



## State Auditor seeks Ohio Elections Commission jurisdiction over levy info complaints

May 13, 2015

At its meeting this past Thursday, the Ohio Elections Commission considered legislation offered by State Auditor David Yost which would allow the OEC to take prompt action on citizens' complaints about school mailings, web pages, or other activities which allegedly promote levies using public funds. (The changes would apply to other political subdivisions as well.) The State Auditor currently has jurisdiction to consider allegations of such misspending of public funds, but only in the course of an audit which typically occurs long after the election in question. The proposed amendments would allow the OEC to conduct expedited hearings on cases brought within 90 days before a general election or 60 days before a special or primary election. The Executive Director of OEC has expressed support for the legislation. Because the legislation is proposed as an amendment to the pending biennial budget bill (HB 64), it is possible that enactment could occur prior to July 1, 2015.

Penalties for a violation of the Ohio election law involved\* could include an order for restitution, the imposition of a fine of up to \$1,000, and/or referral for criminal prosecution as a misdemeanor of the first degree. The proposed legislation is unclear as to who would be considered the "violator" in situations involving an informational mailing by a school district— but this could be interpreted to mean the superintendent or any other person deemed to be responsible for the communication.

\*The original draft of this legislation centers on violations of [ORC 9.03](#), a law of general application which allows public officials to "present information" about their political subdivision, but prohibits the expenditure of public funds "on any activity to influence the outcome of an election." It is anticipated that a [similar law applicable specifically to schools](#) will eventually be included within the proposed amendments.



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