Updated Version

Bill Analysis

Wendy H. Gridley *Legislative Service Commission*

Am. H.B. 495

123rd General Assembly
(As Passed by the House)

Reps. Terwilleger, Evans, Willamowski, Allen, Mead

BILL SUMMARY

- Requires the Legislative Service Commission to direct by rule how the insertion of new matter and omission of old matter is to be indicated in bills.
- Eliminates references to 20th century dates found in various statutory forms to permit their accurate use in the year 2000 and thereafter.
- Continues provisions of law pertaining to the use of personal funds for a campaign for statewide office or office of member of the General Assembly and pertaining to what funds a campaign committee may "carry into" an election that were enacted by Am. Sub. S.B. 116 of the 122nd General Assembly by declaring an emergency and repealing future versions of the law that were scheduled to take effect January 1, 2000.
- Declares an emergency.

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CONTENT AND OPERATION

Format for insertion of new matter and omission of old matter in bills

Current law requires that the form of bills introduced in the General Assembly be that new matter is indicated by capitalization, old matter is omitted by striking through the matter, and prior capitalization in Revised Code sections is indicated by italicized type. Under Am. H.B. 495, the Legislative Service Commission (LSC), by rule adopted under section 111.15 of the Revised Code (a statute that does not require public hearings on rules adopted under it), must direct how new matter is indicated and old matter is omitted in bills. Am. H.B. 495 also removes the requirement that prior capitalization in Revised Code sections be indicated by italicized type. (Sec. 101.53.)

Am. H.B. 495 specifies that bills prepared for the 123rd General Assembly must continue to be prepared as directed by Joint Rule 14 of the 123rd General Assembly (see below), notwithstanding the change described in the immediately preceding paragraph and any rules LSC adopts to implement the change (Section 3). Am. H.B. 495 also requires LSC first to direct how insertion of new matter and omission of old matter is to be indicated with respect to bills prepared for the 124th General Assembly and provides that Joint Rule 14 does not apply to the preparation of bills for the 124th General Assembly insofar as it is incompatible with the change made by Am. H.B. 495 or any rule LSC adopts to implement the change (Section 4).

Joint Rule 14 generally establishes standards for the form of bills and requires that (1) new matter be capitalized, (2) existing matter that is to be eliminated be stricken through by a horizontal line, and (3) when a word appears in capital letters in an existing Revised Code section that is being amended, these capital letters must be italicized in the bill to retain the capitalization.

Elimination of references to 20th century dates in statutory forms

Am. H.B. 495 amends a number of Revised Code sections to remove references to 20th century dates (such as "19__") in forms whose substance is described in those sections. The following table lists each of the Revised Code sections amended and briefly describes the statutory form contained in that section:

REVISED CODE SECTION	FORM DESCRIBED IN THE SECTION
§ 153.571	Form of bid guaranty bond

REVISED CODE SECTION	FORM DESCRIBED IN THE SECTION
§ 317.113	Certificate of English translation to accompany deed or other written instrument in other language
§ 317.24(B)	Record of U.S. Armed Forces member's discharge: form for expungement of that record or of the member's separation program number from that record
§ 981.02	Notice of trade-mark of timber dealers
§ 1311.56(C)	Affidavit for perfection of agricultural product lien
§ 2715.041(A)	Form for notice to defendant of a proceeding for an order of attachment of property
§ 2737.05(A)	Notice to respondent and request for hearing form relating to an order to recover possession of personal property (replevin proceeding)
§ 2935.17(A) and (B)	Affidavit and complaint forms (criminal actions)
§ 2935.18	Contents of warrant or summons (criminal actions)
§ 2935.19	Form of affidavit (criminal actions)
§ 2941.06	Form of indictment (criminal actions)
§ 3113.215(E) and (F)	Worksheet for calculation of amount of child support obligation
§ 3501.31	Precinct election official's statement
§ 3509.04	Statement of absentee voter
§ 3513.07	Form of declaration of candidacy; petition of candidate
§ 3513.261	Form of nominating petition and statement of candidacy
§ 3769.04	Petition accompanying certain applications for horse racing permits
§ 4561.25(A)	Notice of insurance coverage in connection with rental agreements for aircraft
§ 4703.10	Certificate of qualification to practice architecture
§ 5309.15	Application to register title to land

