

As Introduced

**129th General Assembly
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H. B. No. 315

Representatives Baker, Sears

**Cosponsors: Representatives Adams, R., Blair, Derickson, Gonzales,
Grossman, Hagan, C., Henne, Huffman, Landis, Stebelton, Thompson**

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A B I L L

To amend sections 3517.155 and 3517.992 of the 1
Revised Code to increase the penalties for making 2
a false statement in campaign materials related to 3
nomination or election for a statewide office or 4
office of a member of the General Assembly, or in 5
regard to any campaign for or against a ballot 6
question or issue, and to require the person who 7
made the false statement to pay reasonable 8
attorney's fees. 9

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

Section 1. That sections 3517.155 and 3517.992 of the Revised 10
Code be amended to read as follows: 11

Sec. 3517.155. (A)(1) Except as otherwise provided in 12
division (B) of this section, the Ohio elections commission shall 13
hold its first hearing on a complaint filed with it, other than a 14
complaint that receives an expedited hearing under section 15
3517.156 of the Revised Code, not later than ninety business days 16
after the complaint is filed unless the commission has good cause 17
to hold the hearing after that time, in which case it shall hold 18

the hearing not later than one hundred eighty business days after 19
the complaint is filed. At the hearing, the commission shall 20
determine whether or not the failure to act or the violation 21
alleged in the complaint has occurred and shall do only one of the 22
following, except as otherwise provided in division (B) of this 23
section or in division (B) of section 3517.151 of the Revised 24
Code: 25

(a) Enter a finding that good cause has been shown not to 26
impose a fine or not to refer the matter to the appropriate 27
prosecutor; 28

(b) Impose a fine under section 3517.993 of the Revised Code; 29

(c) Refer the matter to the appropriate prosecutor; 30

(d) Direct the secretary of state or appropriate board of 31
elections with the authority to certify a candidate to the ballot 32
to remove a candidate's name from the ballot if the candidate is 33
barred from the ballot under division (D) of section 3517.1010 of 34
the Revised Code. 35

(2) As used in division (A) of this section, "appropriate 36
prosecutor" means a prosecutor as defined in section 2935.01 of 37
the Revised Code and either of the following: 38

(a) In the case of a failure to comply with or a violation of 39
law involving a campaign committee or the committee's candidate, a 40
political party, a legislative campaign fund, a political action 41
committee, or a political contributing entity, that is required to 42
file a statement of contributions and expenditures with the 43
secretary of state under division (A) of section 3517.11 of the 44
Revised Code, the prosecutor of Franklin county; 45

(b) In the case of a failure to comply with or a violation of 46
law involving any other campaign committee or committee's 47
candidate, or any other political party, political action 48
committee, or political contributing entity either of the 49

following as determined by the commission: 50

(i) The prosecutor of Franklin county; 51

(ii) The prosecutor of the county in which the candidacy or 52
ballot question or issue is submitted to the electors or, if it is 53
submitted in more than one county, the most populous of those 54
counties. 55

(B)(1) If the commission decides that the evidence is 56
insufficient for it to determine whether or not the failure to act 57
or the violation alleged in the complaint has occurred, the 58
commission, by the affirmative vote of five members, may request 59
that an investigatory attorney investigate the complaint. Upon 60
that request, an investigatory attorney shall make an 61
investigation in order to produce sufficient evidence for the 62
commission to decide the matter. If the commission requests an 63
investigation under this division, for good cause shown by the 64
investigatory attorney, the commission may extend by sixty days 65
the deadline for holding its first hearing on the complaint as 66
required in division (A) of this section. 67

(2) If all of the following apply, the commission shall 68
require a party who is fined under division (A)(1)(b) of this 69
section or referred for prosecution under division (A)(1)(c) of 70
this section, to also pay the reasonable attorney's fees of the 71
person who filed the complaint with the commission: 72

