



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Abby McMahon

Am. S.B. 44

132nd General Assembly

(As Reported by H. Government Accountability and Oversight)

Sens. LaRose, Oelslager, Gardner, Brown, Williams, Hoagland, Coley, Thomas, Tavares, Yuko, Hite, Terhar, Hackett, Eklund, Beagle, Sykes, Uecker, Bacon, Balderson, Burke, Dolan, Hottinger, Huffman, Kunze, Lehner, Manning, Obhof, O'Brien, Peterson, Schiavoni, Wilson

Reps. Blessing, Faber, Ginter, Greenspan

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.
- Specifies deadlines for a petition to remove an elected local official of certain municipal corporations through a recall election.

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 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.¹

Entities included in electronic filing under the bill		
Entity	Threshold for mandatory electronic filing	Where filed
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.

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

¹ 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.



Entities included in electronic filing under continuing law		
Entity	Threshold for mandatory electronic filing	Where filed
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:²

- 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.³

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.⁴

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

³ R.C. 3517.106(B) and (D).

⁴ R.C. 3517.10(D)(7) and 3517.106(C), (E), and (G).



Petition deadlines for a recall election of local elected officials

The bill requires a petition to remove an elected local official of certain municipal corporations to be filed not later than 4 p.m. of the 90th day before the day of the election at which the question of the person's removal is to appear on the ballot. The bill also requires the board of elections to examine and determine the sufficiency of the petition by the 78th day before the day of the election at which the question of the person's removal is to appear on the ballot. Under current law, there is no explicit deadline to file a petition or for the board of elections to examine and determine the sufficiency of the petition.

The bill also specifies that if a petition is determined to be sufficient, and the person whose removal is sought does not resign within five days after the petition is determined sufficient, an election to remove the person must be held at the next general election or day on which a primary election may be held that occurs more than 90 days from the date the petition was filed. The bill requires that if an election is to be held, the nomination of candidates to replace the person sought to be removed must be filed with the board of elections at least 60 days before the day of the election. Under current law, the nomination of candidates must be filed at least 20 days before the day of the election (see **COMMENT**).⁵

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.⁶

COMMENT

The statutory provision included in this bill providing for the removal of an elected local official of certain municipal corporations through a recall election has a limited application. A recall election is available only in a municipality that has both (1) a form of limited home rule, either through a charter or one of the plans of governments in Chapter 705., and (2) the recall election process is included in the charter or plans of government.⁷

⁵ R.C. 705.92.

⁶ Section 3 of the bill.

⁷ Ohio Secretary of State, *Ohio Ballot Questions and Issues Handbook*, Chapter 11-2. Available at: <https://www.sos.state.oh.us/globalassets/elections/eoresources/general/questionsandissues.pdf> (accessed December 8, 2017).



HISTORY

ACTION	DATE
Introduced	02-09-17
Reported, S. Gov't Oversight & Reform	03-08-17
Passed Senate (33-0)	03-15-17
Reported, H. Gov't Accountability & Oversight	12-07-17

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