

**Special Session  
of the  
House  
of  
Representatives**

OF THE

**ONE HUNDRED THIRTY-FIFTH GENERAL  
ASSEMBLY OF THE STATE OF OHIO**

THURSDAY, MAY 30, 2024

## THIRD DAY

Hall of the House of Representatives, Columbus, Ohio

**Thursday, May 30, 2024, 12:30 p.m.**

The House met pursuant to adjournment.

Prayer was offered by Pastor Brian Hanson of the Capitol Ministries in Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The following guests of the House of Representatives were recognized prior to the commencement of business:

Aidan Haggard, John Keim and James Laurence, guests of Representative Miller, M. - 67th district.

The journal of yesterday was read.

The yeas and nays were taken and resulted – yeas 86, nays 7, as follows:

Those who voted in the affirmative were: Representatives

Abdullahi	Abrams	Baker	Barhorst
Bird	Blackshear	Brennan	Brent
Brewer	Brown	Callender	Carruthers
Claggett	Click	Creech	Cutrona
Daniels	Dell'Aquila	Demetriou	Dobos
Edwards	Forhan	Fowler Arthur	Ghanbari
Grim	Hall	Hillyer	Holmes
Hoops	Humphrey	Isaacsohn	Jarrells
John	Johnson	Jones	Kick
King	Klopfenstein	Lampton	LaRe
Lipps	Liston	Lorenz	Loychik
Manchester	Manning	McClain	McNally
Miller, A.	Miller, J.	Miller, K.	Miller, M.
Mohamed	Oelslager	Patton	Pavliga
Picolantonio	Pizzulli	Plummer	Ray
Richardson	Robb Blasdel	Robinson	Roemer
Rogers	Russo	Santucci	Schmidt
Seitz	Sims	Skindell	Somani
Stein	Stewart	Stoltzfus	Swearingen
Sweeney	Thomas, C.	Thomas, J.	Troy Weinstein
White	Whitted	Wiggam	Young, T. Stephens-86

Representatives Dean, Ferguson, Gross, Lear, Merrin, Powell, and Williams voted in the negative-7.

The journal was approved.

## REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Humphrey submitted the following report:

The standing committee on Government Oversight to which was referred

**H. B. No. 1**-Representative Seitz, having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: MODIFY CAMPAIGN FINANCE LAW RE: FOREIGN NATIONALS, STATE ISSUES

BOB PETERSON  
DAVE DOBOS  
SCOTT OELSLAGER

JIM THOMAS  
JAMES M. HOOPS  
BILL SEITZ

The following members voted "NO"

LATYNA M. HUMPHREY  
MICHELE GRIM  
MICHAEL J. SKINDELL

RICHARD D. BROWN  
DANI ISAACSOHN

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Humphrey submitted the following report:

The standing committee on Government Oversight to which was referred

**H. B. No. 2**-Representative Dobos, having had the same under consideration, reports it back and recommends its passage.

RE: DELAY PRESIDENTIAL CERTIFICATION DEADLINE FOR THE 2024 ELECTION

BOB PETERSON  
LATYNA M. HUMPHREY  
DAVE DOBOS  
JAMES M. HOOPS  
SCOTT OELSLAGER  
MICHAEL J. SKINDELL

JIM THOMAS  
RICHARD D. BROWN  
MICHELE GRIM  
DANI ISAACSOHN  
BILL SEITZ

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

### **BILLS FOR THIRD CONSIDERATION**

**Sub. H. B. No. 1**-Representative Seitz.

To enact section 3517.121 of the Revised Code to modify the Campaign Finance Law regarding foreign nationals and ballot issues, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Isaacsohn moved to amend, amendment 2266, as follows:

In line 63, after "greater." insert "If, subsequent to a hearing conducted under division (A)(1) of section 3517.155 of the Revised Code, the Ohio elections commission determines that a violation of division (B) of this section has occurred, the commission shall either impose the entire amount of the fine described in this division or refer the matter to the appropriate prosecutor."