(a) The fine or referral for prosecution is made pursuant to 73
division (B) of section 3517.21 or division (B) of section 3517.22 74
of the Revised Code for a false statement; 75

(b) The false statement was made in regard to a campaign for 76
nomination or election to a statewide office or the office of 77
member of the general assembly or in regard to any campaign for or 78
against a ballot question or issue; 79

(c) The commission determines that the violator made one or 80

more additional publications of the false statement after a panel 81
of the commission found probable cause to believe the statement 82
violated division (B) of section 3517.21 or division (B) of 83
section 3517.22 of the Revised Code. 84

(C) The commission shall take one of the actions required 85
under division (A) of this section not later than thirty days 86
after the close of all the evidence presented. 87

(D)(1) The commission shall make any finding of a failure to 88
comply with or a violation of law in regard to a complaint that 89
alleges a violation of division (D) of section 3517.1010, division 90
(A) or (B) of section 3517.21, or division (A) or (B) of section 91
3517.22 of the Revised Code by clear and convincing evidence. The 92
commission shall make any finding of a failure to comply with or a 93
violation of law in regard to any other complaint by a 94
preponderance of the evidence. 95

(2) If the commission finds a violation of division (B) of 96
section 3517.21 or division (B) of section 3517.22 of the Revised 97
Code, it shall refer the matter to the appropriate prosecutor 98
under division (A)(1)(c) of this section and shall not impose a 99
fine under division (A)(1)(b) of this section or section 3517.993 100
of the Revised Code. 101

(E) In an action before the commission or a panel of the 102
commission, if the allegations of the complainant are not proved, 103
and the commission takes the action described in division 104
(A)(1)(a) of this section or a panel of the commission takes the 105
action described in division (C)(1) of section 3517.156 of the 106
Revised Code, the commission or a panel of the commission may find 107
that the complaint is frivolous, and, if the commission or panel 108
so finds, the commission shall order the complainant to pay 109
reasonable attorney's fees and to pay the costs of the commission 110
or panel as determined by a majority of the members of the 111
commission. The costs paid to the commission or panel under this 112

division shall be deposited into the Ohio elections commission 113
fund. 114

Sec. 3517.992. This section establishes penalties only with 115
respect to acts or failures to act that occur on and after August 116
24, 1995. 117

(A)(1) A candidate whose campaign committee violates division 118
(A), (B), (C), (D), or (V) of section 3517.13 of the Revised Code, 119
or a treasurer of a campaign committee who violates any of those 120
divisions, shall be fined not more than one hundred dollars for 121
each day of violation. 122

(2) Whoever violates division (E) or (X)(5) of section 123
3517.13 of the Revised Code shall be fined not more than one 124
hundred dollars for each day of violation. 125

(B) A political party that violates division (F)(1) of 126
section 3517.101 of the Revised Code shall be fined not more than 127
one hundred dollars for each day of violation. 128

(C) Whoever violates division (F)(2) of section 3517.101 or 129
division (G) of section 3517.13 of the Revised Code shall be fined 130
not more than ten thousand dollars or, if the offender is a person 131
who was nominated or elected to public office, shall forfeit the 132
nomination or the office to which the offender was elected, or 133
both. 134

(D) Whoever violates division (F) of section 3517.13 of the 135
Revised Code shall be fined not more than three times the amount 136
contributed. 137

(E) Whoever violates division (H) of section 3517.13 of the 138
Revised Code shall be fined not more than one hundred dollars. 139

(F) Whoever violates division (O), (P), or (Q) of section 140
3517.13 of the Revised Code is guilty of a misdemeanor of the 141
first degree. 142

(G) A state or county committee of a political party that 143
violates division (B)(1) of section 3517.18 of the Revised Code 144
shall be fined not more than twice the amount of the improper 145
expenditure. 146

(H) A state or county political party that violates division 147
(G) of section 3517.101 of the Revised Code shall be fined not 148
more than twice the amount of the improper expenditure or use. 149

