
Chapter 3 Benefits, Privileges, and Restrictions of Office

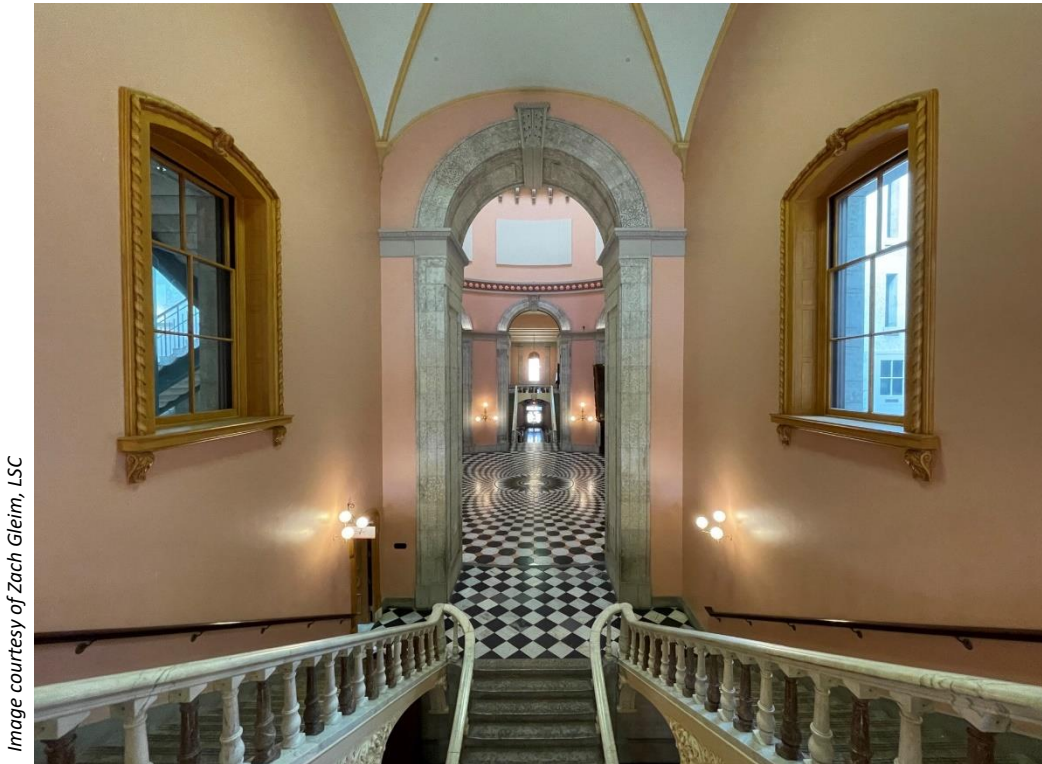


Image courtesy of Zach Gleim, LSC

View of Rotunda from Grand Stair Hall

What Members Can Expect Following Election

Members-elect should expect to be very busy during the weeks following the November election. Even before the next session of the General Assembly officially begins in January, newly elected legislators may be invited to attend pre-session caucus meetings and orientation sessions. In January, the General Assembly formally organizes for business by electing officers, adopting procedural rules, and appointing committees. Members also are occupied with organizing their own offices during this time.

Members-Elect: Rights and Privileges

Following the November elections in each even-numbered year, the Secretary of State certifies the election results and verifies that each new member was duly elected by the voters of his or her district. By mid-December, each verified newly elected member receives a certificate of election from the county board of elections in preparation for the January swearing-in ceremonies held in Columbus at the Statehouse.

The law permits a member-elect to establish a transition fund and to accept donations to that fund to defray costs incurred for transition activities and inaugural celebrations. A transition fund may be used to pay costs incurred for office expenses; salaries for transition personnel;

consulting fees; and food, beverages, and entertainment at an inaugural celebration. If a member-elect establishes a transition fund, the member-elect must designate a treasurer for the fund, and the treasurer must file with the Secretary of State itemized statements describing each donation and disbursement. A transition fund must be liquidated and abolished within a specified period after its formation.

