G) In addition to any recovery that is allowed under 1357
divisions (E) or (F) of this section, the recipient of an 1358
electronic mail advertisement transmitted in violation of division 1359
(B) of this section or the electronic mail service provider of an 1360
advertisement transmitted in violation of division (C) of this 1361
section may apply to the court of common pleas of the county in 1362
which the recipient resides or the service provider is located for 1363
an order enjoining the person who transmitted or caused to be 1364
transmitted that electronic mail advertisement from transmitting 1365
or causing to be transmitted to the recipient any additional 1366
electronic mail advertisement. 1367

(H) No person shall use a computer, a computer network, a 1368
computer program, or the computer services of an electronic mail 1369

service provider with the intent to forge an originating address 1370
or other routing information, in any manner, in connection with 1371
the transmission of an electronic mail advertisement through or 1372
into the network of an electronic mail service provider or its 1373
subscribers. Each use of a computer, a computer network, a 1374
computer program, or the computer services of an electronic mail 1375
service provider in violation of this division constitutes a 1376
separate offense. A person who violates this division is guilty of 1377
forgery under section 2913.31 of the Revised Code. 1378

Sec. 3517.10. (A) Except as otherwise provided in this 1379
division, every campaign committee, political action committee, 1380
legislative campaign fund, political party, and political 1381
contributing entity that made or received a contribution or made 1382
an expenditure in connection with the nomination or election of 1383
any candidate or in connection with any ballot issue or question 1384
at any election held or to be held in this state shall file, on a 1385
form prescribed under this section, by electronic means of 1386
transmission as provided in this section and section 3517.106 of 1387
the Revised Code, or, until March 1, 2004, on computer disk as 1388
provided in section 3517.106 of the Revised Code, a full, true, 1389
and itemized statement, made under penalty of election 1390
falsification, setting forth in detail the contributions and 1391
expenditures, no later than four p.m. of the following dates: 1392

(1) The twelfth day before the election to reflect 1393
contributions received and expenditures made from the close of 1394
business on the last day reflected in the last previously filed 1395
statement, if any, to the close of business on the twentieth day 1396
before the election; 1397

(2) The thirty-eighth day after the election to reflect the 1398
contributions received and expenditures made from the close of 1399
business on the last day reflected in the last previously filed 1400

statement, if any, to the close of business on the seventh day 1401
before the filing of the statement; 1402

(3) The last business day of January of every year to reflect 1403
the contributions received and expenditures made from the close of 1404
business on the last day reflected in the last previously filed 1405
statement, if any, to the close of business on the last day of 1406
December of the previous year. 1407

A campaign committee shall only be required to file the 1408
statements prescribed under divisions (A)(1) and (2) of this 1409
section in connection with the nomination or election of the 1410
committee's candidate. 1411

The statement required under division (A)(1) of this section 1412
shall not be required of any campaign committee, political action 1413
committee, legislative campaign fund, political party, or 1414
political contributing entity that has received contributions of 1415
less than one thousand dollars and has made expenditures of less 1416
than one thousand dollars at the close of business on the 1417
twentieth day before the election. Those contributions and 1418
expenditures shall be reported in the statement required under 1419
division (A)(2) of this section. 1420

If an election to select candidates to appear on the general 1421
election ballot is held within sixty days before a general 1422
election, the campaign committee of a successful candidate in the 1423
earlier election may file the statement required by division 1424
(A)(1) of this section for the general election instead of the 1425
statement required by division (A)(2) of this section for the 1426
earlier election if the pregeneral election statement reflects the 1427
status of contributions and expenditures for the period twenty 1428
days before the earlier election to twenty days before the general 1429
election. 1430

If a person becomes a candidate less than twenty days before 1431

an election, the candidate's campaign committee is not required to 1432
file the statement required by division (A)(1) of this section. 1433

No statement under division (A)(3) of this section shall be 1434
required for any year in which a campaign committee, political 1435
action committee, legislative campaign fund, political party, or 1436
political contributing entity is required to file a postgeneral 1437
election statement under division (A)(2) of this section. However, 1438
such a statement may be filed, at the option of the campaign 1439
committee, political action committee, legislative campaign fund, 1440
political party, or political contributing entity. 1441

No statement under division (A)(3) of this section shall be 1442
required if the campaign committee, political action committee, 1443
legislative campaign fund, political party, or political 1444
contributing entity has no contributions that it has received and 1445
no expenditures that it has made since the last date reflected in 1446
its last previously filed statement. However, the campaign 1447
committee, political action committee, legislative campaign fund, 1448
political party, or political contributing entity shall file a 1449
statement to that effect, on a form prescribed under this section 1450
and made under penalty of election falsification, on the date 1451
required in division (A)(3) of this section. 1452

The campaign committee of a statewide candidate shall file a 1453
monthly statement of contributions received during each of the 1454
months of July, August, and September in the year of the general 1455
election in which the candidate seeks office. The campaign 1456
committee of a statewide candidate shall file the monthly 1457
statement not later than three business days after the last day of 1458
the month covered by the statement. During the period beginning on 1459
the nineteenth day before the general election in which a 1460
statewide candidate seeks election to office and extending through 1461
the day of that general election, each time the campaign committee 1462
of the joint candidates for the offices of governor and lieutenant 1463

governor or of a candidate for the office of secretary of state, 1464
auditor of state, treasurer of state, or attorney general receives 1465
a contribution from a contributor that causes the aggregate amount 1466
of contributions received from that contributor during that period 1467
to equal or exceed two thousand five hundred dollars and each time 1468
the campaign committee of a candidate for the office of chief 1469
justice or justice of the supreme court receives a contribution 1470
from a contributor that causes the aggregate amount of 1471
contributions received from that contributor during that period to 1472
exceed five hundred dollars, the campaign committee shall file a 1473
two-business-day statement reflecting that contribution. During 1474
the period beginning on the nineteenth day before a primary 1475
election in which a candidate for statewide office seeks 1476
nomination to office and extending through the day of that primary 1477
election, each time either the campaign committee of a statewide 1478
candidate in that primary election that files a notice under 1479
division (C)(1) of section 3517.103 of the Revised Code or the 1480
campaign committee of a statewide candidate in that primary 1481
election to which, in accordance with division (D) of section 1482
3517.103 of the Revised Code, the contribution limitations 1483
prescribed in section 3517.102 of the Revised Code no longer apply 1484
receives a contribution from a contributor that causes the 1485
aggregate amount of contributions received from that contributor 1486
during that period to exceed two thousand five hundred dollars, 1487
the campaign committee shall file a two-business-day statement 1488
reflecting that contribution. Contributions reported on a 1489
two-business-day statement required to be filed by a campaign 1490
committee of a statewide candidate in a primary election shall 1491
also be included in the postprimary election statement required to 1492
be filed by that campaign committee under division (A)(2) of this 1493
section. A two-business-day statement required by this paragraph 1494
shall be filed not later than two business days after receipt of 1495
the contribution. The statements required by this paragraph shall 1496

be filed in addition to any other statements required by this 1497
section. 1498

Subject to the secretary of state having implemented, tested, 1499
and verified the successful operation of any system the secretary 1500
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 1501
this section and division (H)(1) of section 3517.106 of the 1502
Revised Code for the filing of campaign finance statements by 1503
electronic means of transmission, a campaign committee of a 1504
statewide candidate shall file a two-business-day statement under 1505
the preceding paragraph by electronic means of transmission if the 1506
campaign committee is required to file a preelection, 1507
postelection, or monthly statement of contributions and 1508
expenditures by electronic means of transmission under this 1509
section or section 3517.106 of the Revised Code. 1510

If a campaign committee or political action committee has no 1511
balance on hand and no outstanding obligations and desires to 1512
terminate itself, it shall file a statement to that effect, on a 1513
form prescribed under this section and made under penalty of 1514
election falsification, with the official with whom it files a 1515
statement under division (A) of this section after filing a final 1516
statement of contributions and a final statement of expenditures, 1517
if contributions have been received or expenditures made since the 1518
period reflected in its last previously filed statement. 1519

(B) Except as otherwise provided in division (C)(7) of this 1520
section, each statement required by division (A) of this section 1521
shall contain the following information: 1522

(1) The full name and address of each campaign committee, 1523
political action committee, legislative campaign fund, political 1524
party, or political contributing entity, including any treasurer 1525
of the committee, fund, party, or entity, filing a contribution 1526
and expenditure statement; 1527

(2)(a) In the case of a campaign committee, the candidate's full name and address;	1528 1529
(b) In the case of a political action committee, the registration number assigned to the committee under division (D)(1) of this section.	1530 1531 1532
(3) The date of the election and whether it was or will be a general, primary, or special election;	1533 1534
(4) A statement of contributions received, which shall include the following information:	1535 1536
(a) The month, day, and year of the contribution;	1537
(b)(i) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity from whom contributions are received and the registration number assigned to the political action committee under division (D)(1) of this section. The requirement of filing the full address does not apply to any statement filed by a state or local committee of a political party, to a finance committee of such committee, or to a committee recognized by a state or local committee as its fund-raising auxiliary. Notwithstanding division (F)(1) of this section, the requirement of filing the full address shall be considered as being met if the address filed is the same address the contributor provided under division (E)(1) of this section.	1538 1539 1540 1541 1542 1543 1544 1545 1546 1547 1548 1549 1550
(ii) If a campaign committee of a statewide candidate or candidate for the office of member of the general assembly receives a contribution from an individual that exceeds one hundred dollars, the name of the individual's current employer, if any, or, if the individual is self-employed, the individual's occupation;	1551 1552 1553 1554 1555 1556
(iii) If a campaign committee of a statewide candidate or	1557

candidate for the office of member of the general assembly 1558
receives a contribution transmitted pursuant to section 3599.031 1559
of the Revised Code from amounts deducted from the wages and 1560
salaries of two or more employees that exceeds in the aggregate 1561
one hundred dollars during any one filing period under division 1562
(A)(1), (2), or (3) of this section, the full name of the 1563
employees' employer and the full name of the labor organization of 1564
which the employees are members, if any. 1565