In line 72, after "accepted." insert "If, subsequent to a hearing conducted under division (A)(1) of section 3517.155 of the Revised Code, the Ohio elections commission determines that a violation of division (C) of this section has occurred, the commission shall either impose the entire amount of the fine described in this division and order the violator to return the amount accepted in violation of division (C) of this section, or refer the matter to the appropriate prosecutor."

In line 75, after "dollars." insert "If, subsequent to a hearing conducted under division (A)(1) of section 3517.155 of the Revised Code, the Ohio elections commission determines that a violation of division (D) of this section has occurred, the commission shall either impose the entire amount of the fine described in this division or refer the matter to the appropriate prosecutor."

Delete lines 76 through 110

The question being, "Shall the motion to amend be agreed to?"

Representative Oelslager moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 64, nays 31, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Barhorst	Bird	Callender
Carruthers	Claggett	Click	Creech
Cutrona	Daniels	Dean	Demetriou
Dobos	Edwards	Ferguson	Fowler Arthur
Ghanbari	Gross	Hall	Hillyer
Holmes	Hoops	John	Johnson
Jones	Kick	King	Klopfenstein
Lampton	LaRe	Lear	Lipps
Lorenz	Loychik	Manchester	Manning
McClain	Merrin	Miller, K.	Miller, M.
Oelslager	Patton	Pavliga	Peterson
Pizzulli	Plummer	Powell	Ray
Richardson	Robb Blasdel	Roemer	Santucci
Schmidt	Seitz	Stein	Stewart
Stoltzfus	Swearingen	Thomas, J.	White
Wiggam	Williams	Young, T.	Stephens-64

Those who voted in the negative were: Representatives

Abdullahi	Baker	Blackshear	Brennan
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Brent	Brewer	Brown	Dell'Aquila
Forhan	Grim	Humphrey	Isaacsohn
Jarrells	Liston	McNally	Miller, A.
Miller, J.	Mohamed	Piccolantonio	Robinson
Rogers	Russo	Sims	Skindell
Somani	Sweeney	Thomas, C.	Troy
Upchurch	Weinstein		Whitted-31

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

Representative Stewart moved to amend, amendment 2262, as follows:

In line 11, delete "has the same meaning as in 52"

In line 12, delete "U.S.C. 30121" and insert "means any of the following, as applicable:

(a) In the case of an individual, an individual who is not a United States citizen or national;

(b) A government of a foreign country or of a political subdivision of a foreign country;

(c) A foreign political party;

(d) A person, other than an individual, that is organized under the laws of, or has its principal place of business in, a foreign country"

The question being, "Shall the motion to amend be agreed to?"

Representative Oelslager moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 12, nays 82, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Callender	Dobos	Edwards
Hoops	Jones	LaRe	Loychik
Oelslager	Seitz	Thomas, J.	Stephens-12

Those who voted in the negative were: Representatives

Abdullahi	Baker	Barhorst	Bird
Blackshear	Brennan	Brent	Brewer
Brown	Carruthers	Claggett	Click
Creech	Cutrona	Daniels	Dean
Dell'Aquila	Demetriou	Ferguson	Forhan
Fowler Arthur	Ghanbari	Grim	Gross
Hall	Hillyer	Holmes	Humphrey
Isaacsohn	Jarrells	John	Johnson
Kick	King	Klopfenstein	Lampton
Lear	Lipps	Liston	Lorenz
Manchester	Manning	McClain	McNally
Merrin	Miller, A.	Miller, J.	Miller, K.
Miller, M.	Mohamed	Patton	Pavliga
Peterson	Piccolantonio	Pizzulli	Plummer
Powell	Ray	Richardson	Robb Blasdel

Robinson	Roemer	Rogers	Russo
Santucci	Schmidt	Sims	Somani
Stein	Stewart	Stoltzfus	Swearingen
Sweeney	Thomas, C.	Troy	Upchurch
Weinstein	White	Whitted	Wiggam
Williams			Young, T.-82

The motion to amend was not laid on the table.

