



State Auditor and elections commission consider expanded authority over use of taxpayer funds for ballot issue campaigns

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The Ohio Elections Commission meeting on April 2 included a discussion about a legislative proposal drafted by State Auditor David Yost that could expand the commission's jurisdiction to hear complaints against local jurisdictions accused of using public resources to support levy campaigns. Several state laws prohibit school districts and most other political subdivisions from using public resources to influence the outcome of a candidate campaign, bond or levy issue. The Ohio Elections Commission currently does not have jurisdiction over such misspending allegations.

State Auditor Yost's office can and does review such matters but noted its desire for more timely responses to allegations of misspending than can typically occur through the normal audit process. The draft legislative proposal would authorize the Ohio Elections Commission to conduct expedited hearings on cases brought within 90 days of a general election or 60 days of a special or primary election. As currently drafted, the proposal would require the commission to send copies of complaints alleging misspending to the appropriate prosecutor and would allow the prosecutor to bring an action "before, during, or after" the Ohio Elections Commission proceedings. The proposal would also allow the commission to impose a fine of up to \$1,000, order restitution and/or formally refer the matter for prosecution.

The proposal does not change the commission's current jurisdiction over complaints regarding improper reporting, such as an alleged failure to report political subdivision support as an in-kind contribution or failure to include the proper disclaimers. The proposal does not, and could not, have any impact on recent court decisions that stripped the Ohio Elections Commission of its ability to hear "false statement" complaints.

Additional changes to the proposal are likely, including a specific reference to include school districts within the commission's jurisdiction.

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