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Bill Analysis
Legislative Service Commission

H.B. 156

123rd General Assembly
(As Introduced)

Reps. Jacobson, Jordan, Buchy, Cates, Corbin, Damschroder, Flannery, Ford, Grendell, Haines, Krebs, Logan, Pringle, Sykes

BILL SUMMARY

- Prohibits elected officers of a political subdivision, candidates for an elective office of a political subdivision, the campaign committee of such an officer or candidate, and other persons and entities on behalf of such officers, candidates, or campaign committees from soliciting or accepting contributions from certain employees of the political subdivision.

CONTENT AND OPERATION

Current law

Prohibited solicitations and acceptances of contributions

The Elections Law prohibits a *state elected officer*, the campaign committee of such an officer, or any other person or entity from knowingly *soliciting* or *accepting* a contribution on behalf of that officer or that officer's campaign committee (1) from a *state employee* whose appointing authority is the officer or is authorized or required by law to be appointed by the officer, or (2) from a state employee who functions in or is employed in or by the same public agency, department, division, or office as the officer. For purposes of these provisions, "state elective office" means any of the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, member of the State Board of Education, member of the General Assembly, and Justice and Chief Justice of the Supreme Court; "state elected officer" means any person appointed or elected to a state elective office; "appointing authority" means the officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution; and "contribution" includes a contribution to any political party, campaign committee, political action committee, political contributing entity, or legislative campaign fund. (Sec. 3517.092(A)(1), (2), (3), and (6) and (B).)

Current law also imposes a prohibition similar to that described in the preceding paragraph on a candidate for state elective office, the campaign committee of such a candidate, and other persons and entities on behalf of such a candidate or campaign committee (sec. 3517.092(C)).

Finally, current law imposes similar prohibitions on a *county elected officer*, a candidate for county elective office, the campaign committee of such an officer or candidate, and other persons and entities on behalf of such an officer, candidate, or campaign committee in regard to *soliciting* a contribution from a *county employee*. The prohibitions against *accepting* a contribution from an employee do not apply to county officeholders, candidates, etc. "County elective office" means any of the offices of county auditor, county treasurer, clerk of the court of common pleas, sheriff, county recorder, county engineer, county commissioner, prosecuting attorney, and coroner. "County elected officer" means any person appointed or elected to a county elective office. (Sec. 3517.092(A)(4) and (5), (D), and (E).)

Penalties

Whoever *solicits* a contribution in violation of these prohibitions is guilty of a misdemeanor of the first degree (sec. 3517.992(M)(1)). Any state elected officer or candidate for state elective office, campaign committee of such an officer or candidate, or any other person or entity on behalf of such an officer, candidate, or campaign committee who *knowingly accepts* a contribution in violation of the relevant prohibitions must be fined an amount equal to three times the amount accepted in violation of the prohibitions and must return to the contributor any amount so accepted. Any state elected officer or candidate for state elective office, campaign committee of such an officer or candidate, or any other person or entity on behalf of such an officer, candidate, or campaign committee who *unknowingly accepts* a contribution in violation of the relevant prohibitions must return to the contributor any amount so accepted. (Sec. 3517.992(M)(2).)

Changes proposed by the bill

The bill (1) replaces the "solicitation" prohibitions that currently apply to a county elected officer, a candidate for county elective office, the campaign committee of such an officer or candidate, and other persons and entities on behalf of such an officer, candidate, or campaign committee with prohibitions that apply to an *elected officer of any political subdivision* of this state, a candidate for an elective office of any political subdivision, the campaign committee of such an officer or candidate, and other persons and entities on behalf of such an officer, candidate, or campaign committee, and (2) prohibits the local officeholders, candidates for local office, their campaign committees, and associated other

persons and entities from *accepting* a contribution from a political subdivision employee, as described in the following paragraph. (Sec. 3517.092(D) and (E).)

The bill prohibits an elected officer of any political subdivision of this state, the officer's campaign committee, any candidate for an elective office of any political subdivision of this state, the candidate's campaign committee, or any other person or entity from knowingly soliciting or accepting a contribution on behalf of that officer, candidate, or campaign committee from any of the following (sec. 3517.092(D) and (E)):

(1) An employee at the time of the solicitation whose appointing authority is the elected officer or, in the case of a candidate, whose appointing authority will be the candidate, if elected;

(2) An employee whose appointing authority is authorized or required by law to be appointed by the elected officer or, in the case of a candidate, whose appointing authority is required by law to be appointed by the candidate, if elected;

(3) An employee who functions in or is employed in or by the same public agency, department, division, or office as the elected officer or, in the case of a candidate, who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.

The bill defines "elected officer of any political subdivision of this state" as any person appointed or elected to an elective office of any political subdivision of this state; the term does not include any judge of a political subdivision of this state (sec. 3517.092(A)(4)).

The bill extends the penalties for *accepting* a contribution that may not be solicited (see "*Penalties*," above) to whoever knowingly or unknowingly accepts such a contribution on behalf of an elected officer of a political subdivision, a candidate for an elective office of a political subdivision, or their campaign committees (sec. 3517.992(M)(2)).

HISTORY

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