REVISED CODE SECTION	FORM DESCRIBED IN THE SECTION
§ 5721.15(B) and (C)	Forms for foreclosure of liens and forfeiture of property proceedings related to delinquent taxes
§ 5721.181(B) and (C)	Forms for in rem foreclosure of liens proceedings related to delinquent taxes
§ 5721.191(A)	Form for advertisement of sale under judgment of foreclosure related to delinquent taxes
§ 5901.29	Funeral director's contract to provide burial for veteran
§ 5907.08	Affidavit to be filed when resident of Ohio Veterans' Home becomes insane
§ 5919.10	Enlistment contract and oath of enlistment of Ohio National Guard member
§ 5920.08	Enlistment contract and oath of enlistment of Ohio military reserve member
§ 5921.05	Enlistment contract and oath of enlistment of Ohio naval militia member
§ 6101.84(A), (B), (C), (D), (E), (F), (G), and (H)	Suggested forms for establishment and use of conservancy district
§ 6115.79(A), (B), (C), (D), (E), and (F)	Suggested forms for establishment and use of sanitary district

Continuation of provisions of Am. Sub. S.B. 116 of the 122nd General Assembly

Am. Sub. S.B. 116 of the 122nd General Assembly enacted several provisions of law, effective until January 1, 2000, pertaining to the use of personal funds in a campaign for statewide office or office of member of the General Assembly and pertaining to "carry-in" contribution limits. After January 1, 2000, those provisions of Am. Sub. S.B. 116 were no longer to apply. (But see **COMMENT**.)

The bill amends the versions of most sections of that law that were to be effective until January 1, 2000, repeals a portion of Am. Sub. S.B. 116 (its Section 7), and declares an emergency, in order to continue the requirements pertaining to the use of personal funds and the "carry-in" contribution limits and to continue other provisions relevant to those matters. The bill correspondingly outright repeals the versions of law that were scheduled to take effect January 1, 2000, and

that did not contain the requirements and other provisions the bill proposes to continue. (Secs. 3517.10(M), 3517.102(H), 3517.103(G), 3517.154(C), 3517.155(F), and 3517.992(W); Sections 5, 6, and 7 of the bill.)

Use of personal funds for a campaign for statewide office or office of member of the General Assembly

Am. Sub. S.B. 116 enacted requirements described below, effective until January 1, 2000, pertaining to the use of personal funds for these campaigns. The bill provides for the continuation of the provisions of Am. Sub. S.B. 116 that:

Prohibit a statewide candidate or candidate for the office of member of the General Assembly from making an expenditure of personal funds exceeding $500 during an election period to influence the results of an election for that candidate's nomination or election to office unless the personal funds are first deposited into the campaign fund of that candidate's campaign committee (sec. 3517.103(B)(1) and (2)).

Specify that, after the candidate's campaign committee reimburses the candidate for any direct expenditure of personal funds, the amount that was reimbursed is no longer included in the aggregate total of expenditures of personal funds subject to the $500 limit (sec. 3517.103(B)(2)).

Change the time within which the campaign committee of a statewide candidate or candidate for the office of member of the General Assembly must file a personal funds notice (a notice that the committee has received or expended or expects to expend personal funds exceeding the amounts specified in law) from not later than 60 days before the primary or general election, whichever is applicable, to not later than the earlier of the following times: (1) 120 days before the primary or general election, whichever is applicable, or (2) two business days after the candidate's campaign committee receives or makes an expenditure of personal funds or the candidate makes an expenditure of personal funds on behalf of the candidate's campaign committee during the election period that exceed, in the aggregate, the amounts specified in law (sec. 3517.103(C)(3)).

Prohibit a campaign committee of a candidate to which contribution limitations no longer apply (because the committee of that candidate's opponent has filed a personal funds notice) from accepting any contribution or contributions from a contributor that exceed the contribution limitations in law until the committee files a declaration that the committee will accept contributions that exceed those limitations (sec. 3517.103(D)(2)).

Specify that a campaign committee described in the preceding paragraph must file the declaration of no limits within 30 days after the committee's

candidate's opponent has filed a personal funds notice in order for contribution limitations to no longer apply to that campaign committee (sec. 3517.103(D)(2)).