(c) A description of the contribution received, if other than 1566
money; 1567

(d) The value in dollars and cents of the contribution; 1568

(e) A separately itemized account of all contributions and 1569
expenditures regardless of the amount, except a receipt of a 1570
contribution from a person in the sum of twenty-five dollars or 1571
less at one social or fund-raising activity and a receipt of a 1572
contribution transmitted pursuant to section 3599.031 of the 1573
Revised Code from amounts deducted from the wages and salaries of 1574
employees if the contribution from the amount deducted from the 1575
wages and salary of any one employee is twenty-five dollars or 1576
less aggregated in a calendar year. An account of the total 1577
contributions from each social or fund-raising activity shall 1578
include a description of and the value of each in-kind 1579
contribution received at that activity from any person who made 1580
one or more such contributions whose aggregate value exceeded two 1581
hundred fifty dollars and shall be listed separately, together 1582
with the expenses incurred and paid in connection with that 1583
activity. A campaign committee, political action committee, 1584
legislative campaign fund, political party, or political 1585
contributing entity shall keep records of contributions from each 1586
person in the amount of twenty-five dollars or less at one social 1587
or fund-raising activity and contributions from amounts deducted 1588
under section 3599.031 of the Revised Code from the wages and 1589

salary of each employee in the amount of twenty-five dollars or 1590
less aggregated in a calendar year. No continuing association that 1591
is recognized by a state or local committee of a political party 1592
as an auxiliary of the party and that makes a contribution from 1593
funds derived solely from regular dues paid by members of the 1594
auxiliary shall be required to list the name or address of any 1595
members who paid those dues. 1596

Contributions that are other income shall be itemized 1597
separately from all other contributions. The information required 1598
under division (B)(4) of this section shall be provided for all 1599
other income itemized. As used in this paragraph, "other income" 1600
means a loan, investment income, or interest income. 1601

(f) In the case of a campaign committee of a state elected 1602
officer, if a person doing business with the state elected officer 1603
in the officer's official capacity makes a contribution to the 1604
campaign committee of that officer, the information required under 1605
division (B)(4) of this section in regard to that contribution, 1606
which shall be filed together with and considered a part of the 1607
committee's statement of contributions as required under division 1608
(A) of this section but shall be filed on a separate form provided 1609
by the secretary of state. As used in division (B)(4)(f) of this 1610
section: 1611

(i) "State elected officer" has the same meaning as in 1612
section 3517.092 of the Revised Code. 1613

(ii) "Person doing business" means a person or an officer of 1614
an entity who enters into one or more contracts with a state 1615
elected officer or anyone authorized to enter into contracts on 1616
behalf of that officer to receive payments for goods or services, 1617
if the payments total, in the aggregate, more than five thousand 1618
dollars during a calendar year. 1619

(5) A statement of expenditures which shall include the 1620

following information: 1621

(a) The month, day, and year of the expenditure; 1622

(b) The full name and address of each person, political 1623
party, campaign committee, legislative campaign fund, political 1624
action committee, or political contributing entity to whom the 1625
expenditure was made and the registration number assigned to the 1626
political action committee under division (D)(1) of this section; 1627

(c) The object or purpose for which the expenditure was made; 1628

(d) The amount of each expenditure. 1629

(C)(1) The statement of contributions and expenditures shall 1630
be signed by the person completing the form. If a statement of 1631
contributions and expenditures is filed by electronic means of 1632
transmission pursuant to this section or section 3517.106 of the 1633
Revised Code, the electronic signature of the person who executes 1634
the statement and transmits the statement by electronic means of 1635
transmission, as provided in division (H) of section 3517.106 of 1636
the Revised Code, shall be attached to or associated with the 1637
statement and shall be binding on all persons and for all purposes 1638
under the campaign finance reporting law as if the signature had 1639
been handwritten in ink on a printed form. 1640

(2) The person filing the statement, under penalty of 1641
election falsification, shall include with it a list of each 1642
anonymous contribution, the circumstances under which it was 1643
received, and the reason it cannot be attributed to a specific 1644
donor. 1645

(3) Each statement of a campaign committee of a candidate who 1646
holds public office shall contain a designation of each 1647
contributor who is an employee in any unit or department under the 1648
candidate's direct supervision and control. In a space provided in 1649
the statement, the person filing the statement shall affirm that 1650
each such contribution was voluntarily made. 1651

(4) A campaign committee that did not receive contributions 1652
or make expenditures in connection with the nomination or election 1653
of its candidate shall file a statement to that effect, on a form 1654
prescribed under this section and made under penalty of election 1655
falsification, on the date required in division (A)(2) of this 1656
section. 1657

(5) The campaign committee of any person who attempts to 1658
become a candidate and who, for any reason, does not become 1659
certified in accordance with Title XXXV of the Revised Code for 1660
placement on the official ballot of a primary, general, or special 1661
election to be held in this state, and who, at any time prior to 1662
or after an election, receives contributions or makes 1663
expenditures, or has given consent for another to receive 1664
contributions or make expenditures, for the purpose of bringing 1665
about the person's nomination or election to public office, shall 1666
file the statement or statements prescribed by this section and a 1667
termination statement, if applicable. This paragraph does not 1668
apply to any person with respect to an election to the offices of 1669
member of a county or state central committee, presidential 1670
elector, or delegate to a national convention or conference of a 1671
political party. 1672

(6)(a) The statements required to be filed under this section 1673
shall specify the balance in the hands of the campaign committee, 1674
political action committee, legislative campaign fund, political 1675
party, or political contributing entity and the disposition 1676
intended to be made of that balance. 1677

(b) The secretary of state shall prescribe the form for all 1678
statements required to be filed under this section and shall 1679
furnish the forms to the boards of elections in the several 1680
counties. The boards of elections shall supply printed copies of 1681
those forms without charge. The secretary of state shall prescribe 1682
the appropriate methodology, protocol, and data file structure for 1683

statements required or permitted to be filed by electronic means 1684
of transmission under division (A) of this section and divisions 1685
(E), (F), and (G) of section 3517.106 of the Revised Code and for 1686
statements permitted to be filed on computer disk under division 1687
(F) of section 3517.106 of the Revised Code. Subject to division 1688
(A) of this section and divisions (E), (F), and (G) of section 1689
3517.106 of the Revised Code, the statements required to be stored 1690
on computer by the secretary of state under division (B) of 1691
section 3517.106 of the Revised Code shall be filed in whatever 1692
format the secretary of state considers necessary to enable the 1693
secretary of state to store the information contained in the 1694
statements on computer. Any such format shall be of a type and 1695
nature that is readily available to whoever is required to file 1696
the statements in that format. 1697

(c) The secretary of state shall assess the need for training 1698
regarding the filing of campaign finance statements by electronic 1699
means of transmission and regarding associated technologies for 1700
candidates, campaign committees, political action committees, 1701
legislative campaign funds, political parties, political 1702
contributing entities, or individuals, partnerships, or other 1703
entities required or permitted to file statements by electronic 1704
means of transmission under this section or section 3517.105 or 1705
3517.106 of the Revised Code. If, in the opinion of the secretary 1706
of state, training in these areas is necessary, the secretary of 1707
state shall arrange for the provision of voluntary training 1708
programs for candidates, campaign committees, political action 1709
committees, legislative campaign funds, political parties, 1710
political contributing entities, and individuals, partnerships, 1711
and other entities. 1712

(7) Each monthly statement and each two-business-day 1713
statement required by division (A) of this section shall contain 1714
the information required by divisions (B)(1) to (4), (C)(2), and, 1715

if appropriate, (C)(3) of this section. Each statement shall be 1716
signed as required by division (C)(1) of this section. 1717

(D)(1) Prior to receiving a contribution or making an 1718
expenditure, every campaign committee, political action committee, 1719
legislative campaign fund, political party, or political 1720
contributing entity shall appoint a treasurer and shall file, on a 1721
form prescribed by the secretary of state, a designation of that 1722
appointment, including the full name and address of the treasurer 1723
and of the campaign committee, political action committee, 1724
legislative campaign fund, political party, or political 1725
contributing entity. That designation shall be filed with the 1726
official with whom the campaign committee, political action 1727
committee, legislative campaign fund, political party, or 1728
political contributing entity is required to file statements under 1729
section 3517.11 of the Revised Code. The name of a campaign 1730
committee shall include at least the last name of the campaign 1731
committee's candidate. The secretary of state shall assign a 1732
registration number to each political action committee that files 1733
a designation of the appointment of a treasurer under division 1734
(D)(1) of this section if the political action committee is 1735
required by division (A)(1) of section 3517.11 of the Revised Code 1736
to file the statements prescribed by this section with the 1737
secretary of state. 1738

(2) The treasurer appointed under division (D)(1) of this 1739
section shall keep a strict account of all contributions, from 1740
whom received and the purpose for which they were disbursed. 1741

(3)(a) Except as otherwise provided in section 3517.108 of 1742
the Revised Code, a campaign committee shall deposit all monetary 1743
contributions received by the committee into an account separate 1744
from a personal or business account of the candidate or campaign 1745
committee. 1746

(b) A political action committee shall deposit all monetary 1747

contributions received by the committee into an account separate 1748
from all other funds. 1749

(c) A state or county political party may establish a state 1750
candidate fund that is separate from an account that contains the 1751
public moneys received from the Ohio political party fund under 1752
section 3517.17 of the Revised Code and from all other funds. A 1753
state or county political party may deposit into its state 1754
candidate fund any amounts of monetary contributions that are made 1755
to or accepted by the political party subject to the applicable 1756
limitations, if any, prescribed in section 3517.102 of the Revised 1757
Code. A state or county political party shall deposit all other 1758
monetary contributions received by the party into one or more 1759
accounts that are separate from its state candidate fund and from 1760
its account that contains the public moneys received from the Ohio 1761
political party fund under section 3517.17 of the Revised Code. 1762

(d) Each state political party shall have only one 1763
legislative campaign fund for each house of the general assembly. 1764
Each such fund shall be separate from any other funds or accounts 1765
of that state party. A legislative campaign fund is authorized to 1766
receive contributions and make expenditures for the primary 1767
purpose of furthering the election of candidates who are members 1768
of that political party to the house of the general assembly with 1769
which that legislative campaign fund is associated. Each 1770
legislative campaign fund shall be administered and controlled in 1771
a manner designated by the caucus. As used in division (D)(3)(d) 1772
of this section, "caucus" has the same meaning as in section 1773
3517.01 of the Revised Code and includes, as an ex officio member, 1774
the chairperson of the state political party with which the caucus 1775
is associated or that chairperson's designee. 1776

(4) Every expenditure in excess of twenty-five dollars shall 1777
be vouched for by a receipted bill, stating the purpose of the 1778
expenditures, that shall be filed with the statement of 1779

expenditures. A canceled check with a notation of the purpose of 1780
the expenditure is a receipted bill for purposes of division 1781
(D)(4) of this section. 1782

(5) The secretary of state or the board of elections, as the 1783
case may be, shall issue a receipt for each statement filed under 1784
this section and shall preserve a copy of the receipt for a period 1785
of at least six years. All statements filed under this section 1786
shall be open to public inspection in the office where they are 1787
filed and shall be carefully preserved for a period of at least 1788
six years after the year in which they are filed. 1789

(6) The secretary of state, by rule adopted pursuant to 1790
section 3517.23 of the Revised Code, shall prescribe the manner of 1791
immediately acknowledging, with date and time received, and 1792
preserving the receipt of statements that are transmitted by 1793
electronic means of transmission to the secretary of state 1794
pursuant to this section or section 3517.106 of the Revised Code 1795
and the manner of preserving the contribution and expenditure 1796
information in those statements. The secretary of state shall 1797
preserve the contribution and expenditure information in those 1798
statements for at least ten years after the year in which they are 1799
filed by electronic means of transmission. 1800

(7) The secretary of state, pursuant to division (I) of 1801
section 3517.106 of the Revised Code, shall make available online 1802
to the public through the internet the contribution and 1803
expenditure information in all statements, all addenda, 1804
amendments, or other corrections to statements, and all amended 1805
statements filed with the secretary of state by electronic or 1806
other means of transmission under this section, division (B)(2)(b) 1807
or (C)(2)(b) of section 3517.105, or section 3517.106 or 3517.11 1808
of the Revised Code. The secretary of state may remove the 1809
information from the internet after a reasonable period of time. 1810

(E)(1) Any person, political party, campaign committee, 1811

legislative campaign fund, political action committee, or 1812
political contributing entity that makes a contribution in 1813
connection with the nomination or election of any candidate or in 1814
connection with any ballot issue or question at any election held 1815
or to be held in this state shall provide its full name and 1816
address to the recipient of the contribution at the time the 1817
contribution is made. The political action committee also shall 1818
provide the registration number assigned to the committee under 1819
division (D)(1) of this section to the recipient of the 1820
contribution at the time the contribution is made. 1821

(2) Any individual who makes a contribution that exceeds one 1822
hundred dollars to a campaign committee of a statewide candidate 1823
or candidate for the office of member of the general assembly 1824
shall provide the name of the individual's current employer, if 1825
any, or, if the individual is self-employed, the individual's 1826
occupation to the recipient of the contribution at the time the 1827
contribution is made. Sections 3599.39 and 3599.40 of the Revised 1828
Code do not apply to division (E)(2) of this section. 1829

(3) If a campaign committee shows that it has exercised its 1830
best efforts to obtain, maintain, and submit the information 1831
required under divisions (B)(4)(b)(ii) and (iii) of this section, 1832
that committee is considered to have met the requirements of those 1833
divisions. A campaign committee shall not be considered to have 1834
exercised its best efforts unless, in connection with written 1835
solicitations, it regularly includes a written request for the 1836
information required under division (B)(4)(b)(ii) of this section 1837
from the contributor or the information required under division 1838
(B)(4)(b)(iii) of this section from whoever transmits the 1839
contribution. 1840

(4) Any check that a political action committee uses to make 1841
a contribution or an expenditure shall contain the full name and 1842
address of the committee and the registration number assigned to 1843

the committee under division (D)(1) of this section. 1844

(F) As used in this section: 1845

(1) "Address" means all of the following if they exist: 1846

apartment number, street, road, or highway name and number, rural 1847

delivery route number, city or village, state, and zip code as 1848

used in a person's post-office address, but not post-office box. 1849

If an address is required in this section, a post-office box and 1850

office, room, or suite number may be included in addition to but 1851

not in lieu of an apartment, street, road, or highway name and 1852

number. If an address is required in this section, a campaign 1853

committee, political action committee, legislative campaign fund, 1854

political party, or political contributing entity may use the 1855

business or residence address of its treasurer or deputy 1856

treasurer. The post-office box number of the campaign committee, 1857

political action committee, legislative campaign fund, political 1858

party, or political contributing entity may be used in addition to 1859

that address. 1860

(2) "Statewide candidate" means the joint candidates for the 1861

offices of governor and lieutenant governor or a candidate for the 1862

office of secretary of state, auditor of state, treasurer of 1863

state, attorney general, member of the state board of education, 1864

chief justice of the supreme court, or justice of the supreme 1865

court. 1866

~~(3) "Internet" has the same meaning as in section 3517.106 of~~ 1867

~~the Revised Code.~~ 1868

(G) An independent expenditure shall be reported whenever and 1869

in the same manner that an expenditure is required to be reported 1870

under this section and shall be reported pursuant to division 1871

(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 1872

(H)(1) Except as otherwise provided in division (H)(2) of 1873

this section, if, during the combined preelection and postelection 1874

reporting periods for an election, a campaign committee has 1875
received contributions of five hundred dollars or less and has 1876
made expenditures in the total amount of five hundred dollars or 1877
less, it may file a statement to that effect, under penalty of 1878
election falsification, in lieu of the statement required by 1879
division (A)(2) of this section. The statement shall indicate the 1880
total amount of contributions received and the total amount of 1881
expenditures made during those combined reporting periods. 1882

(2) In the case of a successful candidate at a primary 1883
election, if either the total contributions received by or the 1884
total expenditures made by the candidate's campaign committee 1885
during the preprimary, postprimary, pregeneral, and postgeneral 1886
election periods combined equal more than five hundred dollars, 1887
the campaign committee may file the statement under division 1888
(H)(1) of this section only for the primary election. The first 1889
statement that the campaign committee files in regard to the 1890
general election shall reflect all contributions received and all 1891
expenditures made during the preprimary and postprimary election 1892
periods. 1893

(3) Divisions (H)(1) and (2) of this section do not apply if 1894
a campaign committee receives contributions or makes expenditures 1895
prior to the first day of January of the year of the election at 1896
which the candidate seeks nomination or election to office or if 1897
the campaign committee does not file a termination statement with 1898
its postprimary election statement in the case of an unsuccessful 1899
primary election candidate or with its postgeneral election 1900
statement in the case of other candidates. 1901

(I) In the case of a contribution made by a partnership or 1902
unincorporated business, all of the following apply: 1903

(1) The recipient of the contribution shall report the 1904
contribution by listing both the partnership or unincorporated 1905
business and the name of the partner or owner making the 1906

contribution. 1907

(2) For purposes of section 3517.102 of the Revised Code, the 1908
contribution shall be considered to have been made by the partner 1909
or owner reported under division (I)(1) of this section. 1910

(3) No contribution from a partnership or unincorporated 1911
business shall be accepted unless the recipient reports the 1912
contribution under division (I)(1) of this section. 1913

(J) A candidate shall have only one campaign committee at any 1914
given time for all of the offices for which the person is a 1915
candidate or holds office. 1916

(K)(1) In addition to filing a designation of appointment of 1917
a treasurer under division (D)(1) of this section, the campaign 1918
committee of any candidate for an elected municipal office that 1919
pays an annual amount of compensation of five thousand dollars or 1920
less, the campaign committee of any candidate for member of a 1921
board of education except member of the state board of education, 1922
or the campaign committee of any candidate for township trustee or 1923
township clerk may sign, under penalty of election falsification, 1924
a certificate attesting that the committee will not accept 1925
contributions during an election period that exceed in the 1926
aggregate two thousand dollars from all contributors and one 1927
hundred dollars from any one individual, and that the campaign 1928
committee will not make expenditures during an election period 1929
that exceed in the aggregate two thousand dollars. 1930

The certificate shall be on a form prescribed by the 1931
secretary of state and shall be filed not later than ten days 1932
after the candidate files a declaration of candidacy and petition, 1933
a nominating petition, or a declaration of intent to be a write-in 1934
candidate. 1935

(2) Except as otherwise provided in division (K)(3) of this 1936
section, a campaign committee that files a certificate under 1937

division (K)(1) of this section is not required to file the 1938
statements required by division (A) of this section ~~3517.10 of the~~ 1939
~~Revised Code.~~ 1940

