

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**126th General Assembly  
Regular Session  
2005-2006**

**Am. S. B. No. 119**

**Senators Hagan, Jacobson, Harris, Spada, Coughlin, Mumper, Cates, Carey,  
Padgett, Amstutz, Jordan, Zurz, Fingerhut, Dann, Miller**

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**A B I L L**

To amend sections 3517.092 and 3517.992 of the 1  
Revised Code to prohibit county elective officers 2  
and candidates for county elective office from 3  
accepting contributions from certain county 4  
employees, to prohibit municipal elective officers 5  
and candidates for municipal elective office from 6  
soliciting or accepting contributions from certain 7  
employees of the municipal corporation, and to 8  
prohibit township elective officers and candidates 9  
for township elective office from soliciting or 10  
accepting contributions from certain township 11  
employees. 12

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

**Section 1.** That sections 3517.092 and 3517.992 of the Revised 13  
Code be amended to read as follows: 14

**Sec. 3517.092.** (A) As used in this section: 15

(1) "Appointing authority" has the same meaning as in section 16  
124.01 of the Revised Code. 17

(2) "State elected officer" means any person appointed or 18

elected to a state elective office. 19

(3) "State elective office" means any of the offices of 20  
governor, lieutenant governor, secretary of state, auditor of 21  
state, treasurer of state, attorney general, member of the state 22  
board of education, member of the general assembly, and justice 23  
and chief justice of the supreme court. 24

(4) "County elected officer" means any person appointed or 25  
elected to a county elective office. 26

(5) "County elective office" means any of the offices of 27  
county auditor, county treasurer, clerk of the court of common 28  
pleas, sheriff, county recorder, county engineer, county 29  
commissioner, prosecuting attorney, and coroner. 30

(6) "Contribution" includes a contribution to any political 31  
party, campaign committee, political action committee, or 32  
legislative campaign fund. 33

(7) "Municipal elected officer" means any person appointed or 34  
elected to a municipal elective office. 35

(8) "Municipal elective office" means any office of a 36  
municipal corporation to which persons are generally elected, 37  
notwithstanding the fact that a particular holder of that office 38  
may be appointed. 39

(9) "Township elected officer" means any person appointed or 40  
elected to a township elective office. 41

(10) "Township elective office" means any of the offices of 42  
member of a board of township trustees and township clerk. 43

(B)(1) No state elected officer, no campaign committee of 44  
such an officer, and no other person or entity shall knowingly 45  
solicit or accept a contribution on behalf of that officer or that 46  
officer's campaign committee from any of the following: 47

~~(1)~~(a) A state employee whose appointing authority is the 48

state elected officer;	49
<del>(2)</del> (b) A state employee whose appointing authority is	50
authorized or required by law to be appointed by the state elected	51
officer;	52
<del>(3)</del> (c) A state employee who functions in or is employed in or	53
by the same public agency, department, division, or office as the	54
state elected officer.	55
<del>(C)</del> (2) No candidate for a state elective office, no campaign	56
committee of such a candidate, and no other person or entity shall	57
knowingly solicit or accept a contribution on behalf of that	58
candidate or that candidate's campaign committee from any of the	59
following:	60
<del>(1)</del> (a) A state employee at the time of the solicitation,	61
whose appointing authority will be the candidate, if elected;	62
<del>(2)</del> (b) A state employee at the time of the solicitation,	63
whose appointing authority will be appointed by the candidate, if	64
elected, as authorized or required by law;	65
<del>(3)</del> (c) A state employee at the time of the solicitation, who	66
will function in or be employed in or by the same public agency,	67
department, division, or office as the candidate, if elected.	68
<del>(D)</del> (C)(1) No county elected officer, no campaign committee of	69
such an officer, and no other person or entity shall knowingly	70
solicit <u>or accept</u> a contribution on behalf of that officer or that	71
officer's campaign committee from any of the following:	72
<del>(1)</del> (a) A county employee whose appointing authority is the	73
county elected officer;	74
<del>(2)</del> (b) A county employee whose appointing authority is	75
authorized or required by law to be appointed <u>solely</u> by the county	76
elected officer;	77
<del>(3)</del> (c) A county employee who functions in or is employed in	78

or by the same public agency, department, division, or office as 79  
the county elected officer. 80