Require the declaration of no limits to list (1) the amount of cash on hand in the candidate's campaign fund at the end of the day immediately preceding the day on which the candidate's campaign committee files the declaration of no limits and (2) the value and description of all campaign assets worth $500 or more available to the candidate at the end of the day immediately preceding the day on which the candidate's campaign committee files the declaration of no limits (sec. 3517.103(D)(2)(a) and (b)).

Allow a candidate who was not an opponent of a candidate who filed a personal funds notice on the date the personal funds notice was filed to file the declaration of no limits within 30 days after becoming an opponent of the candidate who filed the personal funds notice (sec. 3517.103(D)(3)).

Require a committee that is required to file a declaration of no limits that accepts, before filing that declaration, a contribution or contributions that exceed the contribution limitations to return that contribution or those contributions to the contributor (sec. 3517.992(W)).

Provide that, if the candidate whose campaign committee filed a personal funds notice fails to file a declaration of candidacy for the office listed on the committee's designation of treasurer or files a declaration of candidacy or nominating petition for that office and dies or withdraws, both of the following apply to the campaign committee of that candidate's opponent if the opponent has filed a declaration of no limits: (1) no contribution from a contributor may thereafter be accepted that, when added to the aggregate total of all contributions received by that committee from that contributor during the primary election period or general election period, whichever is applicable, would cause that committee to exceed the contribution limitations for that election period, and (2) the statement of primary-day finances or the year-end statement required to be filed by Am. Sub. S.B. 116 must be filed not later than 14 days after the date the candidate's opponent fails to file a declaration of candidacy or nominating petition by the appropriate filing deadline, or dies or withdraws (sec. 3517.103(D)(4)).

Prohibit a campaign committee from accepting any contribution in excess of the contribution limitations prescribed by law unless a declaration of no limits has been filed or if the committee violates the provisions described in the preceding paragraph once the candidate who filed a personal funds notice fails to file a declaration of candidacy or nominating petition or that candidate dies or withdraws (sec. 3517.103(E)(2)).

Specify that, whenever a campaign committee files a personal funds notice, or whenever the contribution limitations no longer apply to the opponent candidate's campaign committee, neither such committee is a "designated state campaign committee" for the purpose of imposing contribution limitations with regard to contributions made by that campaign committee to a legislative campaign fund or to a state candidate fund of a state or county political party (sec. 3517.103(F)(1)).

Specify that either of the committees described in the preceding paragraph is a "designated state campaign committee" for the purpose of imposing contribution limitations after both of the following occur: (1) the primary or general election period during which the contribution limitations did not apply after being removed has expired, and (2) the campaign committee has disposed of all excess funds and excess aggregate contributions (sec. 3517.103(F)(2)).

Specify that, for purposes of the Campaign Finance Reporting Law, a candidate is an "opponent" when the candidate has indicated on the candidate's most recently filed designation of treasurer that the candidate seeks the same office at the same primary or general election as another candidate whose campaign committee has filed a personal funds notice (sec. 3517.103(A)(4)).

"Carry-in" contribution limits

Am. Sub. S.B. 116 enacted requirements described below, effective until January 1, 2000, pertaining to "carry-in" contribution limits. The bill provides for the continuation of the provisions of Am. Sub. S.B. 116 that:

Require the campaign committee of any candidate that has filed a declaration of no limits and to which the contribution limitations under law no longer apply during a primary election period to dispose of any excess funds not later than 14 days after the primary election (sec. 3517.1010(B)(1)).

Provide that, in the case of a disposal of excess funds (that is, funds in excess of "permitted" funds) under the circumstance described in the preceding paragraph, "permitted funds" means the sum of the primary carry-in amount and the product of both of the following: (1) the sum of the campaign committee's net cash on hand and the campaign committee's total reported campaign assets on the day of the primary election less the carry-in amount, and (2) the ratio of the sum of the allowable aggregate contributions of each contributor to the sum of all contributions received during the period extending from the first day on which the contribution limitations no longer apply to the campaign committee through the end of the primary election period (the "primary carry-in amount" is the sum of the campaign committee's cash on hand and reported campaign assets as reported on the campaign committee's declaration of no limits) (sec. 3517.1010(A)(4)(a)).

Provide that, for purposes of the provisions described in the preceding paragraph, the allowable aggregate contribution of each contributor is calculated as if the limitations on contributions in law were in effect (sec. 3517.1010(A)(4)(a)).

