

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 413

Representatives Goyal, Murray

**Cosponsors: Representatives Hagan, R., Foley, Okey, Yuko, Letson,
Antonio, Ramos**

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A B I L L

To amend sections 3501.05, 3517.16, and 5747.081 and 1
to enact sections 3525.01 to 3525.11 and 3525.99 2
of the Revised Code to create a public campaign 3
financing system for candidates for the office of 4
chief justice or justice of the Supreme Court. 5

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

Section 1. That sections 3501.05, 3517.16, and 5747.081 be 6
amended and sections 3525.01, 3525.02, 3525.03, 3525.04, 3525.05, 7
3525.06, 3525.07, 3525.08, 3525.09, 3525.10, 3525.11, and 3525.99 8
of the Revised Code be enacted to read as follows: 9

Sec. 3501.05. The secretary of state shall do all of the 10
following: 11

(A) Appoint all members of boards of elections; 12

(B) Issue instructions by directives and advisories in 13
accordance with section 3501.053 of the Revised Code to members of 14
the boards as to the proper methods of conducting elections; 15

(C) Prepare rules and instructions for the conduct of 16
elections; 17

(D) Publish and furnish to the boards from time to time a sufficient number of indexed copies of all election laws then in force;	18 19 20
(E) Edit and issue all pamphlets concerning proposed laws or amendments required by law to be submitted to the voters;	21 22
(F) Prescribe the form of registration cards, blanks, and records;	23 24
(G) Determine and prescribe the forms of ballots and the forms of all blanks, cards of instructions, pollbooks, tally sheets, certificates of election, and forms and blanks required by law for use by candidates, committees, and boards;	25 26 27 28
(H) Prepare the ballot title or statement to be placed on the ballot for any proposed law or amendment to the constitution to be submitted to the voters of the state;	29 30 31
(I) Except as otherwise provided in section 3519.08 of the Revised Code, certify to the several boards the forms of ballots and names of candidates for state offices, and the form and wording of state referendum questions and issues, as they shall appear on the ballot;	32 33 34 35 36
(J) Except as otherwise provided in division (I)(2)(b) of section 3501.38 of the Revised Code, give final approval to ballot language for any local question or issue approved and transmitted by boards of elections under section 3501.11 of the Revised Code;	37 38 39 40
(K) Receive all initiative and referendum petitions on state questions and issues and determine and certify to the sufficiency of those petitions;	41 42 43
(L) Require such reports from the several boards as are provided by law, or as the secretary of state considers necessary;	44 45
(M) Compel the observance by election officers in the several counties of the requirements of the election laws;	46 47

(N)(1) Except as otherwise provided in division (N)(2) of 48
this section, investigate the administration of election laws, 49
frauds, and irregularities in elections in any county, and report 50
violations of election laws to the attorney general or prosecuting 51
attorney, or both, for prosecution; 52

(2) On and after August 24, 1995, report a failure to comply 53
with or a violation of a provision in sections 3517.08 to 3517.13, 54
3517.17, 3517.18, 3517.20 to 3517.22, 3599.03, or 3599.031 of the 55
Revised Code, whenever the secretary of state has or should have 56
knowledge of a failure to comply with or a violation of a 57
provision in one of those sections, by filing a complaint with the 58
Ohio elections commission under section 3517.153 of the Revised 59
Code. 60

(O) Make an annual report to the governor containing the 61
results of elections, the cost of elections in the various 62
counties, a tabulation of the votes in the several political 63
subdivisions, and other information and recommendations relative 64
to elections the secretary of state considers desirable; 65

(P) Prescribe and distribute to boards of elections a list of 66
instructions indicating all legal steps necessary to petition 67
successfully for local option elections under sections 4301.32 to 68
4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 69

(Q) Adopt rules pursuant to Chapter 119. of the Revised Code 70
for the removal by boards of elections of ineligible voters from 71
the statewide voter registration database and, if applicable, from 72
the poll list or signature pollbook used in each precinct, which 73
rules shall provide for all of the following: 74

(1) A process for the removal of voters who have changed 75
residence, which shall be uniform, nondiscriminatory, and in 76
compliance with the Voting Rights Act of 1965 and the National 77
Voter Registration Act of 1993, including a program that uses the 78

national change of address service provided by the United States	79
postal system through its licensees;	80
(2) A process for the removal of ineligible voters under	81
section 3503.21 of the Revised Code;	82
(3) A uniform system for marking or removing the name of a	83
voter who is ineligible to vote from the statewide voter	84
registration database and, if applicable, from the poll list or	85
signature pollbook used in each precinct and noting the reason for	86
that mark or removal.	87
(R) Prescribe a general program for registering voters or	88
updating voter registration information, such as name and	89
residence changes, by boards of elections, designated agencies,	90
offices of deputy registrars of motor vehicles, public high	91
schools and vocational schools, public libraries, and offices of	92
county treasurers consistent with the requirements of section	93
3503.09 of the Revised Code;	94
(S) Prescribe a program of distribution of voter registration	95
forms through boards of elections, designated agencies, offices of	96
the registrar and deputy registrars of motor vehicles, public high	97
schools and vocational schools, public libraries, and offices of	98
county treasurers;	99
(T) To the extent feasible, provide copies, at no cost and	100
upon request, of the voter registration form in post offices in	101
this state;	102
(U) Adopt rules pursuant to section 111.15 of the Revised	103
Code for the purpose of implementing the program for registering	104
voters through boards of elections, designated agencies, and the	105
offices of the registrar and deputy registrars of motor vehicles	106
consistent with this chapter;	107
(V) Establish the full-time position of Americans with	108
Disabilities Act coordinator within the office of the secretary of	109