~~(E)(2)~~ No candidate for a county elective office, no campaign 81  
committee of such a candidate, and no other person or entity shall 82  
knowingly solicit or accept a contribution on behalf of that 83  
candidate or that candidate's campaign committee from any of the 84  
following: 85

~~(1)(a)~~ A county employee at the time of the solicitation, 86  
whose appointing authority will be the candidate, if elected; 87

~~(2)(b)~~ A county employee at the time of the solicitation, 88  
whose appointing authority will be appointed by the candidate, if 89  
elected, as authorized or required by law; 90

~~(3)(c)~~ A county employee at the time of the solicitation, who 91  
will function in or be employed in or by the same public agency, 92  
department, division, or office as the candidate, if elected. 93

(D)(1) No municipal elected officer, no campaign committee of 94  
such an officer, and no other person or entity shall knowingly 95  
solicit or accept a contribution on behalf of that officer or that 96  
officer's campaign committee from any of the following: 97

(a) A municipal employee whose appointing authority is the 98  
municipal elected officer; 99

(b) A municipal employee whose appointing authority is 100  
authorized or required by law to be appointed solely by the 101  
municipal elected officer; 102

(c) A municipal employee who functions in or is employed in 103  
or by the same public agency, department, division, or office as 104  
the municipal elected officer. 105

(2) No candidate for a municipal elective office, no campaign 106  
committee of such a candidate, and no other person or entity shall 107  
knowingly solicit or accept a contribution on behalf of that 108

candidate or that candidate's campaign committee from any of the 109  
following: 110

(a) A municipal employee at the time of the solicitation, 111  
whose appointing authority will be the candidate, if elected; 112

(b) A municipal employee at the time of the solicitation, 113  
whose appointing authority will be appointed by the candidate, if 114  
elected, as authorized or required by law; 115

(c) A municipal employee at the time of the solicitation, who 116  
will function in or be employed in or by the same public agency, 117  
department, division, or office as the candidate, if elected. 118

(E)(1) No township elected officer, no campaign committee of 119  
such an officer, and no other person or entity shall knowingly 120  
solicit or accept a contribution on behalf of that officer or that 121  
officer's campaign committee from any of the following: 122

(a) A township employee whose appointing authority is the 123  
township elected officer; 124

(b) A township employee whose appointing authority is 125  
authorized or required by law to be appointed solely by the 126  
township elected officer; 127

(c) A township employee who functions in or is employed in or 128  
by the same public agency, department, division, or office as the 129  
township elected officer. 130

(2) No candidate for a township elective office, no campaign 131  
committee of such a candidate, and no other person or entity shall 132  
knowingly solicit or accept a contribution on behalf of that 133  
candidate or that candidate's campaign committee from any of the 134  
following: 135

(a) A township employee at the time of the solicitation, 136  
whose appointing authority will be the candidate, if elected; 137

(b) A township employee at the time of the solicitation, 138

whose appointing authority will be appointed by the candidate, if 139  
elected, as authorized or required by law; 140

(c) A township employee at the time of the solicitation, who 141  
will function in or be employed in or by the same public agency, 142  
department, division, or office as the candidate, if elected. 143

(F)(1) No public employee shall solicit a contribution from 144  
any person while the public employee is performing the public 145  
employee's official duties or in those areas of a public building 146  
where official business is transacted or conducted. 147

(2) No person shall solicit a contribution from any public 148  
employee while the public employee is performing the public 149  
employee's official duties or is in those areas of a public 150  
building where official business is transacted or conducted. 151

(3) As used in division (F) of this section, "public 152  
employee" does not include any person holding an elective office. 153