(3) If, after filing a certificate under division (K)(1) of 1941
this section, a campaign committee exceeds any of the limitations 1942
described in that division during an election period, the 1943
certificate is void and thereafter the campaign committee shall 1944
file the statements required by division (A) of this section 1945
~~3517.10 of the Revised Code.~~ If the campaign committee has not 1946
previously filed a statement, then on the first statement the 1947
campaign committee is required to file under division (A) of this 1948
section ~~3517.10 of the Revised Code~~ after the committee's 1949
certificate is void, the committee shall report all contributions 1950
received and expenditures made from the time the candidate filed 1951
the candidate's declaration of candidacy and petition, nominating 1952
petition, or declaration of intent to be a write-in candidate. 1953

(4) As used in division (K) of this section, "election 1954
period" means the period of time beginning on the day a person 1955
files a declaration of candidacy and petition, nominating 1956
petition, or declaration of intent to be a write-in candidate 1957
through the day of the election at which the person seeks 1958
nomination to office if the person is not elected to office, or, 1959
if the candidate was nominated in a primary election, the day of 1960
the election at which the candidate seeks office. 1961

(L) Notwithstanding division (B)(4) of this section, a 1962
political contributing entity that receives contributions from the 1963
dues, membership fees, or other assessments of its members or from 1964
its officers, shareholders, and employees may report the aggregate 1965
amount of contributions received from those contributors and the 1966
number of individuals making those contributions, for each filing 1967
period identified under divisions (A)(1), (2), and (3) of this 1968
section. Division (B)(4) of this section applies to a political 1969

contributing entity with regard to contributions it receives from 1970
all other contributors. 1971

Sec. 3517.106. (A) As used in this section: 1972

(1) ~~"Internet" means the international computer network of 1973
both federal and nonfederal interoperable packet switched data 1974
networks, including the graphical subnetwork called the world wide 1975
web. 1976~~

~~(2) "Statewide office" means any of the offices of governor, 1977
lieutenant governor, secretary of state, auditor of state, 1978
treasurer of state, attorney general, chief justice of the supreme 1979
court, and justice of the supreme court. 1980~~

~~(3)(2) "Addendum to a statement" includes an amendment or 1981
other correction to that statement. 1982~~

(B) The secretary of state shall store on computer the 1983
information contained in statements of contributions and 1984
expenditures and monthly statements required to be filed under 1985
section 3517.10 of the Revised Code and in statements of 1986
independent expenditures required to be filed under section 1987
3517.105 of the Revised Code by any of the following: 1988

(1) The campaign committees of candidates for statewide 1989
office; 1990

(2) The political action committees and political 1991
contributing entities described in division (A)(1) of section 1992
3517.11 of the Revised Code; 1993

(3) Legislative campaign funds; 1994

(4) State political parties; 1995

(5) Individuals, partnerships, corporations, labor 1996
organizations, or other entities that make independent 1997
expenditures in support of or opposition to a statewide candidate 1998

or a statewide ballot issue or question;	1999
(6) The campaign committees of candidates for the office of member of the general assembly.	2000 2001
(C)(1) The secretary of state shall make available to the campaign committees, political action committees, political contributing entities, legislative campaign funds, political parties, individuals, partnerships, corporations, labor organizations, and other entities described in division (B) of this section, and to members of the news media and other interested persons, for a reasonable fee, computer programs that are compatible with the secretary of state's method of storing the information contained in the statements.	2002 2003 2004 2005 2006 2007 2008 2009 2010
(2) The secretary of state shall make the information required to be stored under division (B) of this section available on computer at the secretary of state's office so that, to the maximum extent feasible, individuals may obtain at the secretary of state's office any part or all of that information for any given year, subject to the limitation expressed in division (D) of this section.	2011 2012 2013 2014 2015 2016 2017
(D) The secretary of state shall keep the information stored on computer under division (B) of this section for at least six years.	2018 2019 2020
(E)(1) Subject to the secretary of state having implemented, tested, and verified the successful operation of any system the secretary of state prescribes pursuant to division (H)(1) of this section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised Code for the filing of campaign finance statements by electronic means of transmission, the campaign committee of each candidate for statewide office may file the statements prescribed by section 3517.10 of the Revised Code by electronic means of transmission or, if the total amount of the contributions received	2021 2022 2023 2024 2025 2026 2027 2028 2029

or the total amount of the expenditures made by the campaign 2030
committee for the applicable reporting period as specified in 2031
division (A) of section 3517.10 of the Revised Code exceeds ten 2032
thousand dollars, shall file those statements by electronic means 2033
of transmission. 2034

Except as otherwise provided in this division, within five 2035
business days after a statement filed by a campaign committee of a 2036
candidate for statewide office is received by the secretary of 2037
state by electronic or other means of transmission, the secretary 2038
of state shall make available online to the public through the 2039
internet, as provided in division (I) of this section, the 2040
contribution and expenditure information in that statement. The 2041
secretary of state shall not make available online to the public 2042
through the internet any contribution or expenditure information 2043
contained in a statement for any candidate until the secretary of 2044
state is able to make available online to the public through the 2045
internet the contribution and expenditure information for all 2046
candidates for a particular office. As soon as the secretary of 2047
state has available all of that information, the secretary of 2048
state shall simultaneously make available online to the public 2049
through the internet the information for all candidates for a 2050
particular office. 2051

If a statement filed by electronic means of transmission is 2052
found to be incomplete or inaccurate after the examination of the 2053
statement for completeness and accuracy pursuant to division 2054
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 2055
committee shall file by electronic means of transmission any 2056
addendum to the statement that provides the information necessary 2057
to complete or correct the statement or, if required by the 2058
secretary of state under that division, an amended statement. 2059

Within five business days after the secretary of state 2060
receives from a campaign committee of a candidate for statewide 2061

office an addendum to the statement or an amended statement by 2062
electronic or other means of transmission under this division or 2063
division (B)(3)(a) of section 3517.11 of the Revised Code, the 2064
secretary of state shall make the contribution and expenditure 2065
information in the addendum or amended statement available online 2066
to the public through the internet as provided in division (I) of 2067
this section. 2068

(2) Subject to division (E)(3) of this section and subject to 2069
the secretary of state having implemented, tested, and verified 2070
the successful operation of any system the secretary of state 2071
prescribes pursuant to division (H)(1) of this section and 2072
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 2073
Code for the filing of campaign finance statements by electronic 2074
means of transmission, a political action committee and a 2075
political contributing entity described in division (B)(2) of this 2076
section, a legislative campaign fund, and a state political party 2077
may file the statements prescribed by section 3517.10 of the 2078
Revised Code by electronic means of transmission. 2079

Within five business days after a statement filed by a 2080
political action committee or a political contributing entity 2081
described in division (B)(2) of this section, a legislative 2082
campaign fund, or a state political party is received by the 2083
secretary of state by electronic or other means of transmission, 2084
the secretary of state shall make available online to the public 2085
through the internet, as provided in division (I) of this section, 2086
the contribution and expenditure information in that statement. 2087

If a statement filed by electronic means of transmission is 2088
found to be incomplete or inaccurate after the examination of the 2089
statement for completeness and accuracy pursuant to division 2090
(B)(3)(a) of section 3517.11 of the Revised Code, the political 2091
action committee, political contributing entity, legislative 2092
campaign fund, or state political party shall file by electronic 2093

means of transmission any addendum to the statement that provides 2094
the information necessary to complete or correct the statement or, 2095
if required by the secretary of state under that division, an 2096
amended statement. 2097

Within five business days after the secretary of state 2098
receives from a political action committee or a political 2099
contributing entity described in division (B)(2) of this section, 2100
a legislative campaign fund, or a state political party an 2101
addendum to the statement or an amended statement by electronic or 2102
other means of transmission under this division or division 2103
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 2104
state shall make the contribution and expenditure information in 2105
the addendum or amended statement available online to the public 2106
through the internet as provided in division (I) of this section. 2107

(3) Subject to the secretary of state having implemented, 2108
tested, and verified the successful operation of any system the 2109
secretary of state prescribes pursuant to division (H)(1) of this 2110
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 2111
the Revised Code for the filing of campaign finance statements by 2112
electronic means of transmission, a political action committee and 2113
a political contributing entity described in division (B)(2) of 2114
this section, a legislative campaign fund, and a state political 2115
party shall file the statements prescribed by section 3517.10 of 2116
the Revised Code by electronic means of transmission if the total 2117
amount of the contributions received or the total amount of the 2118
expenditures made by the political action committee, political 2119
contributing entity, legislative campaign fund, or political party 2120
for the applicable reporting period as specified in division (A) 2121
of section 3517.10 of the Revised Code exceeds ten thousand 2122
dollars. 2123

Within five business days after a statement filed by a 2124
political action committee or a political contributing entity 2125

described in division (B)(2) of this section, a legislative 2126
campaign fund, or a state political party is received by the 2127
secretary of state by electronic or other means of transmission, 2128
the secretary of state shall make available online to the public 2129
through the internet, as provided in division (I) of this section, 2130
the contribution and expenditure information in that statement. 2131

If a statement filed by electronic means of transmission is 2132
found to be incomplete or inaccurate after the examination of the 2133
statement for completeness and accuracy pursuant to division 2134
(B)(3)(a) of section 3517.11 of the Revised Code, the political 2135
action committee, political contributing entity, legislative 2136
campaign fund, or state political party shall file by electronic 2137
means of transmission any addendum to the statement that provides 2138
the information necessary to complete or correct the statement or, 2139
if required by the secretary of state under that division, an 2140
amended statement. 2141