state to do all of the following:	110
(1) Assist the secretary of state with ensuring that there is equal access to polling places for persons with disabilities;	111 112
(2) Assist the secretary of state with ensuring that each voter may cast the voter's ballot in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;	113 114 115 116
(3) Advise the secretary of state in the development of standards for the certification of voting machines, marking devices, and automatic tabulating equipment.	117 118 119
(W) Establish and maintain a computerized statewide database of all legally registered voters under section 3503.15 of the Revised Code that complies with the requirements of the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666, and provide training in the operation of that system;	120 121 122 123 124
(X) Ensure that all directives, advisories, other instructions, or decisions issued or made during or as a result of any conference or teleconference call with a board of elections to discuss the proper methods and procedures for conducting elections, to answer questions regarding elections, or to discuss the interpretation of directives, advisories, or other instructions issued by the secretary of state are posted on a web site of the office of the secretary of state as soon as is practicable after the completion of the conference or teleconference call, but not later than the close of business on the same day as the conference or teleconference call takes place;	125 126 127 128 129 130 131 132 133 134 135 136
(Y) Publish a report on a web site of the office of the secretary of state not later than one month after the completion of the canvass of the election returns for each primary and general election, identifying, by county, the number of absent	137 138 139 140

voter's ballots cast and the number of those ballots that were 141
counted, and the number of provisional ballots cast and the number 142
of those ballots that were counted, for that election. The 143
secretary of state shall maintain the information on the web site 144
in an archive format for each subsequent election. 145

(Z) Conduct voter education outlining voter identification, 146
absent voters ballot, provisional ballot, and other voting 147
requirements; 148

(AA) Establish a procedure by which a registered elector may 149
make available to a board of elections a more recent signature to 150
be used in the poll list or signature pollbook produced by the 151
board of elections of the county in which the elector resides; 152

(BB) Disseminate information, which may include all or part 153
of the official explanations and arguments, by means of direct 154
mail or other written publication, broadcast, or other means or 155
combination of means, as directed by the Ohio ballot board under 156
division (F) of section 3505.062 of the Revised Code, in order to 157
inform the voters as fully as possible concerning each proposed 158
constitutional amendment, proposed law, or referendum; 159

(CC) Be the single state office responsible for the 160
implementation of the "Uniformed and Overseas Citizens Absentee 161
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 1973ff, 162
et seq., as amended, in this state. The secretary of state may 163
delegate to the boards of elections responsibilities for the 164
implementation of that act, including responsibilities arising 165
from amendments to that act made by the "Military and Overseas 166
Voter Empowerment Act," Subtitle H of the National Defense 167
Authorization Act for Fiscal Year 2010, Pub. L. No. 111-84, 123 168
Stat. 3190. 169

(DD) Administer the Ohio public financing program under 170
Chapter 3525. of the Revised Code; 171

(EE) Perform other duties required by law. 172

Whenever a primary election is held under section 3513.32 of 173
the Revised Code or a special election is held under section 174
3521.03 of the Revised Code to fill a vacancy in the office of 175
representative to congress, the secretary of state shall establish 176
a deadline, notwithstanding any other deadline required under the 177
Revised Code, by which any or all of the following shall occur: 178
the filing of a declaration of candidacy and petitions or a 179
statement of candidacy and nominating petition together with the 180
applicable filing fee; the filing of protests against the 181
candidacy of any person filing a declaration of candidacy or 182
nominating petition; the filing of a declaration of intent to be a 183
write-in candidate; the filing of campaign finance reports; the 184
preparation of, and the making of corrections or challenges to, 185
precinct voter registration lists; the receipt of applications for 186
absent voter's ballots or ~~armed-service~~ uniformed services or 187
overseas absent voter's ballots; the supplying of election 188
materials to precincts by boards of elections; the holding of 189
hearings by boards of elections to consider challenges to the 190
right of a person to appear on a voter registration list; and the 191
scheduling of programs to instruct or reinstruct election 192
officers. 193

In the performance of the secretary of state's duties as the 194
chief election officer, the secretary of state may administer 195
oaths, issue subpoenas, summon witnesses, compel the production of 196
books, papers, records, and other evidence, and fix the time and 197
place for hearing any matters relating to the administration and 198
enforcement of the election laws. 199

In any controversy involving or arising out of the adoption 200
of registration or the appropriation of funds for registration, 201
the secretary of state may, through the attorney general, bring an 202
action in the name of the state in the court of common pleas of 203

the county where the cause of action arose or in an adjoining 204
county, to adjudicate the question. 205

