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Fiscal Note & Local Impact Statement

Version: As Reported by House Government Oversight

Primary Sponsor: Rep. Seitz

Local Impact Statement Procedure Required: No

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Highlights

- The Attorney General (AGO) would incur costs to investigate and enforce the campaign finance prohibitions pertaining to foreign national contributions established in the bill.
- The AGO may potentially offset these costs through any fines collected from the campaign finance violations established in the bill. The fine for each infraction is three times the amount involved or \$10,000, whichever is greater. Offenders would also be guilty of a first degree misdemeanor for their first offense and a fifth degree felony on subsequent offenses.
- Similarly, a person who aids or facilitates a campaign finance infraction is guilty of a first degree misdemeanor.

Detailed Analysis

The bill modifies campaign finance law to prohibit certain contributions from foreign nationals, as detailed in the LSC bill analysis. As a result of these changes, the Attorney General (AGO) will incur costs to investigate and enforce the campaign finance violations established under the bill. The magnitude of any such costs are uncertain and would presumably be in proportion to the frequency and complexity of potential campaign finance violations arising from the bill. The AGO may partially or fully offset the costs through fines collected as a result of these campaign finance violations.

The fine for each infraction under the bill is three times the amount involved or \$10,000, whichever is greater. For the first infraction, an offender is guilty of a first degree misdemeanor which is punishable by fines of up to \$1,000 and a possible maximum jail term of six months. Subsequent infractions are fifth degree felonies punishable by fines of up to \$2,500 and a possible maximum jail term of 12 months. In addition to the above prohibitions and corresponding

penalties, the bill also requires a violator to return the contribution to the foreign national in addition to paying the fine levied. Additionally, a person who aids or facilitates a campaign finance infraction involving the activities of a foreign national is guilty of a first degree misdemeanor.

The bill also creates a new process for submitting allegations of these campaign violations. Under the process created by the bill, the AGO is required to investigate an alleged violation, in consultation with the Secretary of State (SOS), if requested in writing by the Governor, the SOS, the Ohio Elections Commission, or the General Assembly. In a similar manner, an Ohio elector may also submit a request for the AGO to investigate an alleged violation. This provision could increase the number of cases investigated and ultimately prosecuted. If the AGO is a victim or witness or is otherwise involved in a case, then the case would be referred to the Franklin County Prosecutor or the county prosecutor of the most populous county in which the candidate or issue is to appear on the ballot. In this circumstance, as with the AGO, the responsible county prosecutor would incur the costs to investigate and pursue these cases. County courts of common pleas could also incur increased costs if there are additional cases referred for prosecution.