

ADVISORY 2009-05  
June 11, 2009

To: ALL COUNTY BOARDS OF ELECTIONS

Re: Campaign contribution limits on government contractors and vendors

The purpose of this advisory is to inform the Ohio boards of elections of changes to Ohio election law concerning campaign contribution limits for government contractors and vendors. These changes have resulted from the rulings of the Franklin County Court of Common Pleas and the Tenth District Court of Appeals of Ohio.

In December 2006, the General Assembly sought to enact legislation referred to as “Amended Substitute House Bill 694” (“HB 694”). This legislation substantially expanded limits on political campaign contributions by government contractors and vendors seeking government contracts. The legislation also imposed new prohibitions on the solicitation of campaign contributions by certain elected officials.

The legislation was challenged by numerous parties in a case in the Franklin County Court of Common Pleas captioned *United Auto Workers, Local Union 1112 v. Brunner*, No. 05CVH-03-2553. On December 5, 2007, the court ruled that, due to certain procedural errors by the General Assembly during the legislative process, HB 694 never became law or went into effect. . The Attorney General appealed this ruling to the Tenth District Court of Appeals. On April 14, 2009, the Tenth District Court issued its judgment upholding the Common Pleas court decision and reaffirming that HB 694 was not constitutionally enacted and thus never became law. The time for appeal of the Tenth District Court’s ruling has now passed, and the Court’s opinion has settled the matter.

Thus, in accordance with the Tenth District Court of Appeals’ judgment, Ohio law with respect to campaign contributions by government contractors and vendors reverts to the law as it existed prior to April 3, 2007 (when the changes under HB 694 would have become effective). The specific sections of law affected are Ohio Revised Code Section 109.96, 3517.093, 3517.13, and 3517.992.

In the near future, the Campaign Finance Division will be issuing a revised handbook outlining Ohio’s campaign finance laws. This handbook will provide additional detail about limits on campaign contributions by government contractors and vendors, including the state of the law as a result of the legal proceedings described in this Advisory.

It is my recommendation that boards of elections make this advisory available to any local elected official or other interested party having questions about this law. If you have any questions, please feel free to contact your county prosecutor or your assigned elections counsel.

Sincerely,

Jennifer Brunