



# Ohio Legislative Service Commission

## Bill Analysis

Andrea Holmes

### Sub. H.B. 326

129th General Assembly  
(As Reported by H. Criminal Justice)

**Reps.** McClain and Hill, Huffman, Grossman, C. Hagan, Martin, Thompson, Stebelton, Derickson, J. Adams, R. Adams, Blair, Ruhl, Sears, Young, Dovilla, Hayes, Maag, Combs, Carney, Winburn, Garland, Pillich, Bupp, Conditt, Weddington, Slaby

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## BILL SUMMARY

- Prohibits any person from knowingly using public funds to publish, distribute, or otherwise communicate information that supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official or the passage of a levy or bond issue, or to compensate any employee of a political subdivision for time spent on any activity to influence the outcome of an election for any of the previously listed purposes.
- Provides an exception to the prohibition described in the preceding dot point for a board of alcohol, drug addiction, and mental health services when it recruits and promotes local financial support for mental health programs or for alcohol and drug addiction programs from public and private sources.
- Provides that a violation of the prohibition described in the second preceding dot point is a first degree misdemeanor.

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## CONTENT AND OPERATION

### Operation of the bill

#### Prohibition

The bill prohibits any person other than a board of alcohol, drug addiction, and mental health services under specified circumstances (see "**Board of alcohol, drug addiction, and mental health services exception**," below) from knowingly using public funds to do either of the following:

(1) Publish, distribute, or otherwise communicate information that supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue;

(2) Compensate any employee of a political subdivision for time spent on any activity to influence the outcome of an election for any of the previously listed purposes.<sup>1</sup>

The bill provides that the prohibition in paragraph (2) above does not prohibit the use of public funds to compensate an employee of a political subdivision for attending a public meeting to present information about the political subdivision's finances, activities, and governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting.<sup>2</sup>

A violation of the prohibition created by the bill is a first degree misdemeanor.<sup>3</sup>

### **Board of alcohol, drug addiction, and mental health services exception**

The bill provides an exception to the prohibition created by the bill for a board of alcohol, drug addiction, and mental health services when the board recruits and promotes local support for mental health programs or for alcohol and drug addiction programs from public and private sources. This exception is the same as the exception to the existing prohibition against governing bodies of political subdivisions using public funds to publish, distribute, or otherwise communicate information that supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue or to compensate any employee of a political subdivision for time spent on any activity to influence the outcome of an election for any of the previously listed purposes (see "**Background – governing body of a political subdivision – prohibited acts,**" below).<sup>4</sup>

### **Background – governing body of a political subdivision – prohibited acts**

Existing law, unchanged by the bill, prohibits a governing body of a political subdivision from using public funds to publish, distribute, or otherwise communicate

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<sup>1</sup> R.C. 9.03(D)(1) and (2).

<sup>2</sup> R.C. 9.03(D)(2).

<sup>3</sup> R.C. 3599.40.

<sup>4</sup> R.C. 9.03(C) and (D).

information that supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue.<sup>5</sup> Additionally, existing law prohibits a governing body of a political subdivision from using public funds to compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes listed in the preceding sentence. However, the use of public funds to compensate an employee of a political subdivision for attending a public meeting to present information about the political subdivision's finances, activities, and governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting, is not prohibited.<sup>6</sup> This prohibition does not apply to a board of alcohol, drug addiction, and mental health services when it recruits and promotes local support for mental health programs or for alcohol and drug addiction programs from public and private sources.

"Political subdivision" is defined as any body corporate and politic, except a municipal corporation that has adopted a charter under Section 7 of Article XVIII, Ohio Constitution, and except a county that has adopted a charter under Sections 3 and 4 of Article X, Ohio Constitution, which is responsible for governmental activities only in a geographic area smaller than the state and is subject to the sovereign immunity of the state.

Existing law does not provide a penalty for a governing body of a political subdivision that violates the prohibitions described in the preceding paragraph.

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## HISTORY

ACTION	DATE
Introduced	09-20-11
Reported, H. Criminal Justice	09-29-11

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<sup>5</sup> R.C. 9.03(C)(1)(e).

<sup>6</sup> R.C. 9.03(C)(2).