(G) The prohibitions in divisions (B), (C), (D), (E), and (F) 154  
of this section are in addition to the prohibitions in sections 155  
124.57, 3304.22, and 4503.032 of the Revised Code. 156

**Sec. 3517.992.** This section establishes penalties only with 157  
respect to acts or failures to act that occur on and after August 158  
24, 1995. 159

(A)(1) A candidate whose campaign committee violates division 160  
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 161  
or a treasurer of a campaign committee who violates any of those 162  
divisions, shall be fined not more than one hundred dollars for 163  
each day of violation. 164

(2) Whoever violates division (E) or (X)(5) of section 165  
3517.13 of the Revised Code shall be fined not more than one 166  
hundred dollars for each day of violation. 167

(B) A political party that violates division (F)(1) of 168  
section 3517.101 of the Revised Code shall be fined not more than 169  
one hundred dollars for each day of violation. 170

(C) Whoever violates division (F)(2) of section 3517.101 or 171  
division (G) of section 3517.13 of the Revised Code shall be fined 172  
not more than ten thousand dollars or, if the offender is a person 173  
who was nominated or elected to public office, shall forfeit the 174  
nomination or the office to which the offender was elected, or 175  
both. 176

(D) Whoever violates division (F) of section 3517.13 of the 177  
Revised Code shall be fined not more than three times the amount 178  
contributed. 179

(E) Whoever violates division (H) of section 3517.13 of the 180  
Revised Code shall be fined not more than one hundred dollars. 181

(F) Whoever violates division (O), (P), or (Q) of section 182  
3517.13 of the Revised Code is guilty of a misdemeanor of the 183  
first degree. 184

(G) A state or county committee of a political party that 185  
violates division (B)(1) of section 3517.18 of the Revised Code 186  
shall be fined not more than twice the amount of the improper 187  
expenditure. 188

(H) A state or county political party that violates division 189  
(G) of section 3517.101 of the Revised Code shall be fined not 190  
more than twice the amount of the improper expenditure or use. 191

(I)(1) Any individual who violates division (B)(1) of section 192  
3517.102 of the Revised Code and knows that the contribution the 193  
individual makes violates that division shall be fined an amount 194  
equal to three times the amount contributed in excess of the 195  
amount permitted by that division. 196

(2) Any political action committee that violates division 197

(B)(2) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 198  
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(3) Any campaign committee that violates division (B)(3) or (5) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 201  
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(4)(a) Any legislative campaign fund that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable. 205  
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(b) Any state political party, county political party, or state candidate fund of a state political party or county political party that violates division (B)(6) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount transferred or contributed in excess of the amount permitted by that division, as applicable. 209  
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(5) Any political party that violates division (B)(4) of section 3517.102 of the Revised Code shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division. 215  
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(6) Notwithstanding divisions (I)(1), (2), (3), (4), and (5) of this section, no violation of division (B) of section 3517.102 of the Revised Code occurs, and the secretary of state shall not refer parties to the Ohio elections commission, if the amount transferred or contributed in excess of the amount permitted by that division meets either of the following conditions: 219  
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(a) It is completely refunded within five business days after it is accepted. 225  
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(b) It is completely refunded on or before the tenth business 227



day after notification to the recipient of the excess transfer or 228  
contribution by the board of elections or the secretary of state 229  
that a transfer or contribution in excess of the permitted amount 230  
has been received. 231

(J)(1) Any campaign committee that violates division (C)(1), 232  
(2), (3), or (6) of section 3517.102 of the Revised Code shall be 233  
fined an amount equal to three times the amount accepted in excess 234  
of the amount permitted by that division. 235

(2)(a) Any county political party that violates division 236  
(C)(4)(a)(ii) or (iii) of section 3517.102 of the Revised Code 237  
shall be fined an amount equal to three times the amount accepted. 238

(b) Any county political party that violates division 239  
(C)(4)(a)(i) of section 3517.102 of the Revised Code shall be 240  
fined an amount from its state candidate fund equal to three times 241  
the amount accepted in excess of the amount permitted by that 242  
division. 243

(c) Any state political party that violates division 244  
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined 245  
an amount from its state candidate fund equal to three times the 246  
amount accepted in excess of the amount permitted by that 247  
division. 248

(3) Any legislative campaign fund that violates division 249  
(C)(5) of section 3517.102 of the Revised Code shall be fined an 250  
amount equal to three times the amount accepted in excess of the 251  
amount permitted by that division. 252

(4) Any political action committee that violates division 253  
(C)(7) of section 3517.102 of the Revised Code shall be fined an 254  
amount equal to three times the amount accepted in excess of the 255  
amount permitted by that division. 256

(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of 257

this section, no violation of division (C) of section 3517.102 of  
the Revised Code occurs, and the secretary of state shall not  
refer parties to the Ohio elections commission, if the amount  
transferred or contributed in excess of the amount permitted to be  
accepted by that division meets either of the following  
conditions:

(a) It is completely refunded within five business days after  
its acceptance.

(b) It is completely refunded on or before the tenth business  
day after notification to the recipient of the excess transfer or  
contribution by the board of elections or the secretary of state  
that a transfer or contribution in excess of the permitted amount  
has been received.

(K)(1) Any legislative campaign fund that violates division  
(F)(1) of section 3517.102 of the Revised Code shall be fined  
twenty-five dollars for each day of violation.

(2) Any legislative campaign fund that violates division  
(F)(2) of section 3517.102 of the Revised Code shall give to the  
treasurer of state for deposit into the state treasury to the  
credit of the Ohio elections commission fund all excess  
contributions not disposed of as required by division (E) of  
section 3517.102 of the Revised Code.

(L) Whoever violates section 3517.105 of the Revised Code  
shall be fined one thousand dollars.

(M)(1) Whoever solicits a contribution in violation of  
section 3517.092 or violates division (B) of section 3517.09 of  
the Revised Code is guilty of a misdemeanor of the first degree.

(2) Whoever knowingly accepts a contribution in violation of  
~~division (B) or (C) of~~ section 3517.092 of the Revised Code shall  
be fined an amount equal to three times the amount accepted in

violation of either of those divisions and shall return to the 288  
contributor any amount so accepted. Whoever unknowingly accepts a 289  
contribution in violation of ~~division (B) or (C)~~ of section 290  
3517.092 of the Revised Code shall return to the contributor any 291  
amount so accepted. 292

(N) Whoever violates division (S) of section 3517.13 of the 293  
Revised Code shall be fined an amount equal to three times the 294  
amount of funds transferred or three times the value of the assets 295  
transferred in violation of that division. 296

(O) Any campaign committee that accepts a contribution or 297  
contributions in violation of section 3517.108 of the Revised 298  
Code, uses a contribution in violation of that section, or fails 299  
to dispose of excess contributions in violation of that section 300  
shall be fined an amount equal to three times the amount accepted, 301  
used, or kept in violation of that section. 302

(P) Any political party, state candidate fund, legislative 303  
candidate fund, or campaign committee that violates division (T) 304  
of section 3517.13 of the Revised Code shall be fined an amount 305  
equal to three times the amount contributed or accepted in 306  
violation of that section. 307

(Q) A treasurer of a committee or another person who violates 308  
division (U) of section 3517.13 of the Revised Code shall be fined 309  
not more than two hundred fifty dollars. 310

(R) Whoever violates division (I) or (J) of section 3517.13 311  
of the Revised Code shall be fined not more than one thousand 312  
dollars. Whenever a person is found guilty of violating division 313  
(I) or (J) of section 3517.13 of the Revised Code, the contract 314  
awarded in violation of either of those divisions shall be 315  
rescinded if its terms have not yet been performed. 316

(S) A candidate whose campaign committee violates or a 317  
treasurer of a campaign committee who violates section 3517.081 of 318

the Revised Code, and a candidate whose campaign committee 319  
violates or a treasurer of a campaign committee or another person 320  
who violates division (C) of section 3517.10 of the Revised Code, 321  
shall be fined not more than five hundred dollars. 322