In any action involving the laws in Title XXXV of the Revised 206
Code wherein the interpretation of those laws is in issue in such 207
a manner that the result of the action will affect the lawful 208
duties of the secretary of state or of any board of elections, the 209
secretary of state may, on the secretary of state's motion, be 210
made a party. 211

The secretary of state may apply to any court that is hearing 212
a case in which the secretary of state is a party, for a change of 213
venue as a substantive right, and the change of venue shall be 214
allowed, and the case removed to the court of common pleas of an 215
adjoining county named in the application or, if there are cases 216
pending in more than one jurisdiction that involve the same or 217
similar issues, the court of common pleas of Franklin county. 218

Public high schools and vocational schools, public libraries, 219
and the office of a county treasurer shall implement voter 220
registration programs as directed by the secretary of state 221
pursuant to this section. 222

Sec. 3517.16. (A) There is hereby created in the state 223
treasury the Ohio political party fund. All moneys received as a 224
result of individuals exercising the checkoff option on their 225
state income tax returns provided for in division (A) of section 226
5747.081 of the Revised Code shall be deposited in the fund. The 227
tax commissioner shall pay money from the fund to the auditor of 228
state and to political parties in the manner described in division 229
(B) of this section. 230

(B)(1) The auditor of state annually shall submit a report to 231
the tax commissioner estimating the costs that the auditor of 232
state will incur during that year in conducting audits under 233
section 3517.17 of the Revised Code. The tax commissioner shall 234

pay to the auditor of state, from the Ohio political party fund, 235
moneys sufficient to pay the auditor of state's estimated costs of 236
the audits referred to in this division. 237

(2) After the costs of audits are deducted under division 238
(B)(1) of this section, the tax commissioner shall pay any moneys 239
remaining in the fund only to political parties qualifying for 240
them under division (B) of section 3517.17 of the Revised Code. 241

Sec. 3525.01. As used in this chapter: 242

(A) "Campaign committee," "candidate," and "contribution" 243
have the same meanings as in section 3517.01 of the Revised Code. 244

(B) "Certified candidate" means a candidate for the office of 245
chief justice or justice of the supreme court, who chooses to 246
participate in the public financing program established by this 247
chapter and who is certified as a public financing program 248
candidate under section 3525.05 of the Revised Code. 249

(C) "Fund" means the Ohio public financing program fund 250
created by section 3525.03 of the Revised Code. 251

(D) "Nonparticipating candidate" means a candidate for the 252
office of chief justice or justice of the supreme court, who does 253
not choose to participate in the public financing program 254
established by this chapter, who is not seeking to be certified as 255
a public financing program candidate under section 3525.05 of the 256
Revised Code, or both. 257

(E) "Participating candidate" means a candidate for the 258
office of chief justice or justice of the supreme court, who 259
chooses to participate in the public financing program established 260
by this chapter and who is seeking to be certified as a public 261
financing program candidate under section 3525.05 of the Revised 262
Code. 263

(F) "Qualifying contribution" means a contribution to which 264

all of the following apply: 265

(1) The contribution is for twenty-five dollars and in the 266
form of a check or money order signed by the contributor and made 267
payable to the Ohio public financing program fund in support of a 268
candidate. 269

(2) The contribution is made by a person registered to vote 270
in this state whose voter registration has been verified by the 271
applicable board of elections. 272

(3) The contribution is made during the designated qualifying 273
period. 274

(4) The contributor acknowledges that the contribution was 275
made with the contributor's personal funds, was made in support of 276
the candidate, and was not given in exchange for anything of 277
value, on a form provided by the secretary of state. 278

(5) The candidate acknowledges that the contribution was 279
obtained with the candidate's knowledge and approval and that 280
nothing of value was given in exchange for the contribution, on a 281
form provided by the secretary of state. 282

(G) "Qualifying period" means the period beginning on the 283
first day of October in the year preceding the year in which the 284
candidate is seeking election to office and ending at five p.m. on 285
the day of the primary election. 286

Sec. 3525.02. (A) This chapter establishes a public campaign 287
financing option for candidates for the offices of chief justice 288
and justice of the supreme court. The secretary of state shall 289
administer the public campaign financing system established 290
pursuant to this chapter and the Ohio public financing program 291
fund established under section 3525.03 of the Revised Code. 292
Neither this section nor any other section of the Revised Code 293
exempts, or shall be construed to exempt, candidates who are 294

participating in the public campaign financing system from 295
complying with any otherwise applicable election or campaign 296
finance law or rule. 297

(B) The public campaign financing system established pursuant 298
to this chapter initially shall be available to candidates for the 299
offices of chief justice and justice of the supreme court for 300
elections to be held in the year 2014 and shall be available to 301
candidates for those offices in all subsequent elections. 302

