

**SPECIAL SESSION
OF THE
SENATE**

OF THE

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

FRIDAY, MAY 31, 2024

SPECIAL SESSION

FOURTH DAY

Senate Chamber, Columbus, Ohio

Friday, May 31, 2024, 12:00 o'clock p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Senator Hearcel F. Craig, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

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

Cosponsors: Representatives 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.

To enact section 3517.121 of the Revised Code to modify the Campaign Finance Law regarding foreign nationals and ballot issues.

Attest:

Bradley J. Young,
Clerk.

Said bill was considered the first time.

MOTIONS

Senator McColley moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to **Am. Sub. H. B. No. 1**, and that said bill be considered the second time.

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

The yeas and nays were taken and resulted – yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.

Ingram	Kunze	Landis	Lang
Manning	McColley	O'Brien	Reineke
Reynolds	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Smith	Sykes
Wilkin			Huffman, M.-30

Senator Antani voted in the negative-1.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Senator McColley moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to the third consideration of **Am. Sub. H. B. No. 1**.

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

The yeas and nays were taken and resulted – yeas 23, nays 8, as follows:

Those who voted in the affirmative were: Senators

Blessing	Brenner	Chavez	Cirino
Dolan	Gavarone	Hackett	Huffman, S.
Kunze	Landis	Lang	Manning
McColley	O'Brien	Reineke	Reynolds
Roegner	Romanchuk	Rulli	Schaffer
Schuring	Wilkin		Huffman, M.-23

Senators Antani, Antonio, Craig, DeMora, Hicks-Hudson, Ingram, Smith, and Sykes voted in the negative-8.

The motion was agreed to.

The question being, "Shall the bill, **Am. Sub. H. B. No. 1**, pass?"

Senator DeMora moved to amend as follows:

In line 1 of the title, delete "enact" and insert "amend"; delete "3517.121" and insert "3517.13"

In line 4, delete "3517.121" and insert "3517.13"

In line 5, delete "enacted" and insert "amended"

Delete lines 6 through 118

After line 118, insert:

"Sec. 3517.13. (A)(1) No campaign committee of a statewide candidate shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(2) No campaign committee of a statewide candidate shall fail to file a complete and accurate monthly statement, and no campaign committee of a statewide candidate or a candidate for the office of chief justice or justice of the supreme court shall fail to file a complete and accurate two-business-day statement, as required under section 3517.10 of the Revised Code.

As used in this division, "statewide candidate" has the same meaning as in division (F)(2) of section 3517.10 of the Revised Code.

(B) No campaign committee shall fail to file a complete and accurate statement required under division (A)(1) of section 3517.10 of the Revised Code.

(C) No campaign committee shall fail to file a complete and accurate statement required under division (A)(2) of section 3517.10 of the Revised Code.

(D) No campaign committee shall fail to file a complete and accurate statement required under division (A)(3) or (4) of section 3517.10 of the Revised Code.

(E) No person other than a campaign committee shall knowingly fail to file a statement required under section 3517.10 or 3517.107 of the Revised Code.

(F) No person shall make cash contributions to any person totaling more than one hundred dollars in each primary, special, or general election.

(G)(1) No person shall knowingly conceal or misrepresent contributions given or received, expenditures made, or any other information required to be reported by a provision in sections 3517.08 to 3517.13 of the Revised Code.

(2)(a) No person shall make a contribution to a campaign committee, political action committee, political contributing entity, legislative campaign fund, political party, or person making disbursements to pay the direct costs of producing or airing electioneering communications in the name of another person.

(b) A person does not make a contribution in the name of another when either of the following applies:

(i) An individual makes a contribution from a partnership or other unincorporated business account, if the contribution is reported by listing both the name of the partnership or other unincorporated business and the name of the partner or owner making the contribution as required under division (I) of section 3517.10 of the Revised Code.

(ii) A person makes a contribution in that person's spouse's name or in both of their names.