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted – yeas 59, nays 36, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Barhorst	Bird	Carruthers
Claggett	Click	Creech	Cutrona
Daniels	Dean	Demetriou	Dobos
Edwards	Ferguson	Forhan	Fowler Arthur
Ghanbari	Gross	Hall	Hillyer
Holmes	Hoops	John	Johnson
Jones	Kick	King	Klopfenstein
Lampton	LaRe	Lear	Lipps
Lorenz	Manchester	Manning	McClain
Merrin	Miller, K.	Miller, M.	Patton
Pavliga	Peterson	Pizzulli	Plummer
Powell	Ray	Richardson	Robb Blasdel
Roemer	Santucci	Schmidt	Stein
Stewart	Stoltzfus	Swearingen	White
Wiggam	Williams		Young, T.-59

Those who voted in the negative were: Representatives

Abdullahi	Baker	Blackshear	Brennan
Brent	Brewer	Brown	Callender
Dell'Aquila	Grim	Humphrey	Isaacsohn
Jarrells	Liston	Loychik	McNally
Miller, A.	Miller, J.	Mohamed	Oelslager
Piccolantonio	Robinson	Rogers	Russo
Seitz	Sims	Skindell	Somani
Sweeney	Thomas, C.	Thomas, J.	Troy
Upchurch	Weinstein	Whitted	Stephens-36

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Russo moved that the House adjourn sine die.

The question being, "Shall the House adjourn sine die?"

The yeas and nays were taken and resulted – yeas 31, nays 63, as follows:

Those who voted in the affirmative were: Representatives

Abdullahi	Baker	Blackshear	Brennan
Brent	Brewer	Brown	Dell'Aquila
Forhan	Grim	Humphrey	Isaacsohn
Jarrells	Liston	McNally	Miller, A.
Miller, J.	Mohamed	Piccolantonio	Robinson

Rogers	Russo	Sims	Skindell
Somani	Sweeney	Thomas, C.	Troy
Upchurch	Weinstein		Whitted-31

Those who voted in the negative were: Representatives

Abrams	Barhorst	Bird	Callender
Carruthers	Claggett	Click	Creech
Daniels	Dean	Demetriou	Dobos
Edwards	Ferguson	Fowler Arthur	Ghanbari
Gross	Hall	Hillyer	Holmes
Hoops	John	Johnson	Jones Kick
King	Klopfenstein	Lampton	LaRe
Lear	Lipps	Lorenz	Loychik
Manchester	Manning	McClain	Merrin
Miller, K.	Miller, M.	Oelslager	Patton
Pavliga	Peterson	Pizzulli	Plummer
Powell	Ray	Richardson	Robb Blasdel
Roemer	Santucci	Schmidt	Seitz
Stein	Stewart	Stoltzfus	Swearingen
Thomas, J.	White	Wiggam	Williams
Young, T.			Stephens-63

The motion to adjourn sine die was not agreed to.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted – yeas 64, nays 31, as follows:

Those who voted in the affirmative were: Representatives

Abrams	Barhorst	Bird	Callender
Carruthers	Claggett	Click	Creech
Cutrona	Daniels	Dean	Demetriou
Dobos	Edwards	Ferguson	Fowler Arthur
Ghanbari	Gross	Hall	Hillyer
Holmes	Hoops	John	Johnson
Jones	Kick	King	Klopfenstein
Lampton	LaRe	Lear	Lipps
Lorenz	Loychik	Manchester	Manning
McClain	Merrin	Miller, K.	Miller, M.
Oelslager	Patton	Pavliga	Peterson
Pizzulli	Plummer	Powell	Ray
Richardson	Robb Blasdel	Roemer	Santucci
Schmidt	Seitz	Stein	Stewart
Stoltzfus	Swearingen	Thomas, J.	White
Wiggam	Williams	Young, T.	Stephens-64