To assist new members, the Legislative Service Commission (LSC), the research and bill drafting agency of the General Assembly, will accept research and bill drafting requests from members-elect any time after the November elections. However, newly elected members' requests for research and bill drafts, and responses to those requests, are not entitled to the statutory confidentiality provided for communications between installed members of the General Assembly and LSC staff. For information on confidentiality, see [Chapter 9](#).

No other formal rights or privileges are granted to new members of the General Assembly until after the swearing-in ceremonies. Offices, committees, and staff are not assigned until the new General Assembly convenes in January.

Orientation Meetings

Under the direction of the LSC chairperson and vice-chairperson, LSC staff coordinate and host a pre-session orientation, and usually, all members are invited. Attendance, although voluntary, is encouraged, and LSC pays most of the expenses. The orientation meetings provide basic information to members and address topics ranging from process to policy. Other public agencies and private groups also may offer activities and seminars designed to help newly elected members learn more about a particular group or issue and to enable interest groups to meet new members. In addition, the four political party caucuses sometimes have informal workshops or seminars on issues and the operation of a legislative office.

Rights and Immunities of Elected Members

Members receive additional privileges once they have taken the oath of office. To ensure that members of the General Assembly are free to perform their tasks without undue influence or harassment, the Ohio Constitution, state laws, court decisions, and the rules of each house grant legislators certain legislative rights and immunities.

Immunity from Arrest

The Ohio Constitution grants members of the General Assembly immunity from arrest during session and while going to and returning from session, except in cases of treason, felony, and breach of the peace. However, the courts have interpreted "breach of the peace" to include all criminal offenses, so the immunity actually applies only to rare cases of civil arrest. The Constitution also says that members "shall not be questioned elsewhere" for any speech or debate in either house. This means, among other things, that members are not personally liable for their legislative acts. The Revised Code places certain procedural restrictions on civil arrests against members while they are in session or traveling to or from session.

Protection from Intimidation

The criminal offense of intimidation prohibits a person, knowingly and by force or unlawful threat of harm, from attempting to influence, intimidate, or hinder a member in the discharge of the member's duty. The offense of intimidation also prohibits a person from knowingly attempting to influence, intimidate, or hinder a member in the discharge of his or her duty by filing, recording, or otherwise using a materially false or fraudulent writing with malicious purpose, in bad faith, or in a wanton or reckless manner. In addition to being guilty of a third degree felony, a person who commits this offense against a member is civilly liable to the member for harm incurred as a result of the violation and for reasonable attorney's fees, court costs, and other expenses incurred in prosecuting the civil action.

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Parliamentary Privileges

The Ohio Constitution, the Rules of the Senate, and the Rules of the House of Representatives offer legislators certain parliamentary privileges and govern the way the General Assembly conducts business. While constitutional privileges are permanent, the House and Senate adopt new rules each session and can amend those rules during a legislative session. The Rules discussed below are those of the 135th General Assembly. Copies of the House Rules and the Senate Rules are available at the Publications link on the General Assembly website: legislature.ohio.gov.

Under the Ohio Constitution, a majority of the elected members must be present to constitute a quorum to do business. However, a lesser number may adjourn from day to day and compel the attendance of absent members. Any member of either house may protest against any act or resolution of the member's house. A member's official protest and the reason for it must be entered in the *Journal* without delay or change.

The Rules of the House and Senate specify how sessions are conducted. For example, the Rules of both houses permit members, before the roll is called, to make a request to explain their votes. If the request is granted, the member's statement may not exceed two minutes.

The House and Senate Rules generally permit any member to explain a personal matter. In doing so, the member may not discuss a question or issue, and in the House, the explanation may not continue more than five minutes unless more time is granted by consent of the House.