Within five business days after the secretary of state 2142
receives from a political action committee or a political 2143
contributing entity described in division (B)(2) of this section, 2144
a legislative campaign fund, or a state political party an 2145
addendum to the statement or an amended statement by electronic or 2146
other means of transmission under this division or division 2147
(B)(3)(a) of section 3517.11 of the Revised Code, the secretary of 2148
state shall make the contribution and expenditure information in 2149
the addendum or amended statement available online to the public 2150
through the internet as provided in division (I) of this section. 2151

(F)(1) Subject to division (F)(4) of this section and subject 2152
to the secretary of state having implemented, tested, and verified 2153
the successful operation of any system the secretary of state 2154
prescribes pursuant to division (H)(1) of this section and 2155
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 2156
Code for the filing of campaign finance statements by electronic 2157

means of transmission or on computer disk, a campaign committee of 2158
a candidate for the office of member of the general assembly may 2159
file the statements prescribed by section 3517.10 of the Revised 2160
Code by electronic means of transmission to the office of the 2161
secretary of state or, until March 1, 2004, on computer disk with 2162
the appropriate board of elections specified in division (A)(2) of 2163
section 3517.11 of the Revised Code. 2164

Except as otherwise provided in this division, within five 2165
business days after a statement filed by a campaign committee of a 2166
candidate for the office of member of the general assembly is 2167
received by the secretary of state by electronic or other means of 2168
transmission, the secretary of state shall make available online 2169
to the public through the internet, as provided in division (I) of 2170
this section, the contribution and expenditure information in that 2171
statement. The secretary of state shall not make available online 2172
to the public through the internet any contribution or expenditure 2173
information contained in a statement for any candidate until the 2174
secretary of state is able to make available online to the public 2175
through the internet the contribution and expenditure information 2176
for all candidates for a particular office. As soon as the 2177
secretary of state has available all of that information, the 2178
secretary of state shall simultaneously make available online to 2179
the public through the internet the information for all candidates 2180
for a particular office. 2181

If a statement filed by electronic means of transmission or 2182
on computer disk is found to be incomplete or inaccurate after the 2183
examination of the statement for completeness and accuracy 2184
pursuant to division (B)(3)(a) of section 3517.11 of the Revised 2185
Code, the campaign committee shall file by electronic means of 2186
transmission to the office of the secretary of state, or, until 2187
March 1, 2004, on computer disk with the appropriate board of 2188
elections if the original statement was filed on computer disk, 2189

any addendum to the statement that provides the information 2190
necessary to complete or correct the statement or, if required by 2191
the secretary of state under that division, an amended statement. 2192

Within five business days after the secretary of state 2193
receives from a campaign committee of a candidate for the office 2194
of member of the general assembly an addendum to the statement or 2195
an amended statement by electronic or other means of transmission 2196
under this division or division (B)(3)(a) of section 3517.11 of 2197
the Revised Code, the secretary of state shall make the 2198
contribution and expenditure information in the addendum or 2199
amended statement available online to the public through the 2200
internet as provided in division (I) of this section. 2201

(2) Until March 1, 2004, if a campaign committee of a 2202
candidate for the office of member of the general assembly files a 2203
statement of contributions and expenditures, an addendum to the 2204
statement, or an amended statement by electronic means of 2205
transmission or on computer disk pursuant to division (F)(1) of 2206
this section, the campaign committee shall file as prescribed by 2207
section 3517.10 of the Revised Code with the appropriate board of 2208
elections specified in division (A)(2) of section 3517.11 of the 2209
Revised Code a printed version of the statement, addendum, or 2210
amended statement filed by electronic means of transmission or on 2211
computer disk, in the format that the secretary of state shall 2212
prescribe. If a statement, addendum, or amended statement is not 2213
filed by electronic means of transmission or on computer disk but 2214
is filed by printed version only, the campaign committee shall 2215
file two copies of the printed version of the statement, addendum, 2216
or amended statement with the appropriate board of elections. The 2217
board of elections shall send one of those copies by overnight 2218
delivery service to the secretary of state before the close of 2219
business on the day the board of elections receives the statement, 2220
addendum, or amended statement. 2221

(3)(a) Subject to division (F)(4) of this section and subject 2222
to the secretary of state having implemented, tested, and verified 2223
the successful operation of any system the secretary of state 2224
prescribes pursuant to division (H)(1) of this section and 2225
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 2226
Code for the filing of campaign finance statements by electronic 2227
means of transmission or on computer disk, the secretary of state 2228
shall assess, and a campaign committee of a candidate for the 2229
office of member of the general assembly shall pay, a fee as 2230
provided in this division if the campaign committee has not filed 2231
the campaign finance statements prescribed by section 3517.10 of 2232
the Revised Code by electronic means of transmission or on 2233
computer disk pursuant to division (F)(1) of this section. The fee 2234
shall be calculated on the total contributions received for the 2235
applicable reporting period specified in division (A) of section 2236
3517.10 of the Revised Code as follows: 2237

(i) No fee for total contributions up to and including ten 2238
thousand dollars; 2239

(ii) A fee of fifty dollars for total contributions of over 2240
ten thousand dollars up to and including twenty-five thousand 2241
dollars; 2242

(iii) A fee of one hundred fifty dollars for total 2243
contributions over twenty-five thousand dollars up to and 2244
including fifty thousand dollars; 2245

(iv) A fee of two hundred dollars for total contributions 2246
over fifty thousand dollars. 2247

(b) No campaign committee of a candidate for the office of 2248
member of the general assembly shall be required to pay the fee 2249
prescribed by division (F)(3)(a) of this section in connection 2250
with the filing of an addendum to a statement of contributions and 2251
expenditures or in connection with the filing of an amended 2252

statement. 2253

(c) The fee prescribed by division (F)(3)(a) of this section 2254
shall be made payable to the secretary of state and shall be 2255
collected by the appropriate board of elections at the time the 2256
campaign committee of a candidate for the office of member of the 2257
general assembly files the statement of contributions and 2258
expenditures. The fee shall be sent along with the statement, 2259
before the close of business on the day it is received, to the 2260
secretary of state by overnight delivery service. 2261

(4) Subject to the secretary of state having implemented, 2262
tested, and verified the successful operation of any system the 2263
secretary of state prescribes pursuant to division (H)(1) of this 2264
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 2265
the Revised Code for the filing of campaign finance statements by 2266
electronic means of transmission, on and after March 1, 2004, a 2267
campaign committee of a candidate for the office of member of the 2268
general assembly shall file the statements prescribed by section 2269
3517.10 of the Revised Code by electronic means of transmission to 2270
the secretary of state if the total amount of the contributions 2271
received by the campaign committee for the applicable reporting 2272
period as specified in division (A) of section 3517.10 of the 2273
Revised Code exceeds ten thousand dollars. 2274

Except as otherwise provided in this division, within five 2275
business days after a statement filed by a campaign committee of a 2276
candidate for the office of member of the general assembly is 2277
received by the secretary of state by electronic or other means of 2278
transmission, the secretary of state shall make available online 2279
to the public through the internet, as provided in division (I) of 2280
this section, the contribution and expenditure information in that 2281
statement. The secretary of state shall not make available online 2282
to the public through the internet any contribution or expenditure 2283
information contained in a statement for any candidate until the 2284

secretary of state is able to make available online to the public 2285
through the internet the contribution and expenditure information 2286
for all candidates for a particular office. As soon as the 2287
secretary of state has available all of that information, the 2288
secretary of state shall simultaneously make available online to 2289
the public through the internet the information for all candidates 2290
for a particular office. 2291

If a statement filed by electronic means of transmission is 2292
found to be incomplete or inaccurate after the examination of the 2293
statement for completeness and accuracy pursuant to division 2294
(B)(3)(a) of section 3517.11 of the Revised Code, the campaign 2295
committee of a candidate for the office of member of the general 2296
assembly shall file by electronic means of transmission any 2297
addendum to the statement that provides the information necessary 2298
to complete or correct the statement or, if required by the 2299
secretary of state under that division, an amended statement. 2300

Within five business days after the secretary of state 2301
receives from a campaign committee of a candidate for the office 2302
of member of the general assembly an addendum to the statement or 2303
an amended statement by electronic or other means of transmission 2304
under this division or division (B)(3)(a) of section 3517.11 of 2305
the Revised Code, the secretary of state shall make the 2306
contribution and expenditure information in the addendum or 2307
amended statement available online to the public through the 2308
internet as provided in division (I) of this section. 2309

(G)(1) Subject to division (G)(2) of this section and subject 2310
to the secretary of state having implemented, tested, and verified 2311
the successful operation of any system the secretary of state 2312
prescribes pursuant to division (H)(1) of this section and 2313
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 2314
Code for the filing of campaign finance statements by electronic 2315
means of transmission, any individual, partnership, or other 2316

entity that makes independent expenditures in support of or 2317
opposition to a statewide candidate or a statewide ballot issue or 2318
question as provided in division (B)(2)(b) or (C)(2)(b) of section 2319
3517.105 of the Revised Code may file the statement specified in 2320
that division by electronic means of transmission. 2321

Within five business days after a statement filed by an 2322
individual, partnership, or other entity is received by the 2323
secretary of state by electronic or other means of transmission, 2324
the secretary of state shall make available online to the public 2325
through the internet, as provided in division (I) of this section, 2326
the expenditure information in that statement. 2327

If a statement filed by electronic means of transmission is 2328
found to be incomplete or inaccurate after the examination of the 2329
statement for completeness and accuracy pursuant to division 2330
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 2331
partnership, or other entity shall file by electronic means of 2332
transmission any addendum to the statement that provides the 2333
information necessary to complete or correct the statement or, if 2334
required by the secretary of state under that division, an amended 2335
statement. 2336