(T) A candidate whose campaign committee violates or a 323  
treasurer of a committee who violates division (B) of section 324  
3517.09 of the Revised Code, or a candidate whose campaign 325  
committee violates or a treasurer of a campaign committee or 326  
another person who violates division (C) of section 3517.09 of the 327  
Revised Code shall be fined not more than one thousand dollars. 328

(U) Whoever violates section 3517.20 of the Revised Code 329  
shall be fined not more than five hundred dollars. 330

(V) Whoever violates section 3517.21 or 3517.22 of the 331  
Revised Code shall be imprisoned for not more than six months or 332  
fined not more than five thousand dollars, or both. 333

(W) A campaign committee that is required to file a 334  
declaration of no limits under division (D)(2) of section 3517.103 335  
of the Revised Code that, before filing that declaration, accepts 336  
a contribution or contributions that exceed the limitations 337  
prescribed in section 3517.102 of the Revised Code, shall return 338  
that contribution or those contributions to the contributor. 339

(X) Any campaign committee that fails to file the declaration 340  
of filing-day finances required by division (F) of section 341  
3517.109 or the declaration of primary-day finances or declaration 342  
of year-end finances required by division (E) of section 3517.1010 343  
of the Revised Code shall be fined twenty-five dollars for each 344  
day of violation. 345

(Y) Any campaign committee that fails to dispose of excess 346  
funds or excess aggregate contributions under division (B) of 347  
section 3517.109 of the Revised Code in the manner required by 348  
division (C) of that section or under division (B) of section 349

3517.1010 of the Revised Code in the manner required by division 350  
(C) of that section shall give to the treasurer of state for 351  
deposit into the Ohio elections commission fund created under 352  
division (I) of section 3517.152 of the Revised Code all funds not 353  
disposed of pursuant to those divisions. 354

(Z) Any individual, campaign committee, political action 355  
committee, legislative campaign fund, political party, or other 356  
entity that violates any provision of sections 3517.09 to 3517.12 357  
of the Revised Code for which no penalty is provided for under any 358  
other division of this section shall be fined not more than one 359  
thousand dollars. 360

(AA)(1) Whoever knowingly violates division (W)(1) of section 361  
3517.13 of the Revised Code shall be fined an amount equal to 362  
three times the amount contributed, expended, or promised in 363  
violation of that division or ten thousand dollars, whichever 364  
amount is greater. 365

(2) Whoever knowingly violates division (W)(2) of section 366  
3517.13 of the Revised Code shall be fined an amount equal to 367  
three times the amount solicited or accepted in violation of that 368  
division or ten thousand dollars, whichever amount is greater. 369

(BB) Whoever knowingly violates division (C) or (D) of 370  
section 3517.1011 of the Revised Code shall be fined not more than 371  
ten thousand dollars plus not more than one thousand dollars for 372  
each day of violation. 373

(CC)(1) Subject to division (CC)(2) of this section, whoever 374  
violates division (H) of section 3517.1011 of the Revised Code 375  
shall be fined an amount up to three times the amount disbursed 376  
for the direct costs of airing the communication made in violation 377  
of that division. 378

(2) Whoever has been ordered by the Ohio elections commission 379  
or by a court of competent jurisdiction to cease making 380

communications in violation of division (H) of section 3517.1011 381  
of the Revised Code who again violates that division shall be 382  
fined an amount equal to three times the amount disbursed for the 383  
direct costs of airing the communication made in violation of that 384  
division. 385

(DD)(1) Any corporation or labor organization that violates 386  
division (X)(3)(a) of section 3517.13 of the Revised Code shall be 387  
fined an amount equal to three times the amount given in excess of 388  
the amount permitted by that division. 389

(2) Any state or county political party that violates 390  
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 391  
fined an amount equal to three times the amount accepted in excess 392  
of the amount permitted by that division. 393

**Section 2.** That existing sections 3517.092 and 3517.992 of 394  
the Revised Code are hereby repealed. 395