



# Ohio Legislative Service Commission

## Bill Analysis

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### **Am. S.B. 206\***

131st General Assembly

(As Reported by H. Government Accountability and Oversight)

**Sens.** LaRose, Gardner, Hite, Coley, Lehner, Tavares, Eklund, Obhof, Skindell, Thomas, Uecker, Yuko

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## **BILL SUMMARY**

- Expands the categories of political entities that are permitted to file their campaign finance statements electronically to include candidates for the State Board of Education and certain local candidates and political entities.
- Prescribes the manner in which a board of elections must process electronic statements filed with the board.
- Requires the Secretary of State to store electronic statements received from boards of elections and make those statements available online in the same manner as other electronic statements.
- Specifies that the bill takes effect on the first day of January that occurs at least 180 days after the act is filed with the Secretary of State.

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## **CONTENT AND OPERATION**

### **Electronic campaign finance filings**

The bill expands the categories of political entities that are permitted to file their campaign finance statements electronically to include candidates for member of the State Board of Education, candidates for local office, and certain local political entities. (The bill does not affect any filing requirements that may apply to municipal or county elections held in a municipal corporation or county with a charter that specifies a

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\* This analysis was prepared before the report of the House Government Accountability and Oversight Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

different system of campaign finance regulation.) Under continuing law, the Secretary of State must provide voluntary training to entities that file electronic campaign finance statements, if the Secretary determines that training is needed.

The table below describes the entities the bill adds to the electronic filing system.<sup>1</sup>

<b>Entities included in electronic filing under the bill</b>		
<b>Entity</b>	<b>Threshold for mandatory electronic filing</b>	<b>Where filed</b>
Candidate for member of the State Board of Education	None; electronic filing is optional	Secretary of State
Candidate for an office other than a statewide office, member of the General Assembly, or judge of a court of appeals	None; electronic filing is optional	Board of elections
County political party, with respect to contributions and expenditures other than those pertaining to the party's state candidate fund	None; electronic filing is optional	Board of elections
Political action committee or political contributing entity whose contributions and expenditures pertain only to local candidates and issues	None; electronic filing is optional	Board of elections
Individual, partnership, or other entity that makes independent expenditures in support of or opposition to a candidate or ballot issue other than a statewide candidate or statewide ballot issue	None; electronic filing is optional	Board of elections

The following table identifies the entities currently required to file their campaign finance statements electronically.

<b>Entities included in electronic filing under continuing law</b>		
<b>Entity</b>	<b>Threshold for mandatory electronic filing</b>	<b>Where filed</b>
Candidate for statewide office	\$10,000; \$25,000 if permitted under Secretary of State rules	Secretary of State

<sup>1</sup> R.C. 3517.10(C)(6) and 3517.106 and cross-reference changes to R.C. 3517.10, 3517.105, 3517.1011, and 3517.11.



<b>Entities included in electronic filing under continuing law</b>		
<b>Entity</b>	<b>Threshold for mandatory electronic filing</b>	<b>Where filed</b>
Candidate for member of the General Assembly	\$10,000; may file on paper, regardless of amount, if permitted under Secretary of State rules	Secretary of State; board of elections if filing on paper
Candidate for judge of a court of appeals	\$10,000; may file on paper, regardless of amount, if permitted under Secretary of State rules	Secretary of State; board of elections if filing on paper
State political party	\$10,000	Secretary of State
Legislative campaign fund	\$10,000	Secretary of State
County political party, with respect to its state candidate fund	No threshold; must file electronically	Secretary of State
Political action committee or political contributing entity that makes contributions or receives expenditures with respect to statewide candidates, General Assembly candidates, state or national political parties, legislative campaign funds, or statewide ballot issues	\$10,000	Secretary of State
Individual, partnership, or other entity that makes independent expenditures in support of or opposition to a statewide candidate or statewide ballot issue	\$10,000	Secretary of State

## **Filing electronic statements with a board of elections**

Under the bill, a board of elections that receives an electronic campaign finance statement must transmit that statement to the Secretary of State within five business days after receiving it. If the board receives an addendum to that statement or an amended version of the statement, the board must transmit the addendum or amended statement to the Secretary not later than the close of business on the day the board received it.



The bill requires the Secretary of State to prescribe by rule all of the following procedures for filing electronic statements with a board of elections, similar to the current procedures for filing electronic statements with the Secretary of State:<sup>2</sup>

- The manner in which a board must immediately acknowledge the receipt of an electronic statement and preserve the statement;
- One or more techniques by which a person who files an electronic statement with a board must electronically sign the statement;
- The appropriate methodology, protocol, and data file structure for statements filed electronically with a board.

## **Records of electronic statements**

### **Retention of statements**

The bill requires the Secretary of State to store campaign finance statements filed electronically with a board of elections on computer in the same manner as other electronic statements. The Secretary must keep that information stored on computer for at least six years.<sup>3</sup>

### **Public access to statements**

The Secretary of State must make campaign finance statements filed electronically with a board of elections under the bill available online to the public through the Internet in the same manner as other electronic statements. Under continuing law, the Secretary of State may remove the information from the Internet after a reasonable period of time.

Continuing law also requires the Secretary of State to make the Secretary's computer database of electronic statements available at the Secretary's office and to make computer programs that are compatible with the Secretary's method of storing the information contained in those statements available to entities that are permitted or required to file electronic statements and to members of the news media and other interested persons for a reasonable fee.<sup>4</sup>

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<sup>2</sup> R.C. 3517.10(C)(6) and (D)(6), 3517.106(E)(2) and (F), and 3517.11(B)(3).

<sup>3</sup> R.C. 3517.106(B) and (D).

<sup>4</sup> R.C. 3517.10(D)(7) and 3517.106(C), (E), and (G).



## Effective date

The bill specifies that it takes effect on the first day of January that occurs at least 180 days after the act is filed with the Secretary of State.<sup>5</sup>

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## HISTORY

ACTION	DATE
Introduced	08-26-15
Reported, S. Gov't Oversight & Reform	05-25-16
Passed Senate (33-0)	05-25-16
Reported, H. Gov't Accountability & Oversight	---

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<sup>5</sup> Section 3 of the bill.

