



Ohio Legislative Service Commission

Bill Analysis

Daniel M. DeSantis

H.B. 451

129th General Assembly
(As Introduced)

Reps. Pillich, Sykes, Antonio, Ashford, Barnes, Boyd, Budish, Carney, Celebrezze, Celeste, Cera, Clyde, Driehaus, Fedor, Foley, Garland, Gerberry, Goyal, R. Hagan, Heard, Letson, Luckie, Lundy, Mallory, Murray, O'Brien, Okey, Patmon, Phillips, Ramos, Reece, Slesnick, Stinziano, Szollosi, Weddington, Williams, Winburn, Yuko

BILL SUMMARY

- Expands the offices over which the Inspector General has oversight.
- Prohibits partisan political activity by the Inspector General and by employees of the office of the Inspector General.
- Changes the process for appointing the Inspector General.
- Changes the process for removing an Inspector General from office prior to the expiration of the Inspector General's term.

CONTENT AND OPERATION

Expansion of the Inspector General's authority

The bill expands the Inspector General's oversight, with respect to state agencies and state officers, to include a person elected or appointed to the office of Secretary of State, Auditor of State, Treasurer of State, or Attorney General.¹ Also, under the bill, officers and employees of "JobsOhio," the nonprofit corporation formed to promote economic development, job creation, job retention, job training, and the recruitment of

¹ R.C. 121.41(D) and (F).

business, will be considered state employees under the oversight of the Inspector General.²

Prohibition on partisan activity

The bill prohibits the Inspector General and all employees of the Inspector General from doing any of the following:³

- Directly or indirectly, orally or by letter, soliciting or receiving, or being in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office;
- Soliciting directly or indirectly, orally or by letter, or being in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state;
- Being an officer in any political organization or taking part in politics other than to vote as the Inspector General pleases and to express freely political opinions.

The political activities prohibited above include, but are not limited to, all of the following:

- (1) Candidacy for public office in a partisan election;
- (2) Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
- (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
- (5) Service in an elected or appointed office in any partisan political organization;

² R.C. 121.41(D), (E), and (H).

³ R.C. 121.48 and 121.49(B).

(6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;

(7) Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;

(8) Solicitation, either directly or indirectly, of any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate;

(9) Solicitation of the sale, or actual sale, of political party tickets;

(10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;

(11) Service as an election observer for any party or partisan committee;

(12) Participation in political caucuses of a partisan nature;

(13) Participation in a political action committee that supports partisan activity;⁴

(14) Attending any partisan fundraising event;

(15) Participating in any campaign activity, such as preparing mailings; and

(16) Making contributions to a partisan candidate.

Appointing process

The bill changes the method for appointing the Inspector General and the length of the Inspector General's term. Under the bill, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate, by majority vote, must appoint the Inspector General for a six-year term. Current law requires the Governor to make the appointment, with the advice and consent of the Senate, for a four-year term that coincides with the term of the appointing Governor.⁵

Removal from office

The bill authorizes the four legislative leaders named above, by vote, to remove the Inspector General from office prior to the expiration of the Inspector General's term

⁴ Employees in the competitive classified service of the state are currently prohibited from participating in the first 13 listed activities (R.C. 124.57 and O.A.C. 123:1-46-02).

⁵ R.C. 121.48.

of office. The Inspector General may be removed for gross neglect, misconduct, or dereliction of duty. Before voting to remove the Inspector General from office, the legislative leaders must deliver a written notice to the Inspector General of the reasons for which they intend to vote on the removal, and must provide the Inspector General with an opportunity to appear and show cause as to why he or she should not be removed. Under current law, the Governor may remove the Inspector General from office. The Governor may do so for any reason, but must give the Inspector General notice and an opportunity to appear and show cause why the removal should not occur.⁶

HISTORY

ACTION	DATE
Introduced	02-14-12

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⁶ R.C. 121.48.

