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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 380
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Sweeney

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SUMMARY

- Repeals a provision of law prohibiting any public official, in any court action, from compromising or settling the action, consenting to any condition, or agreeing to any order if it conflicts with the Revised Code.
- Repeals a provision of law prohibiting any election official from collaborating or sharing costs with a nongovernmental person or entity for any activities related to voter registration, voter education, voter identification, get-out-the-vote, absent voting, election official recruitment or training, or any other election-related purpose.
- Names the bill the Election Engagement Restoration Act.

DETAILED ANALYSIS

Public official court settlements

The bill repeals a provision of law, effective September 30, 2021, that specifies that in any civil action in a state or federal court, no public official has any authority to compromise or settle the action, consent to any condition, or agree to any order in connection with the case if the compromise, settlement, condition, or order nullifies, suspends, enjoins, alters, or conflicts with the Revised Code. Under that law, any such compromise, settlement, condition, or order is void and has no legal effect.

In other words, the provision of law prohibits a public official or the official's attorney, in the course of a lawsuit, from entering into an agreement not to enforce a provision of the Revised Code or to act contrary to the Revised Code. For example, if a law is challenged as unconstitutional, and a public official agrees that the court is likely to rule the law unconstitutional, the official might enter into a court-approved agreement with the challengers not to enforce the law. Under the provision, the official is prohibited from doing so. The bill removes this prohibition. In either case, the court still could rule the law unconstitutional and order the official not to enforce it.

Under this law, a “public official” means any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.¹

Nongovernmental entities in election-related activities

The bill also repeals a provision of law, effective September 30, 2021, that prohibits a public official responsible for administering or conducting an election from collaborating with, or accepting or expending any money from, a nongovernmental person or entity for any costs or activities related to voter registration, voter education, voter identification, get-out-the-vote, absent voting, election official recruitment or training, or any other election-related purpose, other than the following:

- The collection of any fee that is authorized by law;
- The use of any building to conduct an election, including as a polling place;
- The donation of food for precinct election officials at a polling place on Election Day.

That prohibition does not apply to any money to be deposited in the Address Confidentiality Program Fund (Fund 5SN0) or the Women’s Suffrage Centennial Commission Fund (Fund 5VX0). The provision defines “public official” as any elected or appointed officer, employee, or agent of the state or any political subdivision, board, commission, bureau, or other public body established by law.

Essentially, this provision includes two prohibitions: (1) a prohibition against election officials “collaborating” with a private person or entity for election-related activities, and (2) a prohibition against election officials accepting money from a private person or entity to pay for election-related costs.

For example, it appears that this provision prohibits the Secretary of State or a board of elections from working with a citizen group to hold a voter registration drive, conduct a voting education program, or recruit poll workers. If the Secretary or boards of elections hold such programs, they might not be allowed to use volunteers or donations to do so. And, election officials may not accept private grants or donations to pay for election-related expenses. The bill eliminates these prohibitions from the law.²

HISTORY

Action	Date
Introduced	07-27-21

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¹ R.C. 9.58, repealed.

² R.C. 3501.054, repealed.