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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.

Senators Chavez, Cirino, Gavarone, Hackett, Huffman, S., Lang, McColley, O'Brien, Reineke, Reynolds, Roegner, Romanchuk, Rulli, Schaffer, Wilkin

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" means any of the following, as 11
applicable: 12

<u>(a) In the case of an individual, an individual who is not</u>	13
<u>a United States citizen or national;</u>	14
<u>(b) A government of a foreign country or of a political</u>	15
<u>subdivision of a foreign country;</u>	16
<u>(c) A foreign political party;</u>	17
<u>(d) A person, other than an individual, that is organized</u>	18
<u>under the laws of, or has its principal place of business in, a</u>	19
<u>foreign country.</u>	20
<u>(B) No foreign national shall, directly or indirectly</u>	21
<u>through any person or entity, do any of the following:</u>	22
<u>(1) Make a contribution, expenditure, or independent</u>	23
<u>expenditure in support of or opposition to a candidate for any</u>	24
<u>elective office in this state, including an office of a</u>	25
<u>political party;</u>	26
<u>(2) Make a contribution, expenditure, or independent</u>	27
<u>expenditure in support of or opposition to a statewide ballot</u>	28
<u>issue or question, regardless of whether the ballot issue or</u>	29
<u>question has yet been certified to appear on the ballot;</u>	30
<u>(3) Make a disbursement for the direct cost of producing</u>	31
<u>or airing an electioneering communication;</u>	32
<u>(4) Make a contribution to a candidate, campaign</u>	33
<u>committee, political action committee, political contributing</u>	34
<u>entity, legislative campaign fund, state candidate fund,</u>	35
<u>political party, or separate segregated fund, to any committee</u>	36
<u>created to support or oppose a ballot issue or question, or, to</u>	37
<u>the maximum extent permitted by law and by the constitutions of</u>	38
<u>the United States and of this state, to a continuing</u>	39
<u>association;</u>	40

(5) Promise, either expressly or implicitly, to make a contribution, expenditure, independent expenditure, or disbursement described in division (B) (1), (2), (3), or (4) of this section. 41
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(C) No individual, candidate, campaign committee, political action committee, political contributing entity, legislative campaign fund, state candidate fund, political party, separate segregated fund, or committee created to support or oppose a ballot issue or question and, to the maximum extent permitted by law and by the constitutions of the United States and of this state, no continuing association shall, directly or indirectly through any other person or entity, knowingly do either of the following: 45
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(1) Solicit, accept, or receive any funds from a foreign national for any purpose described in division (B) of this section; 54
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(2) Make a contribution, expenditure, or independent expenditure using any funds the person knows were received from a foreign national for any purpose described in division (B) of this section. 57
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(D) No person shall knowingly aid or facilitate a violation of division (B) or (C) of this section. 61
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(E) Any complaint that alleges a violation of division (W) of section 3517.13 of the Revised Code shall be treated as instead alleging a violation of this section. 63
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(F) (1) Whoever knowingly violates division (B) of this section is guilty of a misdemeanor of the first degree on a first offense and is guilty of a felony of the fifth degree on a second or subsequent offense. The violator also shall be fined 66
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an amount equal to three times the amount involved in the 70
violation or ten thousand dollars, whichever amount is greater. 71

(2) Whoever knowingly violates division (C) of this 72
section is guilty of a misdemeanor of the first degree on a 73
first offense and is guilty of a felony of the fifth degree on a 74
second or subsequent offense. The violator also shall be fined 75
an amount equal to three times the amount involved in the 76
violation or ten thousand dollars, whichever amount is greater, 77
and shall be required to return the total amount accepted in 78
violation of that division to the foreign national from whom it 79
was accepted. 80

(3) Whoever knowingly violates division (D) of this 81
section is guilty of a misdemeanor of the first degree and shall 82
be fined one thousand dollars. 83

(G) (1) (a) Except as otherwise provided in division (G) (1) 84
(b) of this section, the attorney general has exclusive 85
authority to prosecute a violation of this section and has 86
exclusive supervision and control of all investigations, 87
prosecutions, and enforcement proceedings under this section. 88

(b) If the attorney general is a victim or witness or 89
otherwise involved in an alleged violation of this section, the 90
attorney general shall refer the matter to the appropriate 91
prosecutor, as determined under division (A) (2) of section 92
3517.155 of the Revised Code, except that if applicable, the 93
attorney general shall make the determination described in 94
division (A) (2) (b) of that section instead of the Ohio elections 95
commission. 96

(2) Upon the occurrence of either of the following, the 97
attorney general shall investigate an alleged violation of this 98

<u>section in consultation with the secretary of state:</u>	99
<u>(a) The submission of a written request to the attorney</u>	100
<u>general by the governor, the secretary of state, the general</u>	101
<u>assembly, or the Ohio elections commission, alleging a violation</u>	102
<u>of this section;</u>	103
<u>(b) The filing of a complaint with the attorney general by</u>	104
<u>an elector of this state, alleging a violation of this section.</u>	105
<u>(3) If it appears to the attorney general, after</u>	106
<u>conducting an investigation under division (G) (2) of this</u>	107
<u>section, that there is probable cause to believe that a</u>	108
<u>violation of this section has occurred, the attorney general may</u>	109
<u>prosecute the violation in a court of competent jurisdiction.</u>	110
<u>(H) When proceeding under this section, the attorney</u>	111
<u>general and any assistant or special counsel designated by the</u>	112
<u>attorney general for that purpose have all the rights,</u>	113
<u>privileges, and powers conferred by law on prosecuting</u>	114
<u>attorneys, including the power to appear before grand juries and</u>	115
<u>to interrogate witnesses before such grand juries. These powers</u>	116
<u>of the attorney general are in addition to any other applicable</u>	117
<u>powers of the attorney general.</u>	118