(C) If the balance in the Ohio public financing fund exceeds 303
six million dollars following a year in which one or more 304
candidates for the office of chief justice or justice of the 305
supreme court have received public financing under this chapter, 306
the secretary of state, by rule, shall extend the public financing 307
system to candidates for the office of judge of a court of 308
appeals. In prescribing rules under this division, the secretary 309
of state may adjust the amounts of qualifying contributions a 310
candidate is required to receive, the value of contributions that 311
a candidate may accept to establish the candidate's campaign and 312
fund any applicable primary election, and any other similar number 313
or value as the secretary of state deems appropriate, so that the 314
public financing system for judges for a court of appeals operates 315
in a substantially similar manner to the operation of the public 316
financing system for candidates for the office of chief justice 317
and justice of the supreme court. 318

Sec. 3525.03. (A) There is hereby created in the state 319
treasury the Ohio public financing program fund to finance the 320
election campaigns of candidates for the office of chief justice 321
and justice of the supreme court, who are certified public 322
financing program candidates, and to pay administrative and 323
enforcement costs incurred by the secretary of state related to 324
the administration of the Ohio public financing program. Any 325

<u>interest generated by the fund shall be credited to the fund.</u>	326
<u>(B) All of the following moneys shall be deposited into the Ohio public financing program fund:</u>	327
<u>(1) Qualifying contributions that are required to be submitted to the secretary of state under section 3525.05 of the Revised Code;</u>	328
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<u>(1) Qualifying contributions that are required to be submitted to the secretary of state under section 3525.05 of the Revised Code;</u>	331
<u>(2) Any moneys a candidate receives pursuant to section 3525.04 of the Revised Code for campaign origination and primary election purposes that remain unspent after the primary election;</u>	332
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<u>(3) Moneys distributed from the fund to a certified candidate that remain unspent after the conclusion of the general election at which the candidate is seeking election;</u>	335
<u>(3) Moneys distributed from the fund to a certified candidate that remain unspent after the conclusion of the general election at which the candidate is seeking election;</u>	336
<u>(3) Moneys distributed from the fund to a certified candidate that remain unspent after the conclusion of the general election at which the candidate is seeking election;</u>	337
<u>(4) Moneys distributed from the fund to a certified candidate who withdraws as a candidate or whose certification is revoked under section 3525.09 of the Revised Code;</u>	338
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<u>(5) All moneys received as a result of individuals exercising the designation option on their state income tax returns provided for in division (B) of section 5747.081 of the Revised Code;</u>	341
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<u>(6) Fines imposed by the secretary of state under section 3525.99 of the Revised Code and moneys required to be returned to the fund under that section.</u>	344
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<u>(C) If the secretary of state determines that the fund will not have sufficient moneys to cover the likely demand for moneys from the Ohio public financing fund in an upcoming election, by the first day of January the secretary of state shall provide a report of the secretary's projections of the balances in the fund to the governor, the speaker of the house of representatives, the president of the senate, and the chief justice of the supreme court.</u>	347
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<u>Sec. 3525.04. (A) A participating candidate shall file a</u>	355

declaration of intent to seek certification as a public financing 356
program candidate and otherwise comply with the requirements of 357
this chapter. Except as otherwise provided by rule of the 358
secretary of state under section 3525.10 of the Revised Code, a 359
participating candidate shall file the declaration of intent with 360
the secretary of state prior to or during the qualifying period 361
for the election in which the candidate is seeking to become a 362
certified candidate, and within five days of collecting any 363
qualifying contributions under this chapter. The declaration of 364
intent shall be filed on a form and in accordance with procedures 365
developed by the secretary of state. 366

(B) After becoming a candidate, but prior to certification as 367
a certified candidate, a participating candidate may accept 368
contributions only in accordance with this section and section 369
3525.05 of the Revised Code. 370

(C)(1) A participating candidate may accept contributions 371
aggregating not more than one hundred thousand dollars for the 372
purpose of originating the candidate's campaign and funding the 373
candidate's primary election campaign, if any. Contributions 374
accepted under this division are subject to any applicable limits 375
established under section 3517.102 of the Revised Code or 376
established by the supreme court pursuant to its authority under 377
Article IV, Section 5 of the Ohio Constitution. 378

A participating candidate shall limit the candidate's 379
expenditures for the purpose of originating the candidate's 380
campaign and funding the candidate's primary election to the 381
amount of contributions received under this division. 382

(2) In addition to the statements required to be filed under 383
Chapter 3517. of the Revised Code, a participating candidate or a 384
certified candidate shall file a statement, not later than seven 385
days after the primary election, identifying the amount of 386
contributions that the candidate's campaign committee received 387

under division (C)(1) of this section and the amount of those 388
contributions that remain unspent as of the day of the primary 389
election. The campaign committee of a participating candidate or 390
certified candidate shall pay any amounts remaining unspent as of 391
the day of the primary election into the Ohio public financing 392
program fund established under section 3525.03 of the Revised Code 393
not later than the seventh day after the day of the primary 394
election. 395

Sec. 3525.05. (A)(1) In order to qualify for certification as 396
a public financing candidate, a participating candidate shall 397
obtain five hundred qualifying contributions during the qualifying 398
period. 399

No payment, gift, or anything of value shall be given in 400
exchange for a qualifying contribution. 401