Within five business days after the secretary of state 2337
receives from an individual, partnership, or other entity 2338
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 2339
of the Revised Code an addendum to the statement or an amended 2340
statement by electronic or other means of transmission under this 2341
division or division (B)(3)(a) of section 3517.11 of the Revised 2342
Code, the secretary of state shall make the expenditure 2343
information in the addendum or amended statement available online 2344
to the public through the internet as provided in division (I) of 2345
this section. 2346

(2) Subject to the secretary of state having implemented, 2347
tested, and verified the successful operation of any system the 2348

secretary of state prescribes pursuant to division (H)(1) of this 2349
section and divisions (C)(6)(b) and (D)(6) of section 3517.10 of 2350
the Revised Code for the filing of campaign finance statements by 2351
electronic means of transmission, any individual, partnership, or 2352
other entity that makes independent expenditures in support of or 2353
opposition to a statewide candidate or a statewide ballot issue or 2354
question as provided in division (B)(2)(b) or (C)(2)(b) of section 2355
3517.105 of the Revised Code shall file the statement specified in 2356
that division by electronic means of transmission if the total 2357
amount of the independent expenditures made during the reporting 2358
period under that division exceeds ten thousand dollars. 2359

Within five business days after a statement filed by an 2360
individual, partnership, or other entity is received by the 2361
secretary of state by electronic or other means of transmission, 2362
the secretary of state shall make available online to the public 2363
through the internet, as provided in division (I) of this section, 2364
the expenditure information in that statement. 2365

If a statement filed by electronic means of transmission is 2366
found to be incomplete or inaccurate after the examination of the 2367
statement for completeness and accuracy pursuant to division 2368
(B)(3)(a) of section 3517.11 of the Revised Code, the individual, 2369
partnership, or other entity shall file by electronic means of 2370
transmission any addendum to the statement that provides the 2371
information necessary to complete or correct the statement or, if 2372
required by the secretary of state under that division, an amended 2373
statement. 2374

Within five business days after the secretary of state 2375
receives from an individual, partnership, or other entity 2376
described in division (B)(2)(b) or (C)(2)(b) of section 3517.105 2377
of the Revised Code an addendum to the statement or an amended 2378
statement by electronic or other means of transmission under this 2379
division or division (B)(3)(a) of section 3517.11 of the Revised 2380

Code, the secretary of state shall make the expenditure 2381
information in the addendum or amended statement available online 2382
to the public through the internet as provided in division (I) of 2383
this section. 2384

(H)(1) The secretary of state, by rule adopted pursuant to 2385
section 3517.23 of the Revised Code, shall prescribe one or more 2386
techniques by which a person who executes and transmits by 2387
electronic means a statement of contributions and expenditures, a 2388
statement of independent expenditures, an addendum to either 2389
statement, an amended statement of contributions and expenditures, 2390
or an amended statement of independent expenditures under this 2391
section or section 3517.10 or 3517.105 of the Revised Code shall 2392
electronically sign the statement, addendum, or amended statement. 2393
Any technique prescribed by the secretary of state pursuant to 2394
this division shall create an electronic signature that satisfies 2395
all of the following: 2396

(a) It is unique to the signer. 2397

(b) It objectively identifies the signer. 2398

(c) It involves the use of a signature device or other means 2399
or method that is under the sole control of the signer and that 2400
cannot be readily duplicated or compromised. 2401

(d) It is created and linked to the electronic record to 2402
which it relates in a manner that, if the record or signature is 2403
intentionally or unintentionally changed after signing, the 2404
electronic signature is invalidated. 2405

(2) An electronic signature prescribed by the secretary of 2406
state under division (H)(1) of this section shall be attached to 2407
or associated with the statement of contributions and 2408
expenditures, the statement of independent expenditures, the 2409
addendum to either statement, the amended statement of 2410
contributions and expenditures, or the amended statement of 2411

independent expenditures that is executed and transmitted by 2412
electronic means by the person to whom the electronic signature is 2413
attributed. The electronic signature that is attached to or 2414
associated with the statement, addendum, or amended statement 2415
under this division shall be binding on all persons and for all 2416
purposes under the campaign finance reporting law as if the 2417
signature had been handwritten in ink on a printed form of the 2418
statement, addendum, or amended statement. 2419

(I) The secretary of state shall make the contribution and 2420
expenditure information in all statements, all addenda to the 2421
statements, and all amended statements that are filed with the 2422
secretary of state by electronic or other means of transmission 2423
under this section or section 3517.10, 3517.105, or 3517.11 of the 2424
Revised Code available online to the public by any means that are 2425
searchable, viewable, and accessible through the internet. 2426

(J)(1) As used in this division, "library" means a library 2427
that is open to the public and that is one of the following: 2428

(a) A library that is maintained and regulated under section 2429
715.13 of the Revised Code; 2430

(b) A library that is created, maintained, and regulated 2431
under Chapter 3375. of the Revised Code. 2432

(2) The secretary of state shall notify all libraries of the 2433
location on the internet at which the contribution and expenditure 2434
information in campaign finance statements required to be made 2435
available online to the public through the internet pursuant to 2436
division (I) of this section may be accessed. 2437

If that location is part of the graphical subnetwork called 2438
the world wide web and if the secretary of state has notified a 2439
library of that world wide web location as required by this 2440
division, the library shall include a link to that world wide web 2441
location on each internet-connected computer it maintains that is 2442

accessible to the public. 2443

(3) If the system the secretary of state prescribes for the 2444
filing of campaign finance statements by electronic means of 2445
transmission pursuant to division (H)(1) of this section and 2446
divisions (C)(6)(b) and (D)(6) of section 3517.10 of the Revised 2447
Code includes filing those statements through the internet via an 2448
interactive location on the graphical subnetwork called the world 2449
wide web, the secretary of state shall notify all libraries of the 2450
world wide web location at which those statements may be filed. 2451

If those statements may be filed through the internet via an 2452
interactive location on the graphical subnetwork called the world 2453
wide web and if the secretary of state has notified a library of 2454
that world wide web location as required by this division, the 2455
library shall include a link to that world wide web location on 2456
each internet-connected computer it maintains that is accessible 2457
to the public. 2458

(K) It is an affirmative defense to a complaint or charge 2459
brought against any campaign committee, political action 2460
committee, legislative campaign fund, political party, political 2461
contributing entity, or individual, partnership, or other entity 2462
for the failure to file by electronic means of transmission a 2463
campaign finance statement as required by this section or section 2464
3517.10 or 3517.105 of the Revised Code that all of the following 2465
apply to the campaign committee, political action committee, 2466
legislative campaign fund, political party, political contributing 2467
entity, or individual, partnership, or other entity that failed to 2468
file the required statement: 2469

(1) The campaign committee, political action committee, 2470
legislative campaign fund, political party, political contributing 2471
entity, or individual, partnership, or other entity attempted to 2472
file by electronic means of transmission the required statement 2473
prior to the deadline set forth in the applicable section. 2474

(2) The campaign committee, political action committee, 2475
legislative campaign fund, political party, political contributing 2476
entity, or individual, partnership, or other entity was unable to 2477
file by electronic means of transmission due to an expected or 2478
unexpected shutdown of the whole or part of the electronic 2479
campaign finance statement-filing system, such as for maintenance 2480
or because of hardware, software, or network connection failure. 2481

(3) The campaign committee, political action committee, 2482
legislative campaign fund, political party, political contributing 2483
entity, or individual, partnership, or other entity filed by 2484
electronic means of transmission the required statement within a 2485
reasonable period of time after being unable to so file it under 2486
the circumstance described in division (K)(2) of this section. 2487

Sec. 3517.11. (A)(1) Campaign committees of candidates for 2488
statewide offices or the state board of education, political 2489
action committees or political contributing entities that make 2490
contributions to campaign committees of candidates that are 2491
required to file the statements prescribed by section 3517.10 of 2492
the Revised Code with the secretary of state, political action 2493
committees or political contributing entities that make 2494
contributions to campaign committees of candidates for member of 2495
the general assembly, political action committees or political 2496
contributing entities that make contributions to state and 2497
national political parties and to legislative campaign funds, 2498
political action committees or political contributing entities 2499
that receive contributions or make expenditures in connection with 2500
a statewide ballot issue, political action committees or political 2501
contributing entities that make contributions to other political 2502
action committees or political contributing entities, political 2503
parties, and campaign committees, except as set forth in division 2504
(A)(3) of this section, legislative campaign funds, and state and 2505

national political parties shall file the statements prescribed by 2506
section 3517.10 of the Revised Code with the secretary of state. 2507

(2) Except as otherwise provided in division (F) of section 2508
3517.106 of the Revised Code, campaign committees of candidates 2509
for all other offices shall file the statements prescribed by 2510
section 3517.10 of the Revised Code with the board of elections 2511
where their candidates are required to file their petitions or 2512
other papers for nomination or election. 2513

A campaign committee of a candidate for office of member of 2514
the general assembly shall file two copies of the printed version 2515
of any statement, addendum, or amended statement if the committee 2516
does not file by electronic means of transmission or on computer 2517
disk pursuant to division (F)(1) of section 3517.106 of the 2518
Revised Code but files by printed version only with the 2519
appropriate board of elections. The board of elections shall send 2520
one of those copies by overnight delivery service to the secretary 2521
of state before the close of business on the day the board of 2522
elections receives the statement, addendum, or amended statement. 2523

