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**ADVISORY NO. 2007-14**  
November 6, 2007

To: All County Boards Of Elections

Re: Statewide Ballot Issue Advertising

The Ohio Constitution requires the certified ballot language of a statewide issue and the official explanations and/or arguments for and against that issue to be published once a week for three consecutive weeks prior to an election at which the proposed law, constitutional amendment or referendum will appear on the statewide ballot.

The Constitution also provides that "laws may be enacted to facilitate" the operation of these constitutional provisions; see Article II, Section 1g. Some of the laws previously enacted for this purpose were amended by Amended Substitute House Bill Number 119 (127<sup>th</sup> General Assembly), certain provisions of which became effective on September 29, 2007.

This Advisory serves as a general overview of how Am. Sub. H.B. 119 affects the Boards of Elections with respect to advertising statewide ballot issues. A copy of the act as adopted by the Ohio General Assembly can be obtained online at [http://www.legislature.state.oh.us/BillText127/127\\_HB\\_119\\_EN\\_N.html](http://www.legislature.state.oh.us/BillText127/127_HB_119_EN_N.html)

**Prior Law**

Under prior law, the Boards of Elections were generally required to provide for the issuance of all notices, advertisements, and publications concerning elections. However, the State of Ohio bore the cost of advertising statewide ballot issues, explanations and arguments. To the extent the General Assembly appropriated money for that purpose, the Ohio Ballot Board directed the Secretary of State to reimburse the Boards of Elections for public notice costs associated with statewide ballot issues.

**Changes Enacted in Am. Sub. H.B. 119 re: Statewide Issue Advertising**

As a result of legislative changes enacted in Am. Sub. H.B. 119, the Boards of Elections no longer are responsible for statewide ballot issue advertising. Instead, the Secretary of State's office handles all statewide ballot issue. R.C. 3505.062(G) as amended requires the Ohio Ballot Board to direct the Secretary of State to contract for the publication in a newspaper of general

circulation in each county of the ballot language, explanations, and arguments regarding each of the following:

- A constitutional amendment or law proposed by initiative petition;
- A law, section, or item of law submitted to the electors by referendum petition for their approval or rejection; and
- A constitutional amendment submitted to the electors by the General Assembly.

Additionally, new division (BB) of Section 3501.05 requires the Secretary of State to distribute information regarding each statewide ballot issue as directed by the Ohio Ballot Board pursuant to R.C. 3505.062(F), in order to inform the voters as fully as possible regarding each proposed constitutional amendment, proposed law or referendum.

Finally, R.C. 3501.17(G) as amended requires the Ballot Board to reimburse the Secretary of State for the publication costs.

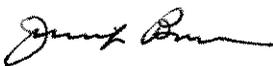
**Other provisions in Am. Sub. H.B. 119**

Am. Sub. H.B. 119 also addresses budgets for every state agency. Because these provisions do not affect the Secretary of State's office or Boards of Elections, their details have been omitted from this advisory.

However, Am. Sub. H.B. 119 contains significant amendments affecting elections administration in the areas of campaign finance reporting and absentee voting requirements. Those changes were addressed earlier this year in a separate Advisory (SOS Advisory 2007-11) and Memo (SOS Memo 10/19/07).

If you have any questions or need additional information regarding this Advisory, please contact the Elections Division attorney assigned to your county.

Sincerely,



Jennifer Brunner