(2) A candidate may pay the fee for a money order that is a 402
qualifying contribution in the amount of five dollars as long as 403
the contributor making the qualifying contribution pays the five 404
dollar amount reflected on the money order. Any money order fees 405
paid by a participating candidate shall be paid for with 406
contributions received pursuant to section 3525.04 of the Revised 407
Code and reported in accordance with rules adopted by the 408
secretary of state. A money order shall be signed by the 409
contributor to be a valid qualifying contribution. The secretary 410
of state may establish, by rule, a procedure for qualifying 411
contributions to be made by a credit or debit transaction and by 412
electronic funds transfer over the internet. Records containing 413
information provided by contributions who have made qualifying 414
contributions over the internet are confidential, except for the 415
following information: 416

(a) The name and residential address of the individual making 417
the contribution; 418

<u>(b) The date of the contribution;</u>	419
<u>(c) The name and office sought of the candidate in whose support the contribution was made.</u>	420 421
<u>(3) No participating candidate or agent of a participating candidate shall misrepresent the purpose of soliciting qualifying contributions and obtaining the contributor's signed acknowledgment.</u>	422 423 424 425
<u>(B) Participating candidates shall submit all qualifying contributions received, along with their associated acknowledgment forms, to the secretary of state during the qualifying period. The secretary of state shall develop procedures for the submission of qualifying contributions and required information under this division.</u>	426 427 428 429 430 431
<u>(C) After receiving all of the qualifying contributions from a participating candidate under division (B) of this section, the secretary of state shall determine whether the candidate has done all of the following:</u>	432 433 434 435
<u>(1) Signed and filed a declaration of intent under section 3525.04 of the Revised Code;</u>	436 437
<u>(2) Submitted the appropriate number of valid qualifying contributions;</u>	438 439
<u>(3) Qualified as a candidate for the office for which the person is seeking election;</u>	440 441
<u>(4) Not accepted contributions other than contributions for originating the candidate's campaign and funding the candidate's primary election under section 3525.04 of the Revised Code and qualifying contributions;</u>	442 443 444 445
<u>(5) Not been found to have made a material false statement in a report or other document submitted to the secretary of state under this chapter;</u>	446 447 448

(6) Not had prior requests for certification denied on the basis of substantial violations of this chapter or Chapter 3517. of the Revised Code or had a prior certification revoked under section 3525.09 of the Revised Code; 449
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(7) Not failed to pay any fine assessed by the secretary of state under this chapter, except that a candidate has three business days from the date of the request for certification to pay any outstanding fines and remain eligible for certification; 453
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(8) Otherwise complied with the requirements for participation in the Ohio public financing program. 457
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(D) Except as otherwise provided in this division, if the secretary of state determines that the participating candidate has complied with divisions (C)(1) to (8) of this section, the secretary of state shall certify the candidate as a public financing program candidate as soon as possible, and in no event later than three days after the candidate's final submission of qualifying contributions and required information. The secretary of state may take additional time to certify a participating candidate if further investigation is necessary to verify compliance with divisions (C)(1) to (8) of this section, as long as the secretary of state notifies the candidate regarding the anticipated schedule for the conclusion of the investigation. 459
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(E)(1) After a candidate has been certified by the secretary of state under division (D) of this section, the candidate shall limit the candidate's general election campaign expenditures to the moneys distributed to the candidate from the Ohio public financing program fund and shall not accept any other contributions for that election unless authorized by the secretary of state. Certified candidates may also accept and spend interest earned on fund moneys that have been distributed to the candidate and kept in campaign accounts. All moneys distributed to certified candidates from the fund shall only be used for campaign-related 471
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purposes. No candidate, campaign committee, campaign treasurer, or 481
agent of a candidate or campaign committee shall use moneys 482
distributed to a candidate from the fund for any purpose other 483
than campaign-related purposes. The secretary of state shall 484
prepare and publish guidelines specifying what expenditures 485
constitute permissible campaign-related expenditures. 486

(2) No certified candidate shall serve as a treasurer or 487
deputy treasurer for that candidate's campaign. 488

As used in this division, "treasurer" means a campaign 489
treasurer appointed under division (D) of section 3517.10 of the 490
Revised Code, and "deputy treasurer" means a deputy campaign 491
treasurer permitted to be appointed under division (A) of section 492
3517.081 of the Revised Code. 493

(3) No candidate and no person who later becomes a candidate, 494
who is seeking certification as a clean election program 495
candidate, and no agent of such a candidate or person shall assist 496
another person in qualifying as a candidate for the same office, 497
if such a candidacy would result in the distribution of moneys 498
from the fund under section 3525.06 of the Revised Code for 499
certified candidates in a contested election. 500

(4) A candidate shall not make expenditures using moneys 501
distributed from the fund to pay the candidate or a sole 502
proprietorship of the candidate for campaign-related services. 503