Require the campaign committee of any candidate to which the contribution limitations no longer apply during a general election period (because that opponent candidate's committee has filed a personal funds notice) to dispose of any excess funds not later than December 31 after the general election (sec. 3517.1010(B)(5)).

Provide that, in the case of a disposal of excess funds under the circumstance described in the preceding paragraph, "permitted funds" means the product of both of the following: (1) the sum of the cash on hand and reported campaign assets at the end of December 31 immediately following the general election and (2) the ratio of the sum of the allowable aggregate contributions of each contributor and the general carry-in amount to the sum of all contributions received during the general election period and the general carry-in amount (sec. 3517.1010(A)(4)(b)).

Provide that, for purposes of the provisions described in the preceding paragraph, the "general carry-in amount" is the sum of the campaign committee's reported campaign assets and net cash on hand as of the day of the primary election, after the committee has disposed of excess funds, if required; and provide that, for purpose of the same provisions, when a candidate has filed a declaration of no limits, the allowable aggregate contribution calculated for each contributor is calculated as if the limitations on contributions prescribed in law were in effect (sec. 3517.1010(A)(4)(b)).

Require the campaign committee of any candidate that has expended personal funds in excess of the amount specified under law to dispose of any excess funds not later than 14 days after the primary election or December 31 after a general election, whichever is applicable, or to choose to retain leftover personal funds; and provide that, for the purposes of these provisions, the allowable aggregate contribution of each contributor, including one or more contributions from the candidate and from the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage, is calculated for that contributor as if the contribution limitations prescribed in law were in effect (sec. 3517.1010(B)(4)).

Require that the calculation of excess funds that must be disposed of by a campaign committee described in the preceding paragraph must be made in the same manner that a campaign committee to which the limitations no longer apply must dispose of excess funds (sec. 3517.1010(B)(4)).

Require that the amount of excess aggregate contributions required to be disposed of by a campaign committee of a candidate whose contribution limitations have been reimposed (because the candidate's opponent whose campaign committee filed a personal funds notice failed to file a declaration of candidacy, or died or withdrew) is limited to no more than the sum of (1) the difference between the sum of the cash on hand and reported campaign assets on the date of the declaration of candidacy filing deadline, date of death, or date of withdrawal, whichever is applicable, less the sum of the cash on hand and reported campaign assets reported on the campaign committee's declaration of no limits and (2) the sum of the aggregate excess contributions of all contributors made from the beginning of the primary election period to the day before the contribution limitations became inapplicable (sec. 3517.1010(B)(6)).

Require any campaign committee that is required to dispose of excess funds or excess aggregate contributions to dispose of the excess amount or amounts by doing any of the following: (1) giving the amount to the Treasurer of State for deposit into the state treasury to the credit of the Ohio Elections Commission Fund, (2) giving the amount to individuals who made contributions to that campaign committee as a refund of all or part of their contributions, or (3) giving the amount to a corporation that is exempt from federal income taxation under specified sections of the Internal Revenue Code (secs. 3517.109(C) and 3517.1010(C)).

Prohibit any candidate who knowingly fails to dispose of excess funds or excess aggregate contributions, except a candidate whose campaign committee has been given a letter of substantial compliance (see the paragraph after next), from appearing on the ballot, even if the candidate has been certified to appear on the ballot (sec. 3517.1010(D)(1)).

Require the Ohio Elections Commission to give complaints about candidates who fail to dispose of excess funds as described in the preceding paragraph an automatic expedited hearing, and allow the Commission to direct the Secretary of State or appropriate board of elections with the authority to certify a candidate to the ballot to remove a candidate's name from the ballot if the candidate is barred from the ballot as described in the preceding paragraph (sec. 3517.154(A)(2)(a) and 3517.155(A)(1)(d)).

Require the Secretary of State, after initially examining and reviewing any declaration of primary-day finances and declaration of year-end finances and making a determination that a campaign committee has substantially complied with Am. Sub. S.B. 116's requirements to dispose of funds, to promptly issue the candidate's campaign committee a letter certifying the committee's substantial compliance (sec. 3517.1010(D)(2)).