(H) No person within this state, publishing a newspaper or other periodical, shall charge a campaign committee for political advertising a rate in excess of the rate such person would charge if the campaign committee were a general rate advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office that the candidate of the campaign committee is seeking. The rate shall take into account the amount of space used, as well as the type of advertising copy

submitted by or on behalf of the campaign committee. All discount privileges otherwise offered by a newspaper or periodical to general rate advertisers shall be available upon equal terms to all campaign committees.

No person within this state, operating a radio or television station or network of stations in this state, shall charge a campaign committee for political broadcasts a rate that exceeds:

(1) During the forty-five days preceding the date of a primary election and during the sixty days preceding the date of a general or special election in which the candidate of the campaign committee is seeking office, the lowest unit charge of the station for the same class and amount of time for the same period;

(2) At any other time, the charges made for comparable use of that station by its other users.

(I) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust if the individual has made or the individual's spouse has made, or any partner, shareholder, administrator, executor, or trustee or the spouse of any of them has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of one thousand dollars to the holder of the public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(J) Subject to divisions (K), (L), (M), and (N) of this section, no agency or department of this state or any political subdivision shall award any contract, other than one let by competitive bidding or a contract incidental to such contract or which is by force account, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust or the spouse of that person has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of that period, one or more contributions totaling in excess of one thousand dollars to the holder of a public office having ultimate responsibility for the award of the contract or to the public officer's campaign committee.

(K) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the

governor, whether or not the appointment is subject to the advice and consent of the senate, excluding members of boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities appointed by the governor, the office of the governor is considered to have ultimate responsibility for the award of the contract.

(L) For purposes of divisions (I) and (J) of this section, if a public officer who is responsible for the award of a contract is appointed by the elected chief executive officer of a municipal corporation, or appointed by the elected chief executive officer of a county operating under an alternative form of county government or county charter, excluding members of boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities appointed by the chief executive officer, the office of the chief executive officer is considered to have ultimate responsibility for the award of the contract.

(M)(1) Divisions (I) and (J) of this section do not apply to contracts awarded by the board of commissioners of the sinking fund, municipal legislative authorities, boards of education, boards of county commissioners, boards of township trustees, or other boards, commissions, committees, authorities, councils, boards of trustees, task forces, and other such entities created by law, by the supreme court or courts of appeals, by county courts consisting of more than one judge, courts of common pleas consisting of more than one judge, or municipal courts consisting of more than one judge, or by a division of any court if the division consists of more than one judge. This division shall apply to the specified entity only if the members of the entity act collectively in the award of a contract for goods or services.

(2) Divisions (I) and (J) of this section do not apply to actions of the controlling board.

(N)(1) Divisions (I) and (J) of this section apply to contributions made to the holder of a public office having ultimate responsibility for the award of a contract, or to the public officer's campaign committee, during the time the person holds the office and during any time such person was a candidate for the office. Those divisions do not apply to contributions made to, or to the campaign committee of, a candidate for or holder of the office other than the holder of the office at the time of the award of the contract.

(2) Divisions (I) and (J) of this section do not apply to contributions of a partner, shareholder, administrator, executor, trustee, or owner of more than twenty per cent of a corporation or business trust made before the person held any of those positions or after the person ceased to hold any of those positions in the partnership, association, estate, trust, corporation, or business trust whose eligibility to be awarded a contract is being determined, nor to contributions of the person's spouse made before the person held any of those positions, after the person ceased to hold any of those positions,

before the two were married, after the granting of a decree of divorce, dissolution of marriage, or annulment, or after the granting of an order in an action brought solely for legal separation. Those divisions do not apply to contributions of the spouse of an individual whose eligibility to be awarded a contract is being determined made before the two were married, after the granting of a decree of divorce, dissolution of marriage, or annulment, or after the granting of an order in an action brought solely for legal separation.