(I)(1) Any individual who violates division (B)(1) of section 150
3517.102 of the Revised Code and knows that the contribution the 151
individual makes violates that division shall be fined an amount 152
equal to three times the amount contributed in excess of the 153
amount permitted by that division. 154

(2) Any political action committee that violates division 155
(B)(2) of section 3517.102 of the Revised Code shall be fined an 156
amount equal to three times the amount contributed in excess of 157
the amount permitted by that division. 158

(3) Any campaign committee that violates division (B)(3) or 159
(5) of section 3517.102 of the Revised Code shall be fined an 160
amount equal to three times the amount contributed in excess of 161
the amount permitted by that division. 162

(4)(a) Any legislative campaign fund that violates division 163
(B)(6) of section 3517.102 of the Revised Code shall be fined an 164
amount equal to three times the amount transferred or contributed 165
in excess of the amount permitted by that division, as applicable. 166

(b) Any state political party, county political party, or 167
state candidate fund of a state political party or county 168
political party that violates division (B)(6) of section 3517.102 169
of the Revised Code shall be fined an amount equal to three times 170
the amount transferred or contributed in excess of the amount 171
permitted by that division, as applicable. 172

(c) Any political contributing entity that violates division 173

(B)(7) 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.

(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.

(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:

(a) It is completely refunded within five business days after it is accepted.

(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.

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

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

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

division.	205
(c) Any state political party that violates division	206
(C)(4)(b) of section 3517.102 of the Revised Code shall be fined	207
an amount from its state candidate fund equal to three times the	208
amount accepted in excess of the amount permitted by that	209
division.	210
(3) Any legislative campaign fund that violates division	211
(C)(5) of section 3517.102 of the Revised Code shall be fined an	212
amount equal to three times the amount accepted in excess of the	213
amount permitted by that division.	214
(4) Any political action committee or political contributing	215
entity that violates division (C)(7) of section 3517.102 of the	216
Revised Code shall be fined an amount equal to three times the	217
amount accepted in excess of the amount permitted by that	218
division.	219
(5) Notwithstanding divisions (J)(1), (2), (3), and (4) of	220
this section, no violation of division (C) of section 3517.102 of	221
the Revised Code occurs, and the secretary of state shall not	222
refer parties to the Ohio elections commission, if the amount	223
transferred or contributed in excess of the amount permitted to be	224
accepted by that division meets either of the following	225
conditions:	226
(a) It is completely refunded within five business days after	227
its acceptance.	228
(b) It is completely refunded on or before the tenth business	229
day after notification to the recipient of the excess transfer or	230
contribution by the board of elections or the secretary of state	231
that a transfer or contribution in excess of the permitted amount	232
has been received.	233
(K)(1) Any legislative campaign fund that violates division	234
(F)(1) of section 3517.102 of the Revised Code shall be fined	235

twenty-five dollars for each day of violation.	236
(2) Any legislative campaign fund that violates division	237
(F)(2) of section 3517.102 of the Revised Code shall give to the	238
treasurer of state for deposit into the state treasury to the	239
credit of the Ohio elections commission fund all excess	240
contributions not disposed of as required by division (E) of	241
section 3517.102 of the Revised Code.	242
(L) Whoever violates section 3517.105 of the Revised Code	243
shall be fined one thousand dollars.	244
(M)(1) Whoever solicits a contribution in violation of	245
section 3517.092 or violates division (B) of section 3517.09 of	246
the Revised Code is guilty of a misdemeanor of the first degree.	247
(2) Whoever knowingly accepts a contribution in violation of	248
division (B) or (C) of section 3517.092 of the Revised Code shall	249
be fined an amount equal to three times the amount accepted in	250
violation of either of those divisions and shall return to the	251
contributor any amount so accepted. Whoever unknowingly accepts a	252
contribution in violation of division (B) or (C) of section	253
3517.092 of the Revised Code shall return to the contributor any	254
amount so accepted.	255
(N) Whoever violates division (S) of section 3517.13 of the	256
Revised Code shall be fined an amount equal to three times the	257
amount of funds transferred or three times the value of the assets	258
transferred in violation of that division.	259
(O) Any campaign committee that accepts a contribution or	260
contributions in violation of section 3517.108 of the Revised	261
Code, uses a contribution in violation of that section, or fails	262
to dispose of excess contributions in violation of that section	263
shall be fined an amount equal to three times the amount accepted,	264
used, or kept in violation of that section.	265
(P) Any political party, state candidate fund, legislative	266