Members in both houses may read from books or other material relevant to the question being discussed. The Rules of the two houses include additional, although not identical, parliamentary privileges such as calling for a statement of the question, a roll call, or verification of a vote.

Restrictions of Office

Although legislators are afforded certain rights and immunities by virtue of their office, they must exercise their authority as elected officials within the restrictions imposed by ethics and campaign finance laws. These laws regulate campaign finances and practices, disclosure of financial information, conflicts of interest, relationships with legislative agents, honorariums, and abuse of governmental office.

The Ohio Campaign Finance Law

The Ohio Campaign Finance Law contains detailed provisions regulating the use and disclosure of campaign contributions and expenditures. The campaign committee of a candidate for the General Assembly generally must file a campaign finance statement, in which contributions and expenditures are identified, for each of several reporting periods. Ordinarily, the statement must be filed with the Secretary of State electronically if contributions for the reporting period equal or exceed \$10,000. However, the Secretary of State must adopt rules permitting the campaign committee of a candidate for the General Assembly who receives contributions exceeding \$10,000 to file paper campaign finance statements under certain circumstances. If contributions total less than \$10,000 for the reporting period, the campaign committee may file an electronic statement with the Secretary of State or a paper statement with the board of elections of the most populous county within the district. The Campaign Finance Law applies to all candidates and their campaign committees. The boards of elections must provide each candidate with a copy of the Campaign Finance Law and any other materials that the Secretary of State requires.

Ohio law also regulates campaign practices. The law prohibits certain entities from disseminating written campaign materials or broadcasting campaign communications by means of radio or television unless the entities responsible for these materials or communications are properly identified. Generally, entities affected under this law include candidates, campaign committees, legislative campaign funds, political parties, political action committees of ten or more members, and political contributing entities of ten or more members. Other guidelines exist for political action committees of under ten members and political contributing entities of under ten members. (The United States Supreme Court has held that individuals may disseminate anonymous campaign literature.) Ohio law also prohibits certain unfair campaign activities and certain campaign activities involving misrepresentation, but federal courts have limited the prohibitions that the state may enforce.

Campaign Finance Law Note

Members should use this section of the *Guidebook* as an overview only. For detailed and up-to-date information about the campaign finance laws, members should consult the *Campaign Finance Handbook*, which is prepared by the Secretary of State and is available at the Campaign Finance link on the Ohio Secretary of State website: ohiosos.gov.

Ohio law requires that certain persons file campaign finance statements pertaining to disbursements for the direct costs of producing or airing an “electioneering communication.” Persons or entities who are not affiliated with a candidate’s campaign but who, during the periods leading up to the primary and general elections,

spend more than \$10,000 in any year on television and radio ads that clearly identify a candidate for public office must file an itemized statement of disbursements with the Secretary of State.

The Ohio Ethics Law

The Joint Legislative Ethics Committee

The Ohio Ethics Law establishes a Joint Legislative Ethics Committee (JLEC) and the Office of the Legislative Inspector General. The Office provides staff assistance to JLEC. Composed of 12 legislators, JLEC must do all of the following:

- Recommend a Legislative Code of Ethics to govern the members and employees of and candidates for the General Assembly;
- Report findings of violations of the law to the appropriate prosecuting authority; and
- Advise General Assembly members, employees, and candidates on questions relating to ethics, possible conflicts of interest, and financial disclosure.

JLEC adopts rules regarding the Ethics Law and may do all of the following:

- Recommend legislation relating to the conduct and ethics of members and employees of and candidates for the General Assembly;
- Receive or initiate, and investigate and hear, complaints alleging misconduct, breach of privilege, or violation of the Legislative Code of Ethics; and
- Recommend appropriate sanctions for violations.

Ethics Law Note

Members should use this section of the *Guidebook* as an overview only. For detailed and up-to-date information about the ethics laws, members should consult the Legislative Code of Ethics, Chapter 102 and sections 2921.42 and 2921.43 of the Revised Code, and the advisory opinions of the Joint Legislative Ethics Committee. Questions about the propriety of specific actions should be directed to the Joint Legislative Ethics Committee or the Office of the Legislative Inspector General.