(3) Political action committees or political contributing 2524
entities that only contribute to a county political party, 2525
contribute to campaign committees of candidates whose nomination 2526
or election is to be submitted only to electors within a county, 2527
subdivision, or district, excluding candidates for member of the 2528
general assembly, and receive contributions or make expenditures 2529
in connection with ballot questions or issues to be submitted only 2530
to electors within a county, subdivision, or district shall file 2531
the statements prescribed by section 3517.10 of the Revised Code 2532
with the board of elections in that county or in the county 2533
contained in whole or part within the subdivision or district 2534
having a population greater than that of any other county 2535
contained in whole or part within that subdivision or district, as 2536

the case may be. 2537

(4) County political parties shall file the statements 2538
prescribed by section 3517.10 of the Revised Code with the board 2539
of elections of their respective counties. 2540

(B)(1) The official with whom petitions and other papers for 2541
nomination or election to public office are filed shall furnish 2542
each candidate at the time of that filing a copy of sections 2543
3517.01, 3517.08 to 3517.11, 3517.13 to 3517.993, 3599.03, and 2544
3599.031 of the Revised Code and any other materials that the 2545
secretary of state may require. Each candidate receiving the 2546
materials shall acknowledge their receipt in writing. 2547

(2) On or before the tenth day before the dates on which 2548
statements are required to be filed by section 3517.10 of the 2549
Revised Code, every candidate subject to the provisions of this 2550
section and sections 3517.10 and 3517.106 of the Revised Code 2551
shall be notified of the requirements and applicable penalties of 2552
those sections. The secretary of state, by certified mail, return 2553
receipt requested, shall notify all candidates required to file 2554
those statements with the secretary of state's office. The board 2555
of elections of every county shall notify by first class mail any 2556
candidate who has personally appeared at the office of the board 2557
on or before the tenth day before the statements are required to 2558
be filed and signed a form, to be provided by the secretary of 2559
state, attesting that the candidate has been notified of the 2560
candidate's obligations under the campaign finance law. The board 2561
shall forward the completed form to the secretary of state. The 2562
board shall use certified mail, return receipt requested, to 2563
notify all other candidates required to file those statements with 2564
it. 2565

(3)(a) Any statement required to be filed under sections 2566
3517.081 to 3517.17 of the Revised Code that is found to be 2567
incomplete or inaccurate by the officer to whom it is submitted 2568

shall be accepted on a conditional basis, and the person who filed 2569
it shall be notified by certified mail as to the incomplete or 2570
inaccurate nature of the statement. The secretary of state may 2571
examine statements filed for candidates for the office of member 2572
of the general assembly for completeness and accuracy. The 2573
secretary of state shall examine for completeness and accuracy 2574
statements that campaign committees of candidates for the office 2575
of member of the general assembly file by electronic means of 2576
transmission pursuant to division (F) of section 3517.106 of the 2577
Revised Code. If an officer at the board of elections where a 2578
statement filed for a candidate for the office of member of the 2579
general assembly was submitted finds the statement to be 2580
incomplete or inaccurate, the officer shall immediately notify the 2581
secretary of state of its incomplete or inaccurate nature. If 2582
either an officer at the board of elections or the secretary of 2583
state finds a statement filed for a candidate for the office of 2584
member of the general assembly to be incomplete or inaccurate, 2585
only the secretary of state shall send the notification as to the 2586
incomplete or inaccurate nature of the statement. 2587

Within twenty-one days after receipt of the notice, in the 2588
case of a pre-election statement, a postelection statement, a 2589
monthly statement, or an annual statement prescribed by section 2590
3517.10, an annual statement prescribed by section 3517.101, or a 2591
statement prescribed by division (B)(2)(b) or (C)(2)(b) of section 2592
3517.105 or section 3517.107 of the Revised Code, the recipient 2593
shall file an addendum, amendment, or other correction to the 2594
statement providing the information necessary to complete or 2595
correct the statement. The secretary of state may require that, in 2596
lieu of filing an addendum, amendment, or other correction to a 2597
statement that is filed by electronic means of transmission to the 2598
office of the secretary of state or on computer disk with the 2599
appropriate board of elections pursuant to section 3517.106 of the 2600
Revised Code, the recipient of the notice described in this 2601

division file by electronic means of transmission, or, until March 2602
1, 2004, on computer disk with the appropriate board of elections 2603
if the original statement was filed on computer disk, an amended 2604
statement that incorporates the information necessary to complete 2605
or correct the statement. The secretary of state shall determine 2606
by rule when an addendum, amendment, or other correction to a 2607
two-business-day statement prescribed by section 3517.10 of the 2608
Revised Code or an amended two-business-day statement shall be 2609
filed. An addendum, amendment, or other correction to a statement 2610
that is filed by electronic means of transmission or on computer 2611
disk pursuant to section 3517.106 of the Revised Code shall be 2612
filed in the same manner as the statement. The provisions of 2613
sections 3517.10 and 3517.106 of the Revised Code pertaining to 2614
the filing of statements of contributions and expenditures and 2615
statements of independent expenditures by electronic means of 2616
transmission or on computer disk apply to the filing of addenda, 2617
amendments, or other corrections to those statements by electronic 2618
means of transmission or, until March 1, 2004, on computer disk 2619
and the filing of amended statements by electronic means of 2620
transmission or, until March 1, 2004, on computer disk. 2621

(b) Within five business days after the secretary of state 2622
receives, by electronic or other means of transmission, an 2623
addendum, amendment, or other correction to a statement or an 2624
amended statement under division (B)(3)(a) of this section, the 2625
secretary of state, pursuant to divisions (E), (F), (G), and (I) 2626
of section 3517.106 of the Revised Code, shall make the 2627
contribution and expenditure information in that addendum, 2628
amendment, correction, or amended statement available online to 2629
the public through the internet. ~~As used in this division,~~ 2630
~~"internet" has the same meaning as in section 3517.106 of the~~ 2631
~~Revised Code.~~ 2632

(4)(a) The secretary of state or the board of elections shall 2633

examine all statements for compliance with sections 3517.08 to 2634
3517.17 of the Revised Code. 2635

(b) The secretary of state may contract with an individual or 2636
entity not associated with the secretary of state and experienced 2637
in interpreting the campaign finance law of this state to conduct 2638
examinations of statements filed by any statewide candidate, as 2639
defined in section 3517.103 of the Revised Code. 2640

(c) The examination shall be conducted by a person or entity 2641
qualified to conduct it. The results of the examination shall be 2642
available to the public, and, when the examination is conducted by 2643
an individual or entity not associated with the secretary of 2644
state, the results of the examination shall be reported to the 2645
secretary of state. 2646

(C)(1) In the event of a failure to file or a late filing of 2647
a statement required to be filed under sections 3517.081 to 2648
3517.17 of the Revised Code or if a filed statement or any 2649
addendum to the statement, if an addendum is required to be filed, 2650
is incomplete or inaccurate or appears to disclose a failure to 2651
comply with or a violation of law, the official whose duty it is 2652
to examine the statement shall promptly file a complaint with the 2653
Ohio elections commission under section 3517.153 of the Revised 2654
Code if the law is one over which the commission has jurisdiction 2655
to hear complaints, or the official shall promptly report the 2656
failure or violation to the board of elections and the board shall 2657
promptly report it to the prosecuting attorney in accordance with 2658
division (J) of section 3501.11 of the Revised Code. If the 2659
official files a complaint with the commission, the commission 2660
shall proceed in accordance with sections 3517.154 to 3517.157 of 2661
the Revised Code. 2662

(2) For purposes of division (C)(1) of this section, a 2663
statement or an addendum to a statement required to be filed under 2664
sections 3517.081 to 3517.17 of the Revised Code is incomplete or 2665

inaccurate under this section if the statement or addendum fails 2666
to disclose substantially all contributions that are received from 2667
a source and that are required to be reported under sections 2668
3517.10, 3517.107, and 3517.108 of the Revised Code or if the 2669
statement or addendum fails to disclose at least ninety per cent 2670
of the total contributions received or of the total expenditures 2671
made during the reporting period. 2672

(D) No certificate of nomination or election shall be issued 2673
to a person, and no person elected to an office shall enter upon 2674
the performance of the duties of that office, until that person or 2675
that person's campaign committee, as appropriate, has fully 2676
complied with this section and sections 3517.08, 3517.081, 2677
3517.10, and 3517.13 of the Revised Code. 2678

Sec. 5145.31. (A) As used in this section: 2679

~~(1) "Computer," "computer," "computer network," "computer~~ 2680
~~system," "computer services," "telecommunications service," and~~ 2681
~~"information service" have the same meanings as in section 2913.01~~ 2682
~~of the Revised Code.~~ 2683

~~(2) "Internet" has the same meaning as in section 341.42 of~~ 2684
~~the Revised Code.~~ 2685

(B) No officer or employee of a correctional institution 2686
under the control or supervision of the department of 2687
rehabilitation and correction shall provide a prisoner access to 2688
or permit a prisoner to have access to the internet through the 2689
use of a computer, computer network, computer system, computer 2690
services, telecommunications service, or information service 2691
unless both of the following apply: 2692

(1) The prisoner is participating in an approved educational 2693
program with direct supervision that requires the use of the 2694
internet for training or research purposes. 2695

(2) The provision of and access to the internet is in 2696
accordance with rules promulgated by the department of 2697
rehabilitation and correction pursuant to section 5120.62 of the 2698
Revised Code. 2699

(C)(1) No prisoner in a correctional institution under the 2700
control or supervision of the department of rehabilitation and 2701
correction shall access the internet through the use of a 2702
computer, computer network, computer system, computer services, 2703
telecommunications service, or information service unless both of 2704
the following apply: 2705

(a) The prisoner is participating in an approved educational 2706
program with direct supervision that requires the use of the 2707
internet for training or research purposes. 2708

(b) The provision of and access to the internet is in 2709
accordance with rules promulgated by the department of 2710
rehabilitation and correction pursuant to section 5120.62 of the 2711
Revised Code. 2712