candidate fund, or campaign committee that violates division (T) 267
of section 3517.13 of the Revised Code shall be fined an amount 268
equal to three times the amount contributed or accepted in 269
violation of that section. 270

(Q) A treasurer of a committee or another person who violates 271
division (U) of section 3517.13 of the Revised Code shall be fined 272
not more than two hundred fifty dollars. 273

(R) Whoever violates division (I) or (J) of section 3517.13 274
of the Revised Code shall be fined not more than one thousand 275
dollars. Whenever a person is found guilty of violating division 276
(I) or (J) of section 3517.13 of the Revised Code, the contract 277
awarded in violation of either of those divisions shall be 278
rescinded if its terms have not yet been performed. 279

(S) A candidate whose campaign committee violates or a 280
treasurer of a campaign committee who violates section 3517.081 of 281
the Revised Code, and a candidate whose campaign committee 282
violates or a treasurer of a campaign committee or another person 283
who violates division (C) of section 3517.10 of the Revised Code, 284
shall be fined not more than five hundred dollars. 285

(T) A candidate whose campaign committee violates or a 286
treasurer of a committee who violates division (B) of section 287
3517.09 of the Revised Code, or a candidate whose campaign 288
committee violates or a treasurer of a campaign committee or 289
another person who violates division (C) of section 3517.09 of the 290
Revised Code shall be fined not more than one thousand dollars. 291

(U) Whoever violates section 3517.20 of the Revised Code 292
shall be fined not more than five hundred dollars. 293

(V) Whoever violates section 3517.21 or 3517.22 of the 294
Revised Code shall be imprisoned for not more than six months or 295
fined not more than five thousand dollars, or both. If the 296
violation involves a false statement made under division (B) of 297

section 3517.21 or division (B) of section 3517.22 of the Revised Code, the false statement was made in regard to a campaign for nomination or election to a statewide office or the office of member of the general assembly or in regard to a campaign for or against a ballot question or issue, and the violator made one or more additional publications of the false statement after a panel of the elections commission found probable cause to believe the statement violated the applicable division, the violator shall be imprisoned for not more than six months or fined one hundred thousand dollars, or both, and the violator shall pay the reasonable attorney's fees of the person filing the complaint.

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

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

(Y) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under division (B) of section 3517.109 of the Revised Code in the manner required by division (C) of that section or under division (B) of section 3517.1010 of the Revised Code in the manner required by division (C) of that section shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (I) of section 3517.152 of the Revised Code all funds not disposed of pursuant to those divisions.

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

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

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

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

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

(2) Whoever has been ordered by the Ohio elections commission or by a court of competent jurisdiction to cease making communications in violation of division (H) of section 3517.1011 of the Revised Code who again violates that division shall be fined an amount equal to three times the amount disbursed for the direct costs of airing the communication made in violation of that division.

(DD)(1) Any corporation or labor organization that violates 361
division (X)(3)(a) of section 3517.13 of the Revised Code shall be 362
fined an amount equal to three times the amount given in excess of 363
the amount permitted by that division. 364

(2) Any state or county political party that violates 365
division (X)(3)(b) of section 3517.13 of the Revised Code shall be 366
fined an amount equal to three times the amount accepted in excess 367
of the amount permitted by that division. 368

Section 2. That existing sections 3517.155 and 3517.992 of 369
the Revised Code are hereby repealed. 370