At the beginning of each session, JLEC recommends a Legislative Code of Ethics to the General Assembly not later than 30 days after the first day of the session. Within ten days after its adoption, the Code is distributed to all members. Within 15 days after the commencement of a member's duties, the General Assembly gives the member a copy of the Ethics Law and any other materials JLEC prepares for distribution. Note that the Code of Ethics from the previous session remains in effect until the General Assembly adopts one specifically for the current session.

Advisory Opinions and Private Written Opinions

JLEC provides advice to members in the form of advisory opinions and private written opinions.

Both types of opinions state JLEC's position regarding the ethical appropriateness of specified actions under a set of hypothetical circumstances. Private opinions may be converted into advisory opinions upon both request and approval of the Committee. Advisory opinions are public records and provide immunity from criminal prosecutions, lawsuits, and actions for removal from office

based on activities approved by the opinion. Private written opinions are not public records and do not grant immunity. Advisory opinions and additional information about JLEC and the Office of the Legislative Inspector General are available on the JLEC website: jlec.ohio.gov.

Financial Disclosure Statements

Candidates for, and members and certain employees of, the General Assembly are required to file financial disclosure statements with JLEC. The Ethics Law requires that members disclose in these statements specified types of financial information, sources of income, and holdings. Election officials furnish financial disclosure forms to candidates for the General Assembly, and JLEC provides the financial disclosure forms to members of the General Assembly.

Conflicts of Interest

Ohio law prohibits all of the following actions associated with conflicts of interest:

- Disclosing or using confidential information without proper authorization;
- Participating in certain rate-making and licensing proceedings;
- Using or authorizing the use of the authority or influence of a member's public office to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the member with respect to the member's duties;
- Soliciting or accepting anything of value that is of such a character as to manifest a substantial and improper influence upon a member with respect to the member's duties;
- Receiving compensation other than from the General Assembly for rendering any service in a matter before the General Assembly or a state agency other than the courts;
- Selling, except through competitive bidding or under specified circumstances, any goods or services to the General Assembly or a state agency other than the courts;
- Having an unlawful interest in a public contract;
- Soliciting or accepting extra compensation to perform official duties or any other act or service in a member's public capacity;
- Soliciting or accepting anything of value in consideration for any appointment, employment, or term of employment of any person; and
- Coercing a political contribution in consideration for any appointment, employment, or term of employment of any person.

Obtaining a Joint Legislative Ethics Committee Opinion

Legislators who would like to obtain an opinion from JLEC must do the following:

1. Send a written description of the activity in question to the Office of the Legislative Inspector General or the chairperson of JLEC;
2. Specify the type of opinion requested (advisory or private written opinion).

Relationships with Lobbyists

The Revised Code refers to lobbyists who lobby members of the General Assembly as “legislative agents.” The Ethics Law places restrictions on a member’s relationship with legislative agents. Members who have certain business relationships with a legislative agent may not vote on any legislation that the legislative agent or legislative agent’s employer actively advocates. Relationships that preclude a member from voting are those in which the member is an employee; a business associate; or a person, other than an employee, who is hired under contract to perform certain services and the position involves the formulation of public policy.

A member of the General Assembly may not knowingly accept any of the following from a legislative agent:

- The payment of any expenses for travel or lodging, except in specified circumstances;
- The payment of more than \$75 per calendar year for meals and other food and beverages, other than meals and other food and beverages provided in specified circumstances. A member may avoid violating this prohibition if, within 60 days after receiving notice from a legislative agent that the member has exceeded the \$75 limit, the member returns to the legislative agent the amount received in excess of \$75; or
- A gift of anything with a value of more than \$75. The Legislative Code of Ethics more clearly limits what members may accept from a legislative agent per calendar year. The Legislative Code of Ethics specifies that a member may not knowingly accept from a legislative agent a gift of any amount in the form of cash or the equivalent of cash, or a gift or gifts of any other thing of value if the value of the gift or gifts aggregated per calendar year exceeds \$75. For the purposes of this prohibition, “gift” does not include campaign contributions or gifts of meals and other food and beverages or the payment of travel expenses incurred in connection with the member’s official duties.