(O) No beneficiary of a campaign fund or other person shall convert for personal use, and no person shall knowingly give to a beneficiary of a campaign fund or any other person, for the beneficiary's or any other person's personal use, anything of value from the beneficiary's campaign fund, including, without limitation, payments to a beneficiary for services the beneficiary personally performs, except as reimbursement for any of the following:

(1) Legitimate and verifiable prior campaign expenses incurred by the beneficiary;

(2) Legitimate and verifiable ordinary and necessary prior expenses incurred by the beneficiary in connection with duties as the holder of a public office, including, without limitation, expenses incurred through participation in nonpartisan or bipartisan events if the participation of the holder of a public office would normally be expected;

(3) Legitimate and verifiable ordinary and necessary prior expenses incurred by the beneficiary while doing any of the following:

(a) Engaging in activities in support of or opposition to a candidate other than the beneficiary, political party, or ballot issue;

(b) Raising funds for a political party, political action committee, political contributing entity, legislative campaign fund, campaign committee, or other candidate;

(c) Participating in the activities of a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee;

(d) Attending a political party convention or other political meeting.

For purposes of this division, an expense is incurred whenever a beneficiary has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure or by the use of goods or services received on account.

(P) No beneficiary of a campaign fund shall knowingly accept, and no person shall knowingly give to the beneficiary of a campaign fund, reimbursement for an expense under division (O) of this section to the extent that the expense previously was reimbursed or paid from another source of funds. If an expense is reimbursed under division (O) of this section and is

later paid or reimbursed, wholly or in part, from another source of funds, the beneficiary shall repay the reimbursement received under division (O) of this section to the extent of the payment made or reimbursement received from the other source.

(Q) No candidate or public official or employee shall accept for personal or business use anything of value from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, and no person shall knowingly give to a candidate or public official or employee anything of value from a political party, political action committee, political contributing entity, legislative campaign fund, or such a campaign committee, except for the following:

(1) Reimbursement for legitimate and verifiable ordinary and necessary prior expenses not otherwise prohibited by law incurred by the candidate or public official or employee while engaged in any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee. Without limitation, reimbursable expenses under this division include those incurred while doing any of the following:

(a) Engaging in activities in support of or opposition to another candidate, political party, or ballot issue;

(b) Raising funds for a political party, legislative campaign fund, campaign committee, or another candidate;

(c) Attending a political party convention or other political meeting.

(2) Compensation not otherwise prohibited by law for actual and valuable personal services rendered under a written contract to the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee for any legitimate activity of the political party, political action committee, political contributing entity, legislative campaign fund, or such campaign committee.

Reimbursable expenses under this division do not include, and it is a violation of this division for a candidate or public official or employee to accept, or for any person to knowingly give to a candidate or public official or employee from a political party, political action committee, political contributing entity, legislative campaign fund, or campaign committee other than the candidate's or public official's or employee's own campaign committee, anything of value for activities primarily related to the candidate's or public official's or employee's own campaign for election, except for contributions to the candidate's or public official's or employee's campaign committee.

For purposes of this division, an expense is incurred whenever a

candidate or public official or employee has either made payment or is obligated to make payment, as by the use of a credit card or other credit procedure, or by the use of goods or services on account.

(R)(1) Division (O) or (P) of this section does not prohibit a campaign committee from making direct advance or post payment from contributions to vendors for goods and services for which reimbursement is permitted under division (O) of this section, except that no campaign committee shall pay its candidate or other beneficiary for services personally performed by the candidate or other beneficiary.

(2) If any expense that may be reimbursed under division (O), (P), or (Q) of this section is part of other expenses that may not be paid or reimbursed, the separation of the two types of expenses for the purpose of allocating for payment or reimbursement those expenses that may be paid or reimbursed may be by any reasonable accounting method, considering all of the surrounding circumstances.

(3) For purposes of divisions (O), (P), and (Q) of this section, mileage allowance at a rate not greater than that allowed by the internal revenue service at the time the travel occurs may be paid instead of reimbursement for actual travel expenses allowable.

(S)(1) As used in division (S) of this section:

(a) "State elective office" has the same meaning as in section 3517.092 of the Revised Code.

(b) "Federal office" means a federal office as defined in the Federal Election Campaign Act.

(c) "Federal campaign committee" means a principal campaign committee or authorized committee as defined in the Federal Election Campaign Act.

(2) No person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall transfer any funds or assets from that person's federal campaign committee for nomination or election to the federal office to that person's campaign committee as a candidate for state elective office.

