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Bill Analysis
Legislative Service Commission

H.B. 464

126th General Assembly
(As Introduced)

Rep. Redfern

BILL SUMMARY

- Prohibits a person from being appointed or accepting appointment to any public college or university board of trustees if the person has made certain candidate, campaign, or political party contributions during the previous 12 months.
- Prohibits a member of a board of trustees of a public college or university from making certain candidate, campaign, or political party contributions while a member of the board and for 12 months thereafter.
- Establishes various penalties for violation of the prohibitions.

CONTENT AND OPERATION

Background

Current law provides for the appointment of a separate board of trustees for the government of state universities, community college districts, university branch districts, technical college districts, and state community college districts.¹ The law provides requirements governing appointments, including the requirement for the appointment of student members for state university boards of trustees. Appointments may be made to fill vacancies should they arise.

Ohio's election law also establishes a number of prohibitions applicable to candidates, election campaigns, and political parties that address contributions,

¹ A state university means Ohio State University, Ohio University, Miami University, Bowling Green State University, Kent State University, Central State University, Cleveland State University, Wright State University, Youngstown State University, the University of Akron, the University of Toledo, the University of Cincinnati, and Shawnee State University.

expenditures, and other things of value given in relation to a candidate, campaign, or party. Various penalties are imposed for the violation of those prohibitions.

Prohibition against certain campaign contributions by trustees

(R.C. 3517.13)

The bill prohibits each member of each board of trustees of any state university, community college district, university branch district, technical college district, or state community college district from making a contribution or contributions, during the member's term of appointment and for 12 months immediately after the completion of the member's service on the board, to any of the following:

- (1) The campaign committee of a holder of, or candidate for, a statewide office;
- (2) The campaign committee of a member, or a candidate for the office of member, of the General Assembly; or
- (3) A state or county political party.²

² *"Campaign committee" means an entity, which can be a candidate or a combination of two or more persons, that is authorized by a candidate to receive contributions and make expenditures and that is legally liable for any debts, contracts, or expenditures incurred or executed in its name.*

"Candidate" means any qualified person certified for placement on the official ballot of a primary, general, or special election in Ohio, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election in Ohio. "Candidate" also includes any person who, at any time before or after an election, receives contributions or makes expenditures or other use of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose of bringing about the person's nomination or election to public office. When two persons jointly seek the offices of governor and lieutenant governor, "candidate" means the pair of candidates jointly.

"Contribution" means a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election. With certain exceptions provided in the Revised

The prohibition does not apply to any student member of the board of trustees of a state university.

Prohibition against a person accepting appointment as a trustee if the person has made certain campaign contributions

(R.C. 3517.13)

The bill prohibits a person from accepting appointment as a member of a board of trustees of any state university, community college district, university branch district, technical college district, or state community college district if that person has, during the 12 months immediately preceding the appointment, made a contribution or contributions to any of the campaigns or parties described in (1) to (3) above. This prohibition does not apply to student members of a state university's board of trustees.

Prohibition against appointment of persons as trustees who have made certain campaign contributions

(R.C. 3335.02, 3337.01, 3339.01, 3341.02, 3343.02, 3344.01, 3352.01, 3354.05, 3355.04, 3356.01, 3357.05, 3358.03, 3359.01, 3360.01, 3361.01, and 3362.01)

The bill prohibits the appointment of a person as a trustee if that person has, during the 12 months immediately preceding the appointment, made a contribution or contributions to any of the campaigns or parties described in (1) to (3) above. This prohibition does not apply to student members of a state university's board of trustees.

Code, any loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or of anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, and the payment by any campaign committee, political action committee, legislative campaign fund, political party, political contributing entity, or person other than the person to whom the services are rendered for the personal services of another person that is made, received, or used by a state or county political party is considered to be a "contribution."

"Statewide office" means any of the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, Attorney General, and Member of the State Board of Education, and the Chief Justice and Justices of the Supreme Court.



Penalties for violating the prohibitions

(R.C. 3335.02, 3337.01, 3339.01, 3341.02, 3343.02, 3344.01, 3352.01, 3354.05, 3355.04, 3356.01, 3357.05, 3358.03, 3359.01, 3360.01, 3361.01, 3362.01, and 3517.992)

The bill provides that if a person violates the election law prohibitions described above that prohibit campaign contributions by a trustee or acceptance of an appointment as a trustee if such a contribution is made, that person will be fined \$5,000. Additionally, if a trustee makes such a contribution while serving in office, that office will be deemed vacant.

HISTORY

ACTION	DATE
Introduced	01-03-06

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