(5) A candidate shall not make expenditures using moneys 504
distributed from the fund to pay a member of the candidate's 505
immediate family or household, or a business, corporation, or 506
nonprofit entity in which the candidate or a member of the 507
candidate's immediate family or household holds a significant 508
proprietary or financial interest, unless the candidate submits 509
evidence according to procedures established by the secretary of 510
state that the expenditure will be made: 511

(a) For a legitimate campaign-related purpose; 512

(b) To an individual or business that provides goods or 513
services being purchased in the normal course of the person's 514
occupation or business operation; 515

(c) In an amount that is reasonable, taking into 516
consideration current market value and other factors that the 517
secretary of state may choose to consider. 518

Division (E)(5) of this section shall not prohibit 519
reimbursement to a member of the candidate's household when made 520
in accordance with this chapter and rules adopted by the secretary 521
of state. 522

(F) No certified candidate shall fail to comply with any of 523
the requirements of this chapter after certification and 524
throughout the primary and general election periods. 525

Sec. 3525.06. (A)(1) Within three days after a certified 526
candidate files the statement required under division (C)(2) of 527
section 3525.04 of the Revised Code and the campaign committee of 528
that candidate pays any remaining campaign origination and primary 529
election moneys into the Ohio public financing program fund under 530
that division, the secretary of state shall distribute to the 531
certified candidate moneys from the Ohio public financing program 532
fund. 533

(2) The secretary of state shall adopt rules under Chapter 534
119. of the Revised Code specifying the manner in which moneys 535
shall be distributed under this section. Those rules shall include 536
provisions to ensure that the moneys are distributed in an 537
expeditious manner, using a method that ensures accountability and 538
safeguards the integrity of the fund. 539

(3) The candidate or the candidate's campaign committee 540
authorized under Chapter 3517. of the Revised Code shall deposit 541

all moneys received from the fund in a campaign account maintained 542
in a bank or other financial institution. The campaign funds shall 543
be segregated from, and shall not be commingled with, any other 544
funds. 545

(B)(1) Not later than July 1, 2013, and at least every four 546
years after that date, the secretary of state shall determine the 547
amount of moneys that is to be distributed to certified 548
candidates. The amount of moneys to be distributed shall be the 549
average amount of campaign expenditures made by each candidate's 550
campaign committee during all general election races for the 551
immediately preceding two general elections for the respective 552
office, as determined by combining the expenditures reported on 553
the pregeneral and postgeneral statements of contributions and 554
expenditures filed by campaign committees of candidates for the 555
respective office under section 3517.10 of the Revised Code. 556

(2) If, in the opinion of the secretary of state, the 557
immediately preceding two election cycles do not contain 558
sufficient electoral data to make the calculations required under 559
division (B)(1) of this section, the secretary of state shall use 560
information from the most recent applicable elections. 561

(3) If the public financing program is extended to candidates 562
for the office of judge of a court of appeals pursuant to division 563
(C) of section 3525.02 of the Revised Code, the amount to be 564
distributed to a certified candidate for the office of judge of a 565
court of appeals shall be one hundred thousand dollars. 566

(C) The secretary of state shall not distribute moneys to 567
certified candidates in excess of the total amount of money 568
credited to the fund under division (B) of section 3525.03 of the 569
Revised Code. Notwithstanding any provision of this chapter to the 570
contrary, if the secretary of state determines that the fund is 571
insufficient to fulfill the required distributions under division 572
(A) of this section, the secretary of state may permit, in 573

accordance with rules adopted by the secretary of state, certified 574
candidates to receive and expend contributions, subject to 575
contribution limits applicable under section 3517.102 of the 576
Revised Code or established by the supreme court pursuant to its 577
authority under Article IV, Section 5 of the Ohio Constitution, up 578
to the applicable limit for distribution under division (B) of 579
this section. 580

Sec. 3525.07. (A) Notwithstanding any provision of the 581
Revised Code to the contrary, participating candidates and 582
certified candidates shall report any contributions received, 583
expenditures made, and obligations and related activities to the 584
secretary of state in accordance with procedures the secretary of 585
state shall develop. In developing the reporting procedures, the 586
secretary of state shall utilize the existing campaign finance 587
reporting requirements of Chapter 3517. of the Revised Code 588
whenever practicable. The secretary of state shall ensure timely 589
public access to campaign finance data reported under this section 590
and may use electronic means of reporting and storing information. 591

(B) If a certified candidate pays moneys received from the 592
Ohio public financing program fund to a member of the candidate's 593
immediate family or household or a business or nonprofit entity 594
affiliated with a member of the candidate's immediate family or 595
household, the candidate shall disclose the family or household 596
relationship in the manner prescribed by the secretary of state. 597

(C) The treasurer of a campaign committee of a participating 598
candidate or a certified candidate shall obtain and keep all of 599
the following: 600

(1) Bank or other account statements for the campaign account 601
covering the duration of the campaign; 602

(2) A vendor invoice stating the particular goods or services 603
purchased for every expenditure of fifty dollars or more; 604