(3) No campaign committee of a person who is a candidate for state elective office and who previously sought nomination or election to a federal office shall accept any funds or assets from that person's federal campaign committee for that person's nomination or election to the federal office.

(T)(1) Except as otherwise provided in division (B)(6)(c) of section 3517.102 of the Revised Code, a state or county political party shall not disburse moneys from any account other than a state candidate fund to make contributions to any of the following:

(a) A state candidate fund;

(b) A legislative campaign fund;

(c) A campaign committee of a candidate for the office of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, member of the state board of education, or member of the general assembly.

(2) No state candidate fund, legislative campaign fund, or campaign committee of a candidate for any office described in division (T)(1)(c) of this section shall knowingly accept a contribution in violation of division (T)(1) of this section.

(U) No person shall fail to file a statement required under section 3517.12 of the Revised Code.

(V) No campaign committee shall fail to file a statement required under division (K)(3) of section 3517.10 of the Revised Code.

(W)(1) No foreign national shall, directly or indirectly through any other person or entity, make a contribution, expenditure, or independent expenditure or promise, either expressly or implicitly, to make a contribution, expenditure, or independent expenditure in support of or opposition to a candidate for any elective office in this state, including an office of a political party, or in support of or opposition to a ballot issue or question.

(2) No candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, or separate segregated fund shall solicit or accept a contribution, expenditure, or independent expenditure from a foreign national. The secretary of state may direct any candidate, committee, entity, fund, or party that accepts a contribution, expenditure, or independent expenditure in violation of this division to return the contribution, expenditure, or independent expenditure or, if it is not possible to return the contribution, expenditure, or independent expenditure, then to return instead the value of it, to the contributor.

(3) As used in division (W) of this section, "foreign national" has the same meaning as in section 441e(b) of the Federal Election Campaign Act.

(X)(1) No state or county political party shall transfer any moneys from its restricted fund to any account of the political party into which contributions may be made or from which contributions or expenditures may be made.

(2)(a) No state or county political party shall deposit a contribution or contributions that it receives into its restricted fund.

(b) No state or county political party shall make a contribution or an expenditure from its restricted fund.

(3)(a) No corporation or labor organization shall make a gift or gifts from the corporation's or labor organization's money or property aggregating

more than ten thousand dollars to any one state or county political party for the party's restricted fund in a calendar year.

(b) No state or county political party shall accept a gift or gifts for the party's restricted fund aggregating more than ten thousand dollars from any one corporation or labor organization in a calendar year.

(4) No state or county political party shall transfer any moneys in the party's restricted fund to any other state or county political party.

(5) No state or county political party shall knowingly fail to file a statement required under section 3517.1012 of the Revised Code.

(Y) The administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct any business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to any individual, partnership, association, including, without limitation, a professional association organized under Chapter 1785. of the Revised Code, estate, or trust, if the individual has made, or the individual's spouse has made, or any partner, shareholder, administrator, executor, or trustee, or the spouses of any of those individuals has made, as an individual, within the two previous calendar years, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

(Z) The administrator of workers' compensation and the employees of the bureau of workers' compensation shall not conduct business with or award any contract, other than one awarded by competitive bidding, for the purchase of goods costing more than five hundred dollars or services costing more than five hundred dollars to a corporation or business trust, except a professional association organized under Chapter 1785. of the Revised Code, if an owner of more than twenty per cent of the corporation or business trust, or the spouse of the owner, has made, as an individual, within the two previous calendar years, taking into consideration only owners for all of such period, one or more contributions totaling in excess of one thousand dollars to the campaign committee of the governor or lieutenant governor or to the campaign committee of any candidate for the office of governor or lieutenant governor.

Section 2. That existing section 3517.13 of the Revised Code is hereby repealed."

The question being, "Shall the amendment be agreed to?"

Senator Gavarone moved that the amendment be laid on the table.

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

The yeas and nays were taken and resulted – yeas 24, nays 7, as follows:

Those who voted in the affirmative were: Senators

Antani	Blessing	Brenner	Chavez
Cirino	Dolan	Gavarone	Hackett
Huffman, S.	Kunze	Landis	Lang
Manning	McColley	O'Brien	Reineke
Reynolds	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Wilkin	Huffman, M.-24

Senators Antonio, Craig, DeMora, Hicks-Hudson, Ingram, Smith, and Sykes voted in the negative-7.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 1**, pass?"