Those who voted in the negative were: Representatives

Abdullahi	Baker	Blackshear	Brennan
Brent	Brewer	Brown	Dell'Aquila
Forhan	Grim	Humphrey	Isaacsohn
Jarrells	Liston	McNally	Miller, A.
Miller, J.	Mohamed	Piccolantonio	Robinson
Rogers	Russo	Sims	Skindell
Somani	Sweeney	Thomas, C.	Troy
Upchurch	Weinstein		Whitted-31

The bill passed.

Representative Seitz moved to amend the title as follows:

Add the names: "Abrams, Barhorst, Bird, Callender, Carruthers, Click, Creech, Cutrona, Daniels, Demetriou, Dobos, Edwards, Fowler Arthur, Ghanbari, Gross, Hall, Hillyer, Holmes, Hoops, John, Johnson, Jones, Kick, King, LaRe, Lipps, Loychik, McClain, Miller, K., Miller, M., Pavliga, Peterson, Plummer, Richardson, Robb Blasdel, Santucci, Schmidt, Stein, Stewart, Swearingen, Wiggam, Williams, Young, T."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

**H. B. No. 2-**Representative Dobos.

To delay the deadline for a major political party to certify its presidential and vice presidential candidates to the Secretary of State for the 2024 general election, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Skindell moved to amend, amendment 2267, as follows:

In line 1 of the title, after "To" insert "amend sections 3505.01 and 3505.10 of the Revised Code to"

In line 4 of the title, delete "for the 2024 general election"

After line 4, insert:

**"Section 1.** That sections 3505.01 and 3505.10 of the Revised Code be amended to read as follows:

**Sec. 3505.01.** (A)(1) Except as otherwise provided in section 3519.08 of the Revised Code and in division (A)(4) of this section, on the seventieth day before the day of the next general election, the secretary of state shall certify to the board of elections of each county the forms of the official ballots to be used at that general election, together with the names of the candidates to be printed on those ballots whose candidacy is to be submitted to the electors of the entire state. On the seventieth day before a special election to be held on the day specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, designated by the general assembly for the purpose of submitting to the voters of the state constitutional amendments proposed by the general assembly, the secretary of state shall certify to the board of elections of each county the forms of the official ballots to be used at that election.

(2) The board of the most populous county in each district comprised of more than one county but less than all of the counties of the state, in which there are candidates whose candidacies are to be submitted to the electors of

that district, shall, on the seventieth day before the day of the next general election, certify to the board of each county in the district the names of those candidates to be printed on such ballots.

(3) The board of a county in which the major portion of a subdivision, located in more than one county, is located shall, on the seventieth day before the day of the next general election, certify to the board of each county in which other portions of that subdivision are located the names of candidates whose candidacies are to be submitted to the electors of that subdivision, to be printed on such ballots.

(4) If a political party notifies the secretary of state under section 3505.10 of the Revised Code that it will not certify the names of its candidates for president and vice-president not later than the ninetieth day before the day of the general election, the secretary of state shall certify the forms of the official ballots for the general election under division (A)(1) of this section not later than the fifty-ninth day before the day of the election.

(B) If, subsequently to the seventieth day before and prior to the tenth day before the day of a general election, a certificate is filed with the secretary of state to fill a vacancy caused by the death of a candidate, the secretary of state shall forthwith make a supplemental certification to the board of each county amending and correcting the secretary of state's original certification provided for in the first paragraph of this section. If, within that time, such a certificate is filed with the board of the most populous county in a district comprised of more than one county but less than all of the counties of the state, or with the board of a county in which the major portion of the population of a subdivision, located in more than one county, is located, the board with which the certificate is filed shall forthwith make a supplemental certification to the board of each county in the district or to the board of each county in which other portions of the subdivision are located, amending and correcting its original certification provided for in division (A)(2) or (3) of this section. If, at the time such supplemental certification is received by a board, ballots carrying the name of the deceased candidate have been printed, the board shall cause strips of paper bearing the name of the candidate certified to fill the vacancy to be printed and pasted on those ballots so as to cover the name of the deceased candidate, except that in voting places using marking devices, the board shall cause strips of paper bearing the revised list of candidates for the office, after certification of a candidate to fill the vacancy, to be printed and pasted on the ballot cards so as to cover the names of candidates shown prior to the new certification, before such ballots are delivered to electors.

**Sec. 3505.10.** (A) On the presidential ballot below the stubs at the top of the face of the ballot shall be printed "Official Presidential Ballot" centered between the side edges of the ballot. Below "Official Presidential Ballot" shall be printed a heavy line centered between the side edges of the

ballot. Below the line shall be printed "Instruction to Voters" centered between the side edges of the ballot, and below those words shall be printed the following instructions:

"(1) To vote for the candidates for president and vice-president whose names are printed below, record your vote in the manner provided next to the names of such candidates. That recording of the vote will be counted as a vote for each of the candidates for presidential elector whose names have been certified to the secretary of state and who are members of the same political party as the nominees for president and vice-president. A recording of the vote for independent candidates for president and vice-president shall be counted as a vote for the presidential electors filed by such candidates with the secretary of state.

(2) To vote for candidates for president and vice-president in the blank space below, record your vote in the manner provided and write the names of your choice for president and vice-president under the respective headings provided for those offices. Such write-in will be counted as a vote for the candidates' presidential electors whose names have been properly certified to the secretary of state.

(3) If you tear, soil, deface, or erroneously mark this ballot, return it to the precinct election officers or, if you cannot return it, notify the precinct election officers, and obtain another ballot."

~~(B)~~(B)(1) Below those instructions to the voter shall be printed a single vertical column of enclosed rectangular spaces equal in number to the number of presidential candidates plus one additional space for write-in candidates. Each of those rectangular spaces shall be enclosed by a heavy line along each of its four sides, and such spaces shall be separated from each other by one-half inch of open space.

In each of those enclosed rectangular spaces, except the space provided for write-in candidates, shall be printed the names of the candidates for president and vice-president certified to the secretary of state or nominated in one of the following manners:

~~(1)~~(a) Nominated by the national convention of a political party to which delegates and alternates were elected in this state at the next preceding primary election. ~~A~~

(i) Except as otherwise provided in division (B)(1)(a)(ii) of this section, a political party certifying candidates so nominated shall certify the names of those candidates to the secretary of state in writing on or before the ninetieth day before the day of the general election.

(ii) If a political party's national convention will not conclude in time for the political party to certify the names of the political party's candidates for president and vice-president in accordance with division (B)(1)(a)(i) of

this section, then as soon as practicable but not later than the ninetieth day before the day of the general election, the political party shall notify the secretary of state of that fact in writing. The political party then shall certify the names of its nominated candidates for president and vice-president to the secretary of state in writing not later than the sixtieth day before the day of the general election.

~~(2)(b)~~ Nominatel\_135\_2604inating petition in accordance with section 3513.257 of the Revised Code. Such a petition shall be filed on or before the ninetieth day before the day of the general election to provide sufficient time to verify the sufficiency and accuracy of signatures on it.

~~(3)(c)~~ Certified to the secretary of state for placement on the presidential ballot by authorized officials of a minor political party that has held a state or national convention for the purpose of choosing those candidates or that may, without a convention, certify those candidates in accordance with the procedure authorized by its party rules. ~~The~~

(i) Except as otherwise provided in division (B)(1)(c)(ii) of this section, the officials shall certify the names of those candidates to the secretary of state in writing on or before the ninetieth day before the day of the general election. The certification shall be accompanied by a designation of a sufficient number of presidential electors to satisfy the requirements of law.

(ii) If a minor political party will not nominate its candidates for president and vice-president in time for the political party to certify the names of those candidates in accordance with division (B)(1)(c)(i) of this section, then as soon as practicable but not later than the ninetieth day before the day of the general election, the political party shall notify the secretary of state of that fact in writing. The political party then shall certify the names of its nominated candidates for president and vice-president to the secretary of state in writing not later than the sixtieth day before the day of the general election.

(2) A political party may transmit a notice or certification to the secretary of state under division (B)(1)(a) or (c) of this section by any reasonably reliable method that, under the circumstances, will provide for the secretary of state to receive it by the applicable deadline, including by any of the following methods:

(a) Hand delivery;

(b) Certified, express, or ordinary mail delivery by the United States postal service;

(c) Commercial carrier service;

(d) Facsimile transmission;

(e) Electronic mail.

(3) The names of candidates for electors of president and vice-president shall not be placed on the ballot, but shall be certified to the secretary of state as required by sections 3513.11 and 3513.257 of the Revised Code. A vote for any candidates for president and vice-president shall be a vote for the electors of those candidates whose names have been certified to the secretary of state.

(C) The arrangement of the printing in each of the enclosed rectangular spaces shall be substantially as follows: Near the top and centered within the rectangular space shall be printed "For President" in ten-point boldface upper and lower case type. Below "For President" shall be printed the name of the candidate for president in twelve-point boldface upper case type. Below the name of the candidate for president shall be printed the name of the political party by which that candidate for president was nominated in eight-point lightface upper and lower case type. Below the name of such political party shall be printed "For Vice-President" in ten-point boldface upper and lower case type. Below "For Vice-President" shall be printed the name of the candidate for vice-president in twelve-point boldface upper case type. Below the name of the candidate for vice-president shall be printed the name of the political party by which that candidate for vice-president was nominated in eight-point lightface upper and lower case type. Except for candidates nominated by petition under section 3517.012 of the Revised Code, no political identification or name of any political party shall be printed below the names of presidential and vice-presidential candidates nominated by petition.

The rectangular spaces on the ballot described in this section shall be rotated and printed as provided in section 3505.03 of the Revised Code.

**Section 2.** That existing sections 3505.01 and 3505.10 of the Revised Code are hereby repealed.

**Section 3.** The amendments to sections 3505.01 and 3505.10 of the Revised Code by this act first apply on January 1, 2025."

In line 5, delete "1" and insert "4"

In line 10, delete "sixty-"

In line 11, delete "fifth" and insert "sixtieth"

In line 24, delete "sixtieth" and insert "fifty-ninth"

The question being, "Shall the motion to amend be agreed to?"

Representative Seitz moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted – yeas 62, nays 32, as follows:

Those who voted in the affirmative were: Representatives

Abrams

Barhorst

Bird

Callender

Carruthers	Claggett	Click	Creech
Cutrona	Daniels	Dean	Dobos
Edwards	Fowler Arthur	Ghanbari	Gross
Hall	Hillyer	Holmes	Hoops
John	Johnson	Jones	Kick
King	Klopfenstein	Lampton	LaRe
Lear	Lipps	Lorenz	Loychik
Manchester	Manning	McClain	Merrin
Miller, K.	Miller, M.	Oelslager	Patton
Pavliga	Peterson	Pizzulli	Plummer
Powell	Ray	Richardson	Robb Blasdel
Roemer	Santucci	Schmidt	Seitz
Stein	Stewart	Stoltzfus	Swearingen
Thomas, J.	White	Wiggam	Williams
Young, T.			Stephens-62

Those who voted in the negative were: Representatives

Abdullahi	Baker	Blackshear	Brennan
Brewer	Brown	Dell'Aquila	Demetriou
Ferguson	Forhan	Grim	Humphrey
Isaacsohn	Jarrells	Liston	McNally
Miller, A.	Miller, J.	Mohamed	Piccolantonio
Robinson	Rogers	Russo	Sims
Skindell	Somani	Sweeney	Thomas, C.
Troy	Upchurch	Weinstein	Whitted-32

The motion to amend was laid on the table.