Provide that the campaign committee of a candidate for statewide office has not substantially complied with Am. Sub. S.B. 116's disposal requirements if, upon initial review of a declaration of primary-day finances or a declaration of year-end finances, it is discovered that the candidate's campaign committee has failed to dispose of excess funds or excess aggregate contributions totaling in the aggregate more than $10,000 (sec. 3517.1010(D)(3)).

Provide that the campaign committee of a candidate for member of the General Assembly has not substantially complied with Am. Sub. S.B. 116's disposal requirements if, upon initial review of a declaration of primary-day finances or year-end finances, it is discovered that the candidate's campaign committee has failed to dispose of excess funds or excess aggregate contributions totaling in the aggregate more than $2,500 (sec. 3517.1010(D)(4)).

Provide that any campaign committee that has received a letter indicating substantial compliance must, within 30 days after receiving the letter, fully comply with Am. Sub. S.B. 116's disposal requirements (sec. 3517.1010(D)(5)).

Additional filing requirements and other changes

Am. Sub. S.B. 116 enacted additional filing requirements and other changes described below, effective until January 1, 2000. The bill provides for the continuation of the provisions of Am. Sub. S.B. 116 that:

Require a campaign committee that files a personal funds notice or a declaration of no limits to file a declaration of primary-day finances not later than 14 days after the day of the primary election in the case of a primary election period, or a declaration of year-end finances not later than the last business day of January of the next calendar year immediately after the general election in the case of a general election period, and specify the information that each declaration must include (sec. 3517.1010(E) and (F)).

Require a campaign committee that has filed a notice that it has expended or expects to expend personal funds in excess of the amount specified under law to do either of the following at the end of the primary election period: (1) return that portion of personal funds left over at the end of the primary election period that are excess funds, or (2) retain personal funds left over at the end of the primary election period and file a statement with the Secretary of State declaring that the committee will retain those personal funds and indicating the amount of those funds that would be characterized as excess funds (sec. 3517.1010(B)(2)).

Require that, if the committee chooses to retain personal funds as described in the preceding paragraph, both of the following apply: (1) the amount characterized as excess funds is considered to be an expenditure of personal funds

for the purpose of determining whether the amount of personal funds the campaign committee has received during an election period exceeds the amounts specified under law and (2) the campaign committee is not a designated state campaign committee for the purpose of making contributions to a legislative campaign fund or to the state candidate fund of a state or county political party (sec. 3517.1010(B)(3)).

Specify circumstances under which certain campaign committees are not required to dispose of excess funds or excess aggregate contributions (sec. 3517.1010(G)).

Specify circumstances under which a campaign committee is not required to file a declaration of filing-day finances under law (sec. 3517.109(G)).

Require the campaign committee of a statewide candidate that files a notice that the committee has received, expended, or expects to expend personal funds in excess of the amount specified under law and the campaign committee of a statewide candidate to which, because that notice was filed, the contribution limitations no longer apply to file an additional monthly statement of contributions received during the primary election period in the year of the primary election in which the candidate seeks nomination to office, beginning with contributions received after the last business day in the committee's last previously filed statement, if any, through March 15; require that this statement be filed not later than three business days after March 15; and require that contributions reported in this statement also be included in the campaign committee's preprimary election statement required to be filed under law (sec. 3517.10(A)).

Specify that, during the period beginning on the 19th day before a primary election in which a candidate for statewide office seeks nomination to office and extending through the day of that primary election, each time either of two kinds of committees--(a) the campaign committee of a statewide candidate in that primary election that files a notice that the committee has received, expended, or expects to expend personal funds in excess of the amounts specified under law or (b) the campaign committee of a statewide candidate in that primary election to which, because such a notice was filed, the contribution limitations no longer apply--receives a contribution from a contributor that causes the aggregate amount of contributions received from that contributor during that period to exceed $2,500, the campaign committee must file a two-business-day statement reflecting that contribution; and require that contributions reported on a two-business-day statement also be included in the postprimary election statement required to be filed by that committee under law (sec. 3517.10(A)).

COMMENT

All of the provisions included in the bill pertaining to the Campaign Finance Law were enacted this session by Am. Sub. H.B. 119, effective December 22, 1999, and therefore are unnecessary. A technical amendment to remove these provisions from Am. H.B. 495 may be appropriate.

HISTORY

ACTION	DATE	JOURNAL ENTRY	
Introduced	11-04-99	p.	1329
Reported, H. State Gov't	11-16-99	p.	1369
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