(3) A record proving that a vendor received payment for every expenditure of fifty dollars or more in the form of a canceled check, cash receipt from the vendor, or a bank or credit card statement identifying the vendor as the payee. 605
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The treasurer shall preserve the records for two years following the candidate's final campaign finance report under Chapter 3517. of the Revised Code for the applicable election period. The candidate and treasurer shall submit photocopies of the records to the secretary of state upon request. 609
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(D) The secretary of state shall audit the campaigns of the candidates who receive funds under this chapter to verify compliance with election and campaign laws and rules. Within one month of declaring an intention to qualify for public financing, a candidate for the office of chief justice or justice of the supreme court, the treasurer of the candidate's campaign committee, and any other relevant campaign staff shall meet with the staff of the office of the secretary of state to discuss audit standards, expenditure guidelines, and recordkeeping requirements. 614
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Sec. 3525.08. Upon the filing of a final report under section 3525.07 of the Revised Code for the general election for which the candidate received public financing program funds, the campaign committee of a certified candidate shall return all unspent distributed moneys to the secretary of state for deposit into the Ohio public financing program fund. 623
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Sec. 3525.09. (A) The certification of a certified candidate may be revoked at any time if the secretary of state determines that the candidate or an agent of the candidate did any of the following: 629
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(1) Failed to submit the required number of valid qualifying contributions; 633
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(2) Failed to qualify as a candidate for the office for which 635
the person is seeking election; 636

(3) Submitted any fraudulent qualifying contributions or 637
qualifying contributions that were not made by the named 638
contributor; 639

(4) Misrepresented to a contributor the purpose of the 640
qualifying contribution or the purpose of obtaining the 641
contributor's signature on the receipt and acknowledgement form; 642

(5) Except as otherwise provided in section 3525.04 of the 643
Revised Code, knowingly accepted any contributions, including any 644
in-kind contributions, or used funds other than Ohio public 645
financing program fund moneys distributed under this chapter, to 646
make campaign-related expenditures without the permission of the 647
secretary of state; 648

(6) Knowingly made a false statement or material 649
misrepresentation in any report or other document required to be 650
filed under this chapter or Chapter 3517. of the Revised Code; 651

(7) Otherwise substantially violated the provisions of this 652
chapter or Chapter 3517. of the Revised Code. 653

(B) A candidate whose certification may be revoked shall be 654
provided with the opportunity for a hearing on the potential 655
revocation. A candidate whose certification is revoked shall 656
return all unspent funds to the secretary of state within three 657
days after the secretary of state's decision and may be required 658
to return all funds distributed to the candidate. In addition to 659
the requirement to return funds, the candidate may be required to 660
pay a fine under section 3525.99 of the Revised Code. The 661
candidate may appeal the secretary of state's decision to revoke 662
certification under division (C)(3) of this section. 663

(C) A candidate who has been denied certification as a public 664
financing program candidate, the opponent of a candidate who has 665

been granted that certification, or any other interested person 666
may challenge the secretary of state's decision denying or 667
granting the certification as follows: 668

(1) A challenger may appeal to the secretary of state within 669
seven days after the certification decision. The appeal shall be 670
in writing and set forth the reasons for the appeal. 671

(2) Except as otherwise provided in this division, within 672
five days after an appeal is properly made and after the secretary 673
of state provides notice to the challenger and any opponents of 674
that challenger, the secretary of state shall hold a hearing on 675
the appeal. The secretary of state may extend the five-day period 676
upon agreement of the challenger and the candidate whose 677
certification is the subject of the appeal or in response to the 678
request of either party upon a showing of good cause. The 679
challenger has the burden of proving that the secretary of state's 680
decision denying or granting certification was in error as a 681
matter of law or was based on factual error. The secretary of 682
state shall rule on the appeal within five business days after the 683
hearing. 684

(3)(a) Within five days after the secretary of state rules on 685
an appeal under division (C)(2) of this section, a challenger may 686
appeal that ruling by commencing an action in the court of common 687
pleas of Franklin county. The court shall conduct a hearing on the 688
appeal within ten days after the date of the secretary of state's 689
ruling under division (C)(2) of this section and shall issue a 690
written decision containing findings of fact and conclusions of 691
law within twenty days after the date of the secretary of state's 692
ruling. Upon timely application, any person may intervene in the 693
appeal if the applicant claims an interest relating to the 694
certification decision, unless the applicant's interest is 695
adequately represented by existing parties to the appeal. 696

(b) Any aggrieved party may appeal the decision of the court 697

of common pleas by filing a notice of appeal within three days 698
after the court renders its decision under division (C)(3)(a) of 699
this section. The record on appeal shall be transmitted to the 700
court of appeals within three days after the notice of appeal is 701
filed. After the filing of the notice of appeal, the parties shall 702
file their briefs and appendices with the clerk of the court of 703
appeals within four days. As soon as the record and briefs have 704
been so filed, the court of appeals shall consider the case. The 705
court of appeals shall issue its decision within fourteen days 706
after the date of the decision of the court of common pleas. 707

(4) If the secretary of state, a court of common pleas, or a 708
court of appeals determines that an appeal was made under this 709
section frivolously or for the purpose of causing delay or 710
hardship, the secretary of state or court may order the challenger 711
to pay the costs incurred by the secretary of state, opposing 712
parties, or the court in relation to the appeal. 713