The question recurring, "Shall the bill pass?"

The yeas and nays were taken and resulted – yeas 63, nays 31, as follows:

Those who voted in the affirmative were: Representatives

Abdullahi	Abrams	Baker	Blackshear
Brennan	Brent	Brewer	Brown
Callender	Click	Creech	Daniels
Dell'Aquila	Dobos	Forhan	Fowler Arthur
Grim	Holmes	Hoops	Humphrey
Isaacsohn	Jarrells	Johnson	Klopfenstein
Lampton	Liston	Lorenz	Manchester
Manning	McClain	McNally	Merrin
Miller, A.	Miller, J.	Mohamed	Oelslager
Patton	Pavliga	Peterson	Piccolantonio
Plummer	Ray	Richardson	Robb Blasdel
Robinson	Roemer	Rogers	Russo
Seitz	Sims	Skindell	Somani
Stein	Sweeney	Thomas, C.	Thomas, J.
Troy	Upchurch	Weinstein	White
Whitted	Young, T.		Stephens-63

Those who voted in the negative were: Representatives

Barhorst	Bird	Carruthers	Claggett
Cutrona	Dean	Demetriou	Edwards
Ferguson	Ghanbari	Gross	Hall
Hillyer	John	Jones	Kick
King	LaRe	Lear	Lipps
Loychik	Miller, K.	Miller, M.	Pizzulli

Powell  
Stoltzfus

Santucci  
Swearingen

Schmidt  
Wiggam-31

Stewart

The bill passed.

Representative Dobos moved to amend the title as follows:

Add the names: "Brennan, Brent, Brewer, Callender, Forhan, Mohamed, Somani."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

### CLERK'S NOTATION

Pursuant to Article II, Section 10 of the Constitution of the State of Ohio, the following protest was filed:

May 30, 2024

Ohio House of Representatives  
Attn: House Clerk, Brad Young  
77 S High St # 12  
Columbus, OH 43215

The Minority Caucus of the Ohio House of Representatives protests and objects to the consideration of Substitute House Bill 1 ("Sub. H.B. 1") in this "special session" ordered by Governor Mike DeWine for the purpose of "enabl[ing] a major political party to certify to the Ohio Secretary of State the names of the major party candidates for President and Vice President of the United States nominated by the party's national convention..." and "to meaningfully strengthen the State of Ohio's prohibition against foreign influence with and in Ohio's elections..." Pursuant to Article II, Section 10 of the Ohio Constitution, we request that this objection and protest be published in the House Journal.

We protest Sub. H.B. 1 as it violates provisions of the United States and Ohio Constitution. When we were sworn into office as Representatives of the Ohio House, we took an oath or affirmation to support the Constitution of the United States and the Constitution of Ohio. We, as lawmakers, have an obligation to consider the constitutionality of the legislation that is put before us. We must examine it on its face to determine if it upholds the protected rights afforded by both the United States and Ohio Constitutions. Doing so, we determined that we could not enact this legislation because it is clearly unconstitutional.

The First Amendment to the United States Constitution prohibits enactment of laws that abridge or infringe upon freedoms of speech and/or association. In addition, Article I of the Ohio Constitution also provides a Bill of Rights

that, among other things, includes a right to assemble and petition the general assembly for the redress of grievances (Article I, Section 3) and the freedom of speech (Article I, Section 11). The Ohio Constitution notes that “no law shall be passed to restrain or abridge the liberty of speech...” Ohio Constitution, Article I, Section 11.

Exceptions to these constitutional protections are narrow and must be supported by a substantial body of credible evidence. The provisions found in Sub. H.B. 1 fail to provide sufficient protection against the real threat: dark money and illegal actors who seek to dominate the political process. Instead, it will have the effect of chilling constitutionally protected speech in its purest form and engagement in the political process and political campaigns.