(2) Whoever violates division (C)(1) of this section is 2713
guilty of improper internet access, a misdemeanor of the first 2714
degree. 2715

Sec. 5703.49. (A) ~~As used in this section, "internet" means~~ 2716
~~the international computer network of both federal and nonfederal~~ 2717
~~interoperable packet switched data networks, including the~~ 2718
~~graphical subnetwork known as the world wide web.~~ 2719

~~(B)~~ On or before December 31, 2001, the tax commissioner 2720
shall establish an electronic site accessible through the 2721
internet. The tax commissioner shall provide access on the site 2722
for each municipal corporation that has not established its own 2723
electronic site to post documents or information required under 2724
section 718.07 of the Revised Code. The tax commissioner shall 2725

provide electronic links for each municipal corporation that 2726
establishes a site under that section and for which a uniform 2727
resource locator has been provided to the tax commissioner. The 2728
tax commissioner is not responsible for the accuracy of the posted 2729
information, and is not liable for any inaccurate or outdated 2730
information provided by a municipal corporation. The tax 2731
commissioner may adopt rules governing the format and means of 2732
submitting such documents or information and other matters 2733
necessary to implement this section. The tax commissioner may 2734
charge municipal corporations a fee to defray the cost of 2735
establishing and maintaining the electronic site established under 2736
this section. 2737

~~(C)~~(B) The tax commissioner shall deposit any fees received 2738
under this section to the credit of the municipal internet site 2739
fund, which is hereby created in the state treasury. The 2740
commissioner shall use the fund for costs of establishing and 2741
maintaining the electronic site established under this section. 2742

Section 2. That existing sections 1.59, 9.08, 9.314, 9.48, 2743
101.691, 113.40, 125.04, 125.072, 149.38, 149.432, 307.12, 341.42, 2744
505.10, 718.07, 721.15, 753.32, 955.013, 1306.16, 2307.64, 2745
3517.10, 3517.106, 3517.11, 5145.31, and 5703.49 of the Revised 2746
Code are hereby repealed. 2747

Section 3. (A) There is hereby created the Ohio 2748
Privacy/Public Record Access Study Committee consisting of 2749
twenty-three members. The President of the Senate shall appoint 2750
three members, the Speaker of the House of Representatives shall 2751
appoint three members, the Governor shall appoint sixteen members, 2752
and the Chief Justice of the Supreme Court shall appoint one 2753
member. Of the three members appointed by the President of the 2754
Senate, two shall represent the Senate majority caucus, and one 2755
shall represent the Senate minority caucus. Of the three members 2756

appointed by the Speaker of the House of Representatives, two 2757
shall represent the House majority caucus, and one shall represent 2758
the House minority caucus. Of the sixteen members appointed by the 2759
Governor, one shall represent the newspaper industry, one shall be 2760
in broadcasting, one shall be an attorney in private practice who 2761
specializes in public records law, one shall be a local elected 2762
official with responsibility for public records, one shall 2763
represent law enforcement agencies, one shall be an attorney from 2764
the Attorney General's office who specializes in public records 2765
law, one shall represent the insurance industry in Ohio, one shall 2766
represent the media, one shall represent an information services 2767
company, one shall represent realtors, one shall represent the 2768
credit industry, one shall represent the legal records industry, 2769
one shall represent the financial services industry, one shall be 2770
a consumers' advocate, one shall represent the Ohio Historical 2771
Society or be the Records Information Management System 2772
Administrator from the Department of Administrative Services, and 2773
one shall represent the public. The Chief Justice of the Supreme 2774
Court shall appoint a judge or other representative of the 2775
judicial branch. 2776

(B) The Committee shall study all of the following: 2777

(1) The concerns associated with the dissemination of 2778
personal information contained in public records, including, but 2779
not limited to, identity theft, misuse, harassment, and fraud; 2780

(2) The legitimate uses of personal information contained in 2781
public records by businesses, governments, the legal community, 2782
and others, including, but not limited to, its use in combating 2783
identity theft and fraud; 2784

(3) The costs to state and local governments associated with 2785
placing restrictions on access to personal information contained 2786
in public records; 2787

(4) The impact, including costs, on legitimate businesses,	2788
law enforcement, the legal community, government agencies, and	2789
others of access restrictions placed on personal information	2790
contained in public records;	2791
(5) The impact of protecting the disclosure of personal	2792
information contained in public records through the sealing of	2793
documents by court rule;	2794
(6) Electronic, internet, and bulk access to personal	2795
information contained in public records;	2796
(7) Current and potential future misuse, fraud, harassment,	2797
and identify theft prevention and detection efforts, including	2798
programs to educate the public on ways to avoid becoming victims,	2799
as well as procedures to streamline recovery;	2800
(8) Existing criminal and civil penalties for misuse of	2801
personal information contained in public records and an	2802
examination of whether those penalties should be increased as a	2803
deterrent.	2804
(C) The Committee shall develop a unified approach to	2805
preventing theft, fraud, and the misuse of personal information	2806
contained in public records while maintaining access and use of	2807
public records for lawful purposes. The Committee shall consult	2808
with the Supreme Court Advisory Committee on Technology and the	2809
Courts on issues relating to access to and use of court records	2810
and shall make use of work product and recommendations developed	2811
by the Advisory Committee with regard to access to and use of	2812
court records.	2813
(D) The Committee shall submit a report of its findings to	2814
the President of the Senate, the Speaker of the House of	2815
Representatives, the Minority Leader of the Senate, the Minority	2816
Leader of the House of Representatives, the Governor, and the	2817
Chief Justice of the Supreme Court not later than twelve months	2818

after the appointment of all of the members of the Committee. The 2819
report shall be approved by a majority of the members of the 2820
Committee and shall include a detailed statement of the 2821
Committee's findings, conclusions, and recommendations. 2822

(E) Any vacancy in the membership of the Committee shall be 2823
filled in the same manner in which the original appointment was 2824
made. 2825

(F) The President of the Senate and the Speaker of the House 2826
of Representative shall designate co-chairpersons of the Committee 2827
when the President of the Senate and the Speaker of the House of 2828
Representatives appoint the members to the Committee. 2829

(G) All meetings of the Committee are public meetings and 2830
shall be open to the public at all times. A member of the 2831
Committee must be present in person at a meeting that is open to 2832
the public in order to be considered present or to vote at the 2833
meeting and for the purposes of determining whether a quorum is 2834
present. The committee shall promptly prepare, file, and maintain 2835
the minutes of the committee meetings, and the committee minutes 2836
shall be public records under section 149.43 of the Revised Code. 2837
The committee shall give reasonable notice of committee meetings 2838
so that any person may determine the time and place of all 2839
scheduled meetings. The committee shall not hold a meeting unless 2840
it gives at least twenty-four hours' advance notice to the news 2841
media organizations that have requested notification of the 2842
Committee's meetings. 2843

Section 4. That Section 3.18 of Am. Sub. H.B. 95 of the 125th 2844
General Assembly, as amended by Sub. H.B. 127 of the 125th General 2845
Assembly, be amended to read as follows: 2846

Sec. 3.18. The amendments of section 5739.033 of the Revised 2847
Code in Sections 3.16 and 3.17 of Am. Sub. H.B. 95 of the 125th 2848

General Assembly provide for or are essential to the 2849
implementation of a tax levy. Therefore, under Ohio Constitution, 2850
Article II, Section 1d, those ~~Sections~~ amendments are not subject 2851
to the referendum and go into effect ~~January 1, 2005~~ July 1, 2005. 2852

Section 5. That existing Section 3.18 of Am. Sub. H.B. 95 of 2853
the 125th General Assembly, as amended by Sub. H.B. 127 of the 2854
125th General Assembly, is hereby repealed. 2855

Section 6. That Section 4 of Am. Sub. H.B. 168 of the 125th 2856
General Assembly be amended to read as follows: 2857

Sec. 4. Notwithstanding Section 3 of Am. Sub. S.B. 143 of the 2858
124th General Assembly, as subsequently amended by Section 8 of 2859
Sub. S.B. 47 of the 125th General Assembly and Section 134.14 of 2860
Am. Sub. H.B. 95 of the 125th General Assembly, the enactment of 2861
section 5741.05 of the Revised Code by Am. Sub. S.B. 143 of the 2862
124th General Assembly shall take effect ~~January~~ July 1, 2005. The 2863
General Assembly intends by enacting this section to clarify that 2864
the operation of section 5741.05 of the Revised Code was to be 2865
coordinated with the revised effective dates to amended section 2866
5739.033 of the Revised Code that were made by Sub. S.B. 47 of the 2867
125th General Assembly and Sub. H.B. 127 of the 125th General 2868
Assembly. 2869

Section 7. That existing Section 4 of Am. Sub. H.B. 168 of 2870
the 125th General Assembly is hereby repealed. 2871

Section 8. (A) For sales made on or after January 1, 2005, 2872
but before July 1, 2005, a vendor licensed under section 5739.17 2873
of the Revised Code may source sales in accordance with the 2874
version of section 5739.033 of the Revised Code that, under this 2875
act, takes effect July 1, 2005, as long as the vendor complies 2876

with that section. 2877

(B) If a vendor sources sales under division (A) of this 2878
section, the vendor shall continue from that point forward to 2879
source all of its sales in compliance with the version of section 2880
5739.033 of the Revised Code that, under this act, takes effect 2881
July 1, 2005. 2882

Section 9. Sections 4 to 9 of this act, and the items of 2883
which they are composed, provide for or are essential to 2884
implementation of a tax levy. Therefore, under Ohio Constitution, 2885
Article II, Section 1d, Sections 4 to 9 of this act, and the items 2886
of which they are composed, are not subject to the referendum and 2887
go into immediate effect when this act becomes law. 2888