



Lynda J. Jacobsen

Bill Analysis
Legislative Service Commission

H.B. 446

125th General Assembly
(As Introduced)

Reps. Webster, Allen, Brown, Carano, Collier, Combs, Flowers, Husted, Kearns, Otterman, S. Patton, Schaffer, Schmidt, Seitz, Setzer, S. Smith, Strahorn, Wagner

BILL SUMMARY

- Permits candidates for statewide office and candidates for the office of member of the General Assembly to file their campaign finance statements by paper, on computer disk, or by electronic means of transmission.

CONTENT AND OPERATION

Existing law

Existing law generally requires various political entities, including campaign committees of statewide candidates and of candidates for the office of member of the General Assembly, to file their required campaign finance statements by electronic means of transmission to the Secretary of State's office. Those campaign committees and the other specified political entities may file those statements by paper (with the Secretary of State's office or a board of elections, as applicable) or by electronic means of transmission to the Secretary of State's office when they receive contributions or (except in the case of campaign committees of candidates for the office of member of the General Assembly) make expenditures of \$10,000 or less during the applicable reporting period. (Secs. 3517.10, 3517.106, and 3517.11.) Until March 1, 2004, campaign committees of candidates for the office of member of the General Assembly were permitted to file those statements by paper, subject to a graduated fee based on the amount of contributions received, or on computer disk, with the appropriate board of elections, or by electronic means of transmission to the Secretary of State's office (sec. 3517.106(F)).

Existing law also requires campaign committees of the candidates mentioned above to file certain campaign finance statements, such as a two-

business-day statement, or corrections to prior campaign finance statements by electronic means of transmission to the Secretary of State's office if the campaign committee is required to file other campaign finance statements by electronic means of transmission (secs. 3517.10, 3517.106, and 3517.11).

Changes proposed by the bill

The bill permits the campaign committee of any candidate for statewide office or of any candidate for the office of member of the General Assembly to file required campaign finance statements by paper, on computer disk, or by electronic means of transmission, regardless of the amount of contributions received or expenditures made by the campaign committee. The bill also eliminates the requirement that two-business-day statements or corrections to previously filed campaign finance statements be filed electronically if the campaign committee was required to file other statements by electronic means of transmission. Under the bill, an addendum, amendment, or other correction to a previously filed statement, or an amended statement, could be filed by a campaign committee mentioned above by paper, on computer disk, or by electronic means of transmission. (Secs. 3517.10(A) and (C)(6)(b), 3517.106(E)(1) and (F), and 3517.11(A) and (B)(3)(a).)

Because the bill eliminates the general requirements that those campaign committees file their campaign finance statements by electronic means of transmission, it also removes campaign committees from the list of entities who have an affirmative defense if they fail to meet electronic filing requirements due to a failure of the electronic filing system. Since electronic filing is no longer mandatory under the bill for those campaign committees under any circumstances, they will not be subject to penalty, and, thus, will not require an affirmative defense, for failing to file in that manner. (Sec. 3517.106(K).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-30-04	p. 1746

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