Senator Antani moved to amend as follows:

In line 21, delete "**(B) No**" and insert "**(B)(1) Except as otherwise provided in division (B)(2) of this section, no**"

In line 23, delete "**(1)**" and insert "**(a)**"

In line 27, delete "**(2)**" and insert "**(b)**"

In line 31, delete "**(3)**" and insert "**(c)**"

In line 33, delete "**(4)**" and insert "**(d)**"

In line 41, delete "**(5)**" and insert "**(e)**"

In line 43, delete "described"; after "in" insert "violation of"; delete "(2), (3), or (4)"

After line 44, insert:

"(2) Division (B)(1) of this section does not prohibit an individual who is lawfully admitted for permanent residence, as defined by 8 U.S.C. 1101(a)(20), from doing any of the following:

(a) Making a contribution, expenditure, or independent expenditure in support of or opposition to a candidate for any elective office in this state, including an office of a political party;

(b) Making a disbursement for the direct cost of producing or airing an electioneering communication;

(c) Making a contribution to a candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, separate segregated fund, or continuing association."

In line 53, delete "either" and insert "any"

In line 54, delete "funds from a foreign"

In line 55, delete "national for any purpose described" and insert

"contribution, expenditure, independent expenditure, or disbursement made"; after "in" insert "violation of"; delete "(B)" and insert "(B)(1)"

In line 58, delete "from"

In line 59, delete "a foreign national for any purpose described" and insert "as a contribution, expenditure, independent expenditure, or disbursement made"; after "in" insert "violation of"; delete "(B)" and insert "(B)(1)"

In line 60, after "section" insert ";

(3) Use a contribution received under division (B)(2)(c) of this section to make an expenditure in support of or opposition to a statewide ballot issue or question"

The question being, "Shall the amendment be agreed to?"

Senator Gavarone moved that the amendment be laid on the table.

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

The yeas and nays were taken and resulted – yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Kunze	Landis	Lang
Manning	McColley	O'Brien	Reineke
Reynolds	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Smith	Sykes
Wilkin			Huffman, M.-30

Senator Antani voted in the negative-1.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 1**, pass?"

Senator Ingram moved to amend as follows:

In line 71, 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 80, 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 83, 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 84 through 118

The question being, "Shall the amendment be agreed to?"

Senator Gavarone moved that the amendment be laid on the table.

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

The yeas and nays were taken and resulted – yeas 24, nays 7, as follows:

Those who voted in the affirmative were: Senators

Antani	Blessing	Brenner	Chavez
Cirino	Dolan	Gavarone	Hackett
Huffman, S.	Kunze	Landis	Lang
Manning	McColley	O'Brien	Reineke
Reynolds	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Wilkin	Huffman, M.-24

Senators Antonio, Craig, DeMora, Hicks-Hudson, Ingram, Smith, and Sykes voted in the negative-7.

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 1**, pass?"

Senator Smith moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; after "3517.121" insert ", 4933.51, 4933.52, 4933.53, 4933.55, 4933.57, 4933.58, 4933.59, and 4933.60"

In line 3 of the title, after "issues" insert "and to prohibit certain public utilities from recovering political expenditure costs from their customers"

In line 4, delete "section" and insert "sections"; after "3517.121" insert ", 4933.51, 4933.52, 4933.53, 4933.55, 4933.57, 4933.58, 4933.59, and 4933.60"

After line 118, insert:

"Sec. 4933.51. As used in sections 4933.51 to 4933.60 of the Revised Code:

(A)(1) "Public utility" means an electric light company, gas company, or natural gas company as described in section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code.

(2) "Public utility" includes any affiliate or subsidiary of a company described in division (A)(1) of this section.

(B) "Nonprofit organization" means a tax-exempt organization described under subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code, 26 U.S.C. 501.

