

As Reported by the House Government Oversight Committee

135th General Assembly

Special Session

2023-2024

Sub. H. B. No. 1

Representative Seitz

A BILL

To enact section 3517.121 of the Revised Code to 1
modify the Campaign Finance Law regarding 2
foreign nationals and ballot issues. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3517.121 of the Revised Code be 4
enacted to read as follows: 5

Sec. 3517.121. Notwithstanding any contrary provision of 6
the Revised Code: 7

(A) As used in this section: 8

(1) "Electioneering communication" has the same meaning as 9
in section 3517.1011 of the Revised Code. 10

(2) "Foreign national" has the same meaning as in 52 11
U.S.C. 30121. 12

(B) No foreign national shall, directly or indirectly 13
through any person or entity, do any of the following: 14

(1) Make a contribution, expenditure, or independent 15
expenditure in support of or opposition to a candidate for any 16
elective office in this state, including an office of a 17

political party; 18

(2) Make a contribution, expenditure, or independent 19
expenditure in support of or opposition to a statewide ballot 20
issue or question, regardless of whether the ballot issue or 21
question has yet been certified to appear on the ballot; 22

(3) Make a disbursement for the direct cost of producing 23
or airing an electioneering communication; 24

(4) Make a contribution to a candidate, campaign 25
committee, political action committee, political contributing 26
entity, legislative campaign fund, state candidate fund, 27
political party, or separate segregated fund, to any committee 28
created to support or oppose a ballot issue or question, or, to 29
the maximum extent permitted by law and by the constitutions of 30
the United States and of this state, to a continuing 31
association; 32

(5) Promise, either expressly or implicitly, to make a 33
contribution, expenditure, independent expenditure, or 34
disbursement described in division (B) (1), (2), (3), or (4) of 35
this section. 36

(C) No individual, candidate, campaign committee, 37
political action committee, political contributing entity, 38
legislative campaign fund, state candidate fund, political 39
party, separate segregated fund, or committee created to support 40
or oppose a ballot issue or question and, to the maximum extent 41
permitted by law and by the constitutions of the United States 42
and of this state, no continuing association shall, directly or 43
indirectly through any other person or entity, knowingly do 44
either of the following: 45

(1) Solicit, accept, or receive any funds from a foreign 46

national for any purpose described in division (B) of this 47
section; 48

(2) Make a contribution, expenditure, or independent 49
expenditure using any funds the person knows were received from 50
a foreign national for any purpose described in division (B) of 51
this section. 52

(D) No person shall knowingly aid or facilitate a 53
violation of division (B) or (C) of this section. 54

(E) Any complaint that alleges a violation of division (W) 55
of section 3517.13 of the Revised Code shall be treated as 56
instead alleging a violation of this section. 57

(F)(1) Whoever knowingly violates division (B) of this 58
section is guilty of a misdemeanor of the first degree on a 59
first offense and is guilty of a felony of the fifth degree on a 60
second or subsequent offense. The violator also shall be fined 61
an amount equal to three times the amount involved in the 62
violation or ten thousand dollars, whichever amount is greater. 63

(2) Whoever knowingly violates division (C) of this 64
section is guilty of a misdemeanor of the first degree on a 65
first offense and is guilty of a felony of the fifth degree on a 66
second or subsequent offense. The violator also shall be fined 67
an amount equal to three times the amount involved in the 68
violation or ten thousand dollars, whichever amount is greater, 69
and shall be required to return the total amount accepted in 70
violation of that division to the foreign national from whom it 71
was accepted. 72

(3) Whoever knowingly violates division (D) of this 73
section is guilty of a misdemeanor of the first degree and shall 74
be fined one thousand dollars. 75

(G) (1) (a) Except as otherwise provided in division (G) (1) 76
(b) of this section, the attorney general has exclusive 77
authority to prosecute a violation of this section and has 78
exclusive supervision and control of all investigations, 79
prosecutions, and enforcement proceedings under this section. 80

(b) If the attorney general is a victim or witness or 81
otherwise involved in an alleged violation of this section, the 82
attorney general shall refer the matter to the appropriate 83
prosecutor, as determined under division (A) (2) of section 84
3517.155 of the Revised Code, except that if applicable, the 85
attorney general shall make the determination described in 86
division (A) (2) (b) of that section instead of the Ohio elections 87
commission. 88

(2) Upon the occurrence of either of the following, the 89
attorney general shall investigate an alleged violation of this 90
section in consultation with the secretary of state: 91

(a) The submission of a written request to the attorney 92
general by the governor, the secretary of state, the general 93
assembly, or the Ohio elections commission, alleging a violation 94
of this section; 95

(b) The filing of a complaint with the attorney general by 96
an elector of this state, alleging a violation of this section. 97

(3) If it appears to the attorney general, after 98
conducting an investigation under division (G) (2) of this 99
section, that there is probable cause to believe that a 100
violation of this section has occurred, the attorney general may 101
prosecute the violation in a court of competent jurisdiction. 102

(H) When proceeding under this section, the attorney 103
general and any assistant or special counsel designated by the 104

attorney general for that purpose have all the rights, 105
privileges, and powers conferred by law on prosecuting 106
attorneys, including the power to appear before grand juries and 107
to interrogate witnesses before such grand juries. These powers 108
of the attorney general are in addition to any other applicable 109
powers of the attorney general. 110