

**As Introduced**

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

**S. B. No. 33**

**Senator Tavares**

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**A B I L L**

To amend section 3517.21 of the Revised Code to 1  
prohibit the use of a sample ballot as campaign 2  
materials if the ballot would mislead voters into 3  
believing a candidate has received a party 4  
endorsement. 5

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

**Section 1.** That section 3517.21 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 3517.21.** (A) No person, during the course of any 8  
campaign for nomination or election to public office or office of 9  
a political party, shall knowingly and with intent to affect the 10  
outcome of such campaign do any of the following: 11

(1) Serve, or place another person to serve, as an agent or 12  
employee in the election campaign organization of a candidate for 13  
the purpose of acting to impede the conduct of the candidate's 14  
campaign for nomination or election or of reporting information to 15  
the employee's employer or the agent's principal without the 16  
knowledge of the candidate or the candidate's organization; 17

(2) Promise, offer, or give any valuable thing or valuable 18  
benefit to any person who is employed by or is an agent of a 19  
candidate or a candidate's election campaign organization for the 20

purpose of influencing the employee or agent with respect to the 21  
improper discharge of the employee's or agent's campaign duties or 22  
to obtain information about the candidate or the candidate's 23  
campaign organization. 24

(B) No person, during the course of any campaign for 25  
nomination or election to public office or office of a political 26  
party, by means of campaign materials, including sample ballots, 27  
an advertisement on radio or television or in a newspaper or 28  
periodical, a public speech, press release, or otherwise, shall 29  
knowingly and with intent to affect the outcome of such campaign 30  
do any of the following: 31

(1) Use the title of an office not currently held by a 32  
candidate in a manner that implies that the candidate does 33  
currently hold that office or use the term "re-elect" when the 34  
candidate has never been elected at a primary, general, or special 35  
election to the office for which he or she is a candidate; 36

(2) Make a false statement concerning the formal schooling or 37  
training completed or attempted by a candidate; a degree, diploma, 38  
certificate, scholarship, grant, award, prize, or honor received, 39  
earned, or held by a candidate; or the period of time during which 40  
a candidate attended any school, college, community technical 41  
school, or institution; 42

(3) Make a false statement concerning the professional, 43  
occupational, or vocational licenses held by a candidate, or 44  
concerning any position the candidate held for which the candidate 45  
received a salary or wages; 46

(4) Make a false statement that a candidate or public 47  
official has been indicted or convicted of a theft offense, 48  
extortion, or other crime involving financial corruption or moral 49  
turpitude; 50

(5) Make a statement that a candidate has been indicted for 51

any crime or has been the subject of a finding by the Ohio  
elections commission without disclosing the outcome of any legal  
proceedings resulting from the indictment or finding;

(6) Make a false statement that a candidate or official has a  
record of treatment or confinement for mental disorder;

(7) Make a false statement that a candidate or official has  
been subjected to military discipline for criminal misconduct or  
dishonorably discharged from the armed services;

(8) Falsely identify the source of a statement, issue  
statements under the name of another person without authorization,  
or falsely state the endorsement of or opposition to a candidate  
by a person or publication;

(9) Use print advertising, including a sample ballot, that is  
intended to mislead voters into believing that the candidate named  
in the advertising has received the endorsement of a political  
party. Print advertising that uses the same lettering, format,  
colors, logo, and language as an official ballot or a sample  
ballot issued by a political party shall be considered to be  
intended to mislead voters into believing that the candidate has  
received the endorsement of a political party, regardless of  
whether the term "unofficial" appears on the advertising.

(10) Make a false statement concerning the voting record of a  
candidate or public official;

~~(10)~~(11) Post, publish, circulate, distribute, or otherwise  
disseminate a false statement concerning a candidate, either  
knowing the same to be false or with reckless disregard of whether  
it was false or not, if the statement is designed to promote the  
election, nomination, or defeat of the candidate.

As used in this section, "voting record" means the recorded  
"yes" or "no" vote on a bill, ordinance, resolution, motion,  
amendment, or confirmation.

(C) Before a prosecution may commence under this section, a 83  
complaint shall be filed with the Ohio elections commission under 84  
section 3517.153 of the Revised Code. After the complaint is 85  
filed, the commission shall proceed in accordance with sections 86  
3517.154 to 3517.157 of the Revised Code. 87

**Section 2.** That existing section 3517.21 of the Revised Code 88  
is hereby repealed. 89