(C) "Political expenditure" means any of the following:

(1) A contribution or gift to a political candidate, party, or committee, to a committee of the general assembly, or to an organization working to promote the adoption or defeat of, or influence the outcome of an election for, a ballot issue or question;

(2) A contribution to a trade association, chamber of commerce, nonprofit organization, or other organization that is described under subsection 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501;

(3) Dues paid to any industry association of which the public utility is a member;

(4) An expenditure incurred for the purpose of lobbying any branch of government;

(5) Expenses incurred for the purpose of influencing public opinion about public policy issues or about the reputation of the public utility;

(6) Expenses incurred to fund any other political, charitable, or lobbying activity.

Sec. 4933.52. No public utility shall recover the cost of any political expenditure from its customers through any rate, rate mechanism, rental, toll, fee, rider, or other charge implemented pursuant to section 4909.18 or sections 4928.141 to 4928.143 of the Revised Code or under Chapter 4929 of the Revised Code.

Sec. 4933.53. If the public utilities commission determines that a public utility charged its customers in violation of the prohibition under section 4933.52 of the Revised Code, the charges imposed in violation of that section shall be subject to refund, plus interest. The commission shall order the payment of the refunds in a manner designed to allocate the refunds to customer classes in the same proportion as the charges were originally collected.

Sec. 4933.55. If the public utilities commission, after providing notice and a hearing, determines that a public utility has charged its customers in violation of the prohibition under section 4933.52 of the Revised Code, the commission shall issue an order imposing a fine on the public utility. The amount of the fine shall equal twenty times the amount that the public utility charged to customers in violation of that section.

Sec. 4933.57. The political activity fine fund is in the state treasury

consisting of the fines paid by public utilities pursuant to section 4933.55 of the Revised Code. The money in the fund shall be used to assist customers in paying public utility bills that are past due, according to a process established by rules adopted under division (A)(2) of section 4933.60 of the Revised Code.

Sec. 4933.58. The department of development shall administer the political activity fine fund created under section 4933.57 of the Revised Code. The department shall distribute the money in the fund to customers through the percentage of income payment plan program administered by the department pursuant to section 4928.53 of the Revised Code and in accordance with rules adopted under division (A)(2) of section 4933.60 of the Revised Code regarding the distribution of the money.

Sec. 4933.59. (A) Not later than the first day of January each year, each public utility shall submit to the public utilities commission an expenditure report listing all political expenditures that the utility made during the preceding twelve-month period. For each expenditure, the report shall include the payee, amount, and purpose of the expenditure. The report shall be submitted to the commission electronically, and upon its receipt, the commission shall post the report on the commission web site.

(B) The commission shall compile the expenditure reports submitted under division (A) of this section into a single report that the commission shall submit to the general assembly. The commission shall submit the report, not later than the first day of February each year, in accordance with section 101.68 of the Revised Code. The commission also shall post the report on the commission web site.

Sec. 4933.60. (A)(1) The public utilities commission shall adopt rules to implement sections 4933.51 to 4933.59 of the Revised Code.

(2) In conjunction with the department of development, the commission also shall adopt rules to establish a process within the percentage of income payment program for distributing the money collected from fines ordered by the commission under section 4933.55 of the Revised Code. The rules shall specify that the money collected shall be used to assist customers with the payment of past-due public utility bills as authorized under section 4933.58 of the Revised Code.

(B) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under division (A) of this section is not subject to sections 121.95 to 121.953 of the Revised Code."

The question being, "Shall the amendment be agreed to?"

Senator Gavarone moved that the amendment be laid on the table.

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

The yeas and nays were taken and resulted – yeas 21, nays 10, as follows:

Those who voted in the affirmative were: Senators

Blessing	Brenner	Chavez	Cirino
Dolan	Gavarone	Hackett	Huffman, S.
Landis	Lang	Manning	McColley
O'Brien	Reineke	Reynolds	Roegner
Rulli	Schaffer	Schuring	Wilkin
			Huffman, M.-21

Those who voted in the negative were: Senators

Antani	Antonio	Craig	DeMora
Hicks-Hudson	Ingram	Kunze	Romanchuk
Smith			Sykes-10

The amendment was laid on the table.

