

Senate (Sub Am HB 305)	House (Sub HB 609)
<p>Definitional Changes in ORC 3517.10</p> <ul style="list-style-type: none"> Expands definition of “expenditure” to include the phrase “other funds” potentially leading to non-contributions being subject to all campaign finance regulations. Adds new subpart definition to “independent expenditure” that would include support of ballot issues or achieving of the successful circulation of a ballot issue; language appears to cover both statewide and local ballot issues. 	<p>No provisions – believe changed definitions are unrelated to issue of foreign money in issue campaigns and could have wide-ranging unintended consequences.</p>
<p>Treasurer Certification Requirements</p> <ul style="list-style-type: none"> Adds requirement that all campaign treasurers certify under penalty of election falsification that they have not violated campaign finance laws. Certification required both at time of filing designation of treasurer and when filing statements of contributions and expenditures. 	<p>Treasurer Certification Requirements</p> <ul style="list-style-type: none"> While this provision was not included in the initial draft for special session, it is still under consideration and discussions are ongoing.
<p>Ballot PACs</p> <ul style="list-style-type: none"> Changes language regarding when a committee created for the purpose of submitting a statewide ballot issue (constitutional amendment, initiated statute or referendum) must register– new language includes focus on “purpose of achieving the successful circulation of the petition.” Includes cross reference that Ballot PAC must submit designation of treasurer under new penalty of falsification requirements. Otherwise deletes balance of section. 	<p>Ballot PACs</p> <ul style="list-style-type: none"> Adds requirement that designation of Treasurer must be on a form proscribed under ORC 3517.10 (section includes normal PACs.) Otherwise leaves section unchanged. Reliance on existing law is based on ensuring continuity with prior caselaw and OEC opinions finding foreign money ban for issue campaigns legal and applicable.
<p>Prohibition on Foreign Money</p> <ul style="list-style-type: none"> Removes specific reference to what type of campaign or issues the ban on contributions, expenditures or independent expenditures by foreign national applies. Adds new prohibition on earmarking certain financial transactions with 	<p>Prohibition on Foreign Money</p> <ul style="list-style-type: none"> Maintains existing structure in ORC and federal law banning foreign national contributions, expenditures or independent expenditures, both directly or indirectly. Adds new cross reference to Ballot PAC section so as to track OEC opinion

<p>knowledge money will be used as contribution, expenditure or independent expenditure (potential loophole for un-earmarked funds.)</p> <ul style="list-style-type: none"> • Attempts to regulate flow of money so as to ban any dollars that end up being used by campaigns or continuing associations. • Adds aiding and abetting prohibition. 	<p>stating foreign nationals already prohibited for donating to issue campaigns.</p> <ul style="list-style-type: none"> • Keeps federal definition of “foreign national” to minimize litigation risk. • Makes return of any foreign money mandatory.
<p>Change of Jurisdiction (subject to change based on OPAA concerns)</p> <ul style="list-style-type: none"> • Places original jurisdiction over issues related to violations of foreign money ban and other statewide matters to AG. • Otherwise allows OEC to determine wither to refer matters to AG or local prosecutor. 	<p>Change of Jurisdiction</p> <ul style="list-style-type: none"> • Places original jurisdiction over issues related to violations of foreign money ban and other statewide matters to AG. • Otherwise leave original jurisdiction to appropriate local prosecutor. • Reworks section for clarity.
<p>Increased Penalties</p> <ul style="list-style-type: none"> • Makes current law allowing penalty up to 3x amount of foreign money received mandatory – i.e., no discretion to OEC to lower penalty. 	<p>Increased Penalties</p> <ul style="list-style-type: none"> • Same as Senate.