



Ohio Legislative Service Commission

Bill Analysis

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H.B. 315

129th General Assembly
(As Introduced)

Reps. Baker and Sears, R. Adams, Blair, Derickson, Gonzales, Grossman, C. Hagan, Henne, Huffman, Landis, Stebelton, Thompson

BILL SUMMARY

- Increases the penalties for making a false statement in campaign materials related to nomination or election for a statewide office or office of a member of the General Assembly, or in regard to any campaign for or against a ballot question or issue when additional publications of the statement occurred after the Ohio Elections Commission found probably cause that the statement constitutes a violation.
 - Requires a person who continues to make a false statement in campaign materials related to nomination or election for a statewide office or office of a member of the General Assembly, or in regard to any campaign for or against a ballot question or issue after a finding of probable cause, to pay the reasonable attorney's fees of the person who filed the complaint.
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CONTENT AND OPERATION

False campaign statements

Background

Continuing law prohibits any person from knowingly making several specific types of false statements during the course of a campaign for nomination or election to an elective office or a campaign for or against a ballot question or issue, with the intention of affecting the outcome of the campaign. Some of the actions prohibited under this provision include:

- Making statements that are misleading as to a candidate's current office or title;

- Making false statements about a candidate's training, educational achievements, or dates of educational attendance;
- Making false statements about a candidate's employment or professional, occupational, or vocational licenses;
- Making false statements that a candidate or public official has been indicted or convicted of a theft offense, extortion, or any other crime involving financial corruption or moral turpitude;
- Making statements that falsely identify the source of a statement; and
- Disseminating a false statement, either knowing that it is false or having reckless disregard of whether it is false, if the statement is designed to promote the election, nomination, or defeat of a candidate, or the adoption or defeat of any ballot proposition or issue.¹

Penalties and attorney's fees for additional publications after a probable cause finding

The bill increases the maximum penalty for making a false campaign statement 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 any campaign for or against a ballot issue or question when the violator makes one or more additional publications of the false statement after a panel of the Ohio Elections Commission has found probable cause to believe the statement constitutes a violation. Under the bill, the maximum penalty for such a violation is imprisonment for six months and a fine of \$100,000. A violator who is fined or referred for criminal prosecution also must pay the reasonable attorney's fees of the person who filed the complaint.

Under existing law, the maximum penalty for making a false campaign statement is imprisonment for six months and a fine of \$5,000. The current statute does not provide for an increased penalty for a violator who makes additional publications of the false statement after a panel of the Ohio Elections Commission has found probable cause to believe the statement constitutes a violation. Current law also does not require the violator to pay the attorney's fees of the person who filed the complaint.²

¹ R.C. 3517.21(B) (not in the bill) and 3517.22(B) (not in the bill).

² R.C. 3517.155(B)(2) and 3517.992(V).

HISTORY

ACTION

DATE

Introduced

09-07-11

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