The question recurred, "Shall the bill, **Am. Sub. H. B. No. 1**, pass?"

The yeas and nays were taken and resulted – yeas 24, nays 7, as follows:

Those who voted in the affirmative were: Senators

Antani	Blessing	Brenner	Chavez
Cirino	Dolan	Gavarone	Hackett
Huffman, S.	Kunze	Landis	Lang
Manning	McColley	O'Brien	Reineke
Reynolds	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Wilkin	Huffman, M.-24

Senators Antonio, Craig, DeMora, Hicks-Hudson, Ingram, Smith, and Sykes voted in the negative-7.

So the bill passed.

The title was amended as follows:

Add the names: "Chavez, Cirino, Gavarone, Hackett, Huffman, S., Lang, McColley, O'Brien, Reineke, Reynolds, Roegner, Romanchuk, Rulli, Schaffer, Wilkin."

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

The motion was agreed to and the title so amended.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

H. B. No. 2 -Representative Dobos

Cosponsors: Representatives Brennan, Brent, Brewer, Callender, Forhan, Mohamed, Somani

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.

Attest:

Bradley J. Young,
Clerk.

Said bill was considered the first time.

MOTIONS

Senator McColley moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to **H. B. No. 2**, and that said bill be considered the second time.

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

The yeas and nays were taken and resulted – yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Kunze	Landis	Lang
Manning	McColley	O'Brien	Reineke
Reynolds	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Smith	Sykes
Wilkin			Huffman, M.-30

Senator Antani voted in the negative-1.

The motion was agreed to.

BILLS FOR THIRD CONSIDERATION

Senator McColley moved that Article II, Section 15(c) of the Ohio Constitution, requiring a bill to be considered on three different days, be suspended with respect to the third consideration of **H. B. No. 2**.

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

The yeas and nays were taken and resulted – yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Kunze	Landis	Lang
Manning	McColley	O'Brien	Reineke
Reynolds	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Smith	Sykes
Wilkin			Huffman, M.-30

Senator Antani voted in the negative-1.

The motion was agreed to.

The question being, "Shall the bill, **H. B. No. 2**, pass?"

Senator DeMora moved to amend 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 convene 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 or not later than the third day after the close of its national convention, whichever is earlier.

~~(2)~~(b) Nominated by nominating 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 or not later than the third day after it nominates its candidates, whichever is earlier.

(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"

The question being, "Shall the amendment be agreed to?"

Senator Gavarone moved that the amendment be laid on the table.

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

The yeas and nays were taken and resulted – yeas 22, nays 9, as follows:

Those who voted in the affirmative were: Senators

Antani	Blessing	Brenner	Chavez
Cirino	Dolan	Gavarone	Hackett
Huffman, S.	Landis	Lang	Manning
McColley	O'Brien	Reineke	Reynolds
Roegner	Romanchuk	Schaffer	Schuring
Wilkin			Huffman, M.-22

Those who voted in the negative were: Senators

Antonio	Craig	DeMora	Hicks-Hudson
Ingram	Kunze	Rulli	Smith
			Sykes-9

The amendment was laid on the table.

The question recurred, "Shall the bill, **H. B. No. 2**, pass?"

The yeas and nays were taken and resulted – yeas 30, nays 1, as follows:

Those who voted in the affirmative were: Senators

Antonio	Blessing	Brenner	Chavez
Cirino	Craig	DeMora	Dolan
Gavarone	Hackett	Hicks-Hudson	Huffman, S.
Ingram	Kunze	Landis	Lang
Manning	McColley	O'Brien	Reineke
Reynolds	Roegner	Romanchuk	Rulli
Schaffer	Schuring	Smith	Sykes
Wilkin			Huffman, M.-30

Senator Antani voted in the negative-1.

So the bill passed.

The title was amended as follows:

Add the names: "Antonio, Cirino, Craig, DeMora, Hicks-Hudson, Ingram, Reineke, Smith, Sykes."

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

The motion was agreed to and the title so amended.

On the motion of Senator McColley, the Senate adjourned until Tuesday, June 4, 2024 at 10:00 a.m.

Attest:

VINCENT L. KEERAN,
Clerk.