Laws that restrict "core political speech," are subject to "strict" constitutional scrutiny. To survive strict scrutiny, a law must be "narrowly tailored" to further a "compelling state interest." See generally, *Eu v. San Francisco County Democratic Cent. Comm.*, 489 U.S. 214, 222 (1989). See also *Pizza*, 154 F.3d at 314 (Content-based restrictions on speech "must be necessary to serve a compelling state interest and must be narrowly tailored to achieve that end.") (citation omitted); *United Autoworkers, Local Union 1112 v. Philomena*, 121 Ohio App.3d 760, 783 (Franklin App.), appeal denied, 82 Ohio St.3d 1450 (1998) ("A statutory provision that burdens First Amendment rights must be justified by a compelling state interest.") (citation omitted). This bill neither furthers a compelling state interest nor is narrowly tailored. Accordingly, this body has a constitutional obligation to reject this legislation.

A compelling state interest cannot be established by "assertion and conjecture." *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002). Many of the restrictions on political speech in this bill are, in fact, supported only by "assertion and conjecture." The members of the House have failed to bring sufficient evidence that the cause they say they're trying to address would be addressed by this bill. In addition, the members of the House have failed to show that what is addressed in this bill is a real problem here in Ohio. Instead, the House is unconstitutionally acting to usurp the power of actual Ohioans and absurdly grant unfettered powers previously not possessed by a statewide political office holder, the Ohio Attorney General.

For brazenly partisan reasons, Sub. H.B.1 tramples on the jurisdiction of an independent Commission (the Ohio Elections Commission)—and, upon referral from the Commission for prosecution, that of the Franklin County Prosecutor—and transfers it without limitations to the Ohio Attorney General, a statewide elected official with partisan predilections and documented political ambitions. Specifically, the bill states that if any violation occurs, under the Sub H.B. 1's new language for Ohio Rev. Code § 3517.121, the Ohio Attorney General has exclusive jurisdiction to prosecute the violation

and exclusive supervision and control over all investigations, prosecutions, and enforcement proceedings. Essentially, Sub. H.B. 1 grants unlimited authority for the Ohio Attorney General to exercise total control as both the investigator and the prosecutor. In addition, Sub. H.B. 1 states that “[a]ny complaint that alleges a violation” of the 3517.13(W) will be treated as an allegation of a violation. This extreme rewrite of Ohio law is not only concerning, it is an unprecedented transfer of power to a statewide political office holder with a history of misusing power to serve his party’s anti-democracy aims. The closest historical analog for what surely is to come would be the ignominious crackdown on political opposition unleashed by the U.S. Attorney General in the early 1920’s.

The Attorney General, under Sub. H.B. 1, has the power to personally pick which campaigns for ballot initiatives and referendums and for candidates are *investigated*, and then which of those are *prosecuted*. Because of this broad authority, political opponents, issues or candidates of any political affiliation or ideology, who engage in standard political or issue-based activity would now be forced to consider the political motives and whims of the Attorney General before engaging in what is otherwise and should remain constitutionally protected pure speech. After all, the mere threat of a lawsuit or criminal charges being levied against a person, entity, campaign, or otherwise, even if that lawsuit is unsuccessful, could cause irreparable reputational, financial, organizational, and associational harm.

In no sense can the language of Sub. H.B. 1 be legitimately considered “narrowly tailored.” This is by design. Because members of the House, by supporting this language, have violated their oaths to uphold the United States and Ohio Constitutions, those soon to be targeted as a result of this grant of power will be forced to find succor outside this body by holding accountable those who granted it and those who would misuse it.

Respectfully submitted,

Minority Caucus of the Ohio House of Representatives, 135th General Assembly

On motion of Representative Oelslager, the House adjourned until Friday, May 31, 2024 at 9:00 o'clock a.m.

Attest:

BRADLEY J. YOUNG,  
Clerk.