(D) A candidate whose certification as a public financing 714
program candidate is revoked on an appeal under this section shall 715
return to the secretary of state any unspent moneys the secretary 716
of state distributed to that candidate under division (A) of 717
section 3525.06 of the Revised Code. Those moneys shall be 718
deposited into the Ohio public financing program fund. 719

Sec. 3525.10. The secretary of state shall adopt rules under 720
Chapter 119. of the Revised Code to ensure the effective 721
administration of this chapter. Those rules shall include, but are 722
not limited to, procedures for all of the following: 723

(A) Obtaining qualifying contributions; 724

(B) Certification as a public financing program candidate; 725

(C) The operation of the Ohio public financing program as it 726
applies to ballot vacancies, candidate withdrawals, and 727

<u>replacement candidates;</u>	728
<u>(D) The operation of the Ohio public financing program as it applies to special elections and recounts;</u>	729 730
<u>(E) Collection of moneys for the fund;</u>	731
<u>(F) Distribution of moneys to certified candidates;</u>	732
<u>(G) Return of unspent distributions to the fund;</u>	733
<u>(H) Disposition of equipment purchased with moneys distributed from the fund;</u>	734 735
<u>(I) Compliance with the Ohio public financing program.</u>	736
 <u>Sec. 3525.11. Not later than January 31, 2015, and every year after that date, the secretary of state shall prepare and submit to the governor, the speaker of the house of representatives, the president of the senate, and the chief justice of the supreme court a report documenting, evaluating, and making recommendations relating to the administration, implementation, and enforcement of the Ohio public financing program and the Ohio public financing program fund.</u>	737 738 739 740 741 742 743 744
 <u>Sec. 3525.99. (A) If the secretary of state finds that a violation of any provision of this chapter has occurred, the secretary of state shall impose a fine upon the violator in accordance with division (B) of this section. In determining whether a candidate has violated the expenditure limits of this chapter, the secretary of state may consider as a mitigating factor any circumstances out of the candidate's control. In addition to any fine, for good cause shown, the secretary of state may require a candidate, treasurer, consultant, or other agent of the candidate or campaign committee found to be in violation of this chapter or the secretary of state's rules to return to the secretary of state all moneys distributed to that candidate under</u>	745 746 747 748 749 750 751 752 753 754 755 756

division (A) of section 3525.06 of the Revised Code for deposit 757
into the Ohio public financing program fund. 758

(B)(1) A participating candidate who accepts contributions or 759
makes expenditures in violation of division (C)(1) of section 760
3525.04 of the Revised Code shall be fined an amount equal to 761
three times the amount accepted or expended in violation of that 762
division and shall be ineligible for certification as a public 763
financing program candidate under section 3525.05 of the Revised 764
Code. 765

(2) A certified candidate who accepts contributions or makes 766
expenditures in violation of division (E)(1) of section 3525.05 of 767
the Revised Code shall be fined an amount equal to three times the 768
amount accepted or expended in violation of that division and 769
shall return to the secretary of state all moneys distributed to 770
the candidate under division (A) of section 3525.06 of the Revised 771
Code for deposit into the Ohio public financing program fund. 772

(3) Whoever violates any other provision of this chapter 773
shall be fined an amount not to exceed ten thousand dollars. 774

(C) Fines imposed under this section shall be paid into the 775
Ohio public financing program fund. 776

~~**Sec. 5747.081.** An individual whose state income tax liability~~ 777
~~for a tax year is one dollar or more may designate that one dollar~~ 778
~~be paid into the Ohio political party fund to be divided among~~ 779
~~qualifying political parties. If a husband and wife who file a~~ 780
~~joint tax return have a tax liability of two dollars or more, each~~ 781
~~spouse may designate that one dollar be paid into the fund. The~~ 782
(A) An individual taxpayer whose net tax liability under this 783
chapter for the taxable year for which the return is filed is one 784
dollar or more, or two dollars or more in the case of a joint 785
return, may designate on the return that one dollar, or one or two 786
dollars in the case of a joint return, be paid into the Ohio 787

political party fund created in section 3517.16 of the Revised Code. 788
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(B) An individual taxpayer whose net liability under this chapter for the taxable year for which the return is filed is fifty dollars or more may designate that fifty dollars be paid into the Ohio public financing program fund created in section 3525.03 of the Revised Code. If two individuals file a joint return and their net tax liability is one hundred dollars or more, each individual may designate that fifty dollars be paid into the fund. This division does not apply to an individual who claims a credit under section 5747.29 of the Revised Code for the taxable year for which the return is filed. 790
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(C) The tax commissioner shall provide, on the face of the individual income tax return form, a place where a taxpayer may make the ~~designation~~ designations authorized in this section. The tax commissioner shall include language informing the taxpayer of the purpose of ~~the~~ each designation and indicating that a designation will not increase or decrease the taxpayer's tax liability. 800
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Section 2. That existing sections 3501.05, 3517.16, and 5747.081 of the Revised Code are hereby repealed. 807
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