Honorariums

A member of the General Assembly may not solicit or accept payment (an honorarium) made as consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. This prohibition does not apply to earned income from any person, other than from a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business so long as that business began before the member was elected or appointed to the General Assembly. A member may accept payment for travel expenses and meals in limited circumstances. A member also may accept ceremonial gifts or awards that have insignificant monetary value, unsolicited gifts of nominal value, or trivial items of informational value.

Abuse of Governmental Office

The Ohio Criminal Code prohibits a member from doing any of the following:

- Committing a theft offense by using the member’s office in aid of committing the offense, by permitting the use of the member’s office in aid of committing the offense, or when the property or service involved is owned by a government, a political party, or a campaign fund;

- Engaging in dereliction of duty by recklessly failing to perform a duty expressly imposed by law with respect to the member's office or recklessly doing any act expressly forbidden by law with respect to the member's office;
- Interfering with civil rights under color of the member's office by knowingly depriving, or conspiring or attempting to deprive, any person of a constitutional or statutory right;
- Engaging in bribery by knowingly soliciting or accepting any valuable thing or benefit to corrupt or improperly influence the member or another public servant or party official with respect to the discharge of the member's or other public servant's or party official's duty; and
- Engaging in coercion by taking, withholding, or threatening to take or withhold official action in order to coerce a person into taking or not taking an action concerning which that person has a legal freedom of choice.

Appointments and Employment

There are a number of boards and commissions on which members of the General Assembly may serve. Some of these bodies are established by statute and are permanent in nature while others are created on an ad hoc basis.

Members of the General Assembly are prohibited from accepting certain appointments and positions of employment. A member may not, during the term for which the member was elected, hold any federal, state, or local public office unless the member resigns from the General Assembly during the term. This prohibition does not extend to officers of a political party, notaries public, or officers of the Ohio organized militia or of the United States armed forces. A member also is prohibited from being appointed to an Ohio public office during the member's term of office, and for one year thereafter, if the public office was created, or the compensation of the public office was increased, during the member's term of office.

A member of the General Assembly may not knowingly accept any of the following appointments or positions of employment:

- A trustee, officer, or manager of a benevolent, educational, or correctional institution that is authorized, created, or regulated by the state and that is supported by state funds;
- A member of any committee or commission that is authorized or created by the General Assembly and that provides compensation other than actual and necessary expenses;
- Any appointment, office, or employment from any committee or commission that is authorized or created by the General Assembly and that provides compensation other than actual and necessary expenses; and
- Any appointment, office, or employment from any executive or administrative branch or department that provides compensation other than actual and necessary expenses.

Any member of the General Assembly who accepts any of these appointments or positions of employment must immediately resign from the General Assembly. The seat of any member who does not resign is deemed vacant. Before accepting a potential appointment or employment opportunity, a member may ask JLEC whether it would be appropriate to accept the position.

Because the enumerated restrictions are established by statute, they can be superseded by another statute. For example, the law permits legislator members of the Controlling Board and Joint Committee on Agency Rule Review to receive per diem compensation.

Salaries and Leave

Members are guaranteed an annual salary by statute and receive a paycheck at the beginning of each month. In 2018, the General Assembly changed the compensation for Ohio's legislators. The legislation increased the base annual salary in 2019 and 2020 by 4%, with annual increases through 2028 as follows:

- 3% in 2021; and
- 1.75% in 2022 through 2028.

Members who hold leadership positions receive higher salaries. Members who serve in specified positions on standing committees and subcommittees also receive an annual salary supplement. No member, however, may receive more than one supplement for a committee position regardless of the number of committees on which the member serves.

Member salaries for 2023 and 2024 and committee position supplements are shown in the tables on the following page.

Although state employees are eligible for sick leave, vacation leave, personal leave, and disability leave, members of the General Assembly do not qualify for these types of leave. Members are considered "officers" rather than "employees" of the state. A member who is absent from session due to illness or other reasons can continue to receive a paycheck if the absence is excused by formal action of the appropriate house. If a member dies in office, the law provides for the continued payment of the member's salary to certain individuals. As implemented by the House and Senate, any portion of the salary that has not been paid to the member is paid in monthly installments to his or her surviving spouse, children, mother, or father, in that order.

Salaries for General Assembly Members, Leaders, and Selected Committee Officers, 2023-2024

Office – House	Office – Senate	2023 Salary	2024 Salary
Speaker	President	\$108,921	\$110,827
Speaker Pro Tempore	President Pro Tempore	\$99,382	\$101,121
Minority Leader	Minority Leader	\$99,382	\$101,121
Majority Floor Leader	Assistant President Pro Tempore ¹	\$93,169	\$94,799
Assistant Minority Leader	Assistant Minority Leader	\$90,734	\$92,322
Assistant Majority Floor Leader	N/A	\$87,852	\$89,390
Majority Whip	Majority Whip	\$87,852	\$89,390
Minority Whip	Minority Whip	\$87,852	\$89,390
Assistant Majority Whip	N/A	\$76,325	\$77,661
Assistant Minority Whip	Assistant Minority Whip	\$73,102	\$74,381
Member	Member	\$69,876	\$71,099

Committee Positions Supplement

House and Senate Finance Committees		Other House and Senate Standing Committees	
Position	Current Supplement	Position	Current Supplement
Chairperson	\$13,500	Chairperson	\$9,000
Vice-Chairperson	\$7,500	Vice-Chairperson	\$6,750
Ranking Minority Member	\$9,000	Ranking Minority Member	\$6,750
Standing Subcommittee Chairperson ²	\$9,000	Standing Subcommittee Chairperson ²	\$6,750
Standing Subcommittee Ranking Minority Member ²	\$6,750	Standing Subcommittee Ranking Minority Member ²	\$3,250

¹ R.C. 101.27 establishes the salary for the Senate leadership position, “Assistant President Pro Tempore.” For the 135th General Assembly, the Senate elected a “Majority Floor Leader” as its third-ranking majority leadership position instead. Presumably, the “Majority Floor Leader” would receive the salary established for the “Assistant President Pro Tempore.”

² During the 135th General Assembly, the Senate did not name any standing subcommittees, and the House named standing subcommittees only for the Finance Committee.

Travel Expenses

Members of the General Assembly who reside outside of Franklin County receive mileage reimbursement for one round trip by the most direct route between their homes and the Statehouse for each week they are in Columbus on official business. Reimbursement is paid quarterly in arrears and is based on the cents-per-mile rate established for state travel reimbursement by the Director of Budget and Management. Each member's mileage is certified by the adoption of a resolution. A member who moves during his or her term of office must report the move to their respective Clerk's office so that a new mileage resolution may be adopted to reflect the change in distance.

Members of the General Assembly do not receive an allowance or reimbursement for the expenses they incur for meals when they come to Columbus for legislative sessions. Members of the House of Representatives should contact the House administrative office regarding possible reimbursement for lodging expenses. Legislators who are also members of certain boards or committees, such as the Controlling Board or the Joint Committee on Agency Rule Review, receive a stipend when they come to Columbus to attend meetings.

Offices

Members of the General Assembly are provided with staff assistance, office space, furniture, office equipment, supplies, and postage. Office space for most Senators is in the Senate Building and office space for Representatives is in the Riffe Center. The Senate President, Senate Minority Leader, and Speaker of the House have offices in the Statehouse. Several other House leaders also have secondary offices in the Statehouse. The General Assembly does not provide members with offices in their districts.

Parking

Each Senator has a reserved parking space in the Statehouse underground parking garage. Each Representative has a reserved parking space in the Riffe Center parking garage.

Mail

Stationery is available from the Senate Clerk's Office and the House Administrative Office. Business cards and note cards are also available to members. Because allowances for postage and stationery differ between the two houses, members should consult the appropriate office for current limits.

Office Technology

Members' offices are equipped with computers and other technology to assist them with their legislative work. Laptops and iPads are available for use in committee rooms and for floor sessions to access legislative documents including bills, bill analyses, fiscal notes, testimony, and meeting minutes. For assistance with technology and computer-related matters, members should contact the IT staff of the House or Senate.

Benefits

Members of the General Assembly are eligible for a number of benefits programs administered by the Department of Administrative Services (DAS). These benefits programs include health insurance; vision, dental, and life insurance; health care spending accounts; and dependent care spending accounts, among others.

Members of the General Assembly may enroll in the state's self-insured health insurance plan within 31 days after taking office. Coverage is offered on a single or family basis with the cost of the premium depending on the coverage selected. The state and the member share the cost of the monthly premium. The member's share of the plan is paid through automatic payroll deduction. Members who do not enroll within this period may not enroll except during the next open enrollment period or following specified qualifying events.

Vision and dental care coverage also are available to a member and dependents. Currently, the cost of premiums for vision and dental care coverage is entirely paid by the state.

The specifics of health insurance, vision and dental coverage, and other benefits programs generally change annually. Before each year's open enrollment starts, DAS makes available to all state employees, including members, an updated [MyBenefits Guide](#) to assist with benefits program choices. The latest benefits guide is available at the Employee Relations link on the DAS website: das.ohio.gov.

Deferred Compensation

Members may participate in the Ohio Public Employees Deferred Compensation Program. The program is a form of voluntary savings and investments that defers taxes and supplements future retirement income. Program contributions may be made only by payroll deduction. Salary deferrals may be allocated among a variety of fund options with varying levels of risk on investment. There is also a range of target-date funds suited to the participant's anticipated year of retirement, as well as a stable value option. A member may receive payments from the program only on separation from service, death, or for an unforeseen financial emergency. Program details are available on the Ohio Public Employees Deferred Compensation Program website: ohio457.org. Information about the program can also be obtained from the House Administrative Office or the Senate Fiscal Office.

Ohio Public Employees Retirement System

The Ohio Public Employees Retirement System (OPERS) provides age and service retirement and disability and survivor benefit programs for public employees of state and local government. A General Assembly member who is a current OPERS member or a public retirement system retiree must join OPERS; all other General Assembly members may elect to do so.

Currently, OPERS offers two retirement plans to new OPERS members: the Traditional Pension Plan (a defined benefit plan) and the Member-Directed Plan (a defined contribution plan). A new OPERS member must elect a plan within 180 days after beginning employment. A member who fails to make this election is placed in the Traditional Pension Plan. A member may switch plans one time during the member's career. Approximately 95% of OPERS members are enrolled in the Traditional Pension Plan.

If a member of the General Assembly joins OPERS, both the member (by payroll deduction) and the House or Senate contribute to the member's retirement. Currently, a member's contribution is the statutory limit of 10% of earnable salary. A member may elect to contribute amounts beyond the required contribution to receive an additional annuity on retirement. The current contribution rate paid by the House or Senate is the statutory limit of 14%. Earnable salary includes all salary, wages, and other earnings paid by reason of employment. It does not include employer-paid amounts for insurance, reimbursements for job-related expenses, or other incidental benefits.

More information about membership, retirement plans and benefits, and service credit is available on the OPERS website: opers.org and in [Appendix H](#). OPERS has published a [leaflet](#) specifically describing how OPERS impacts elected officials. The leaflet is available at the Member Library link on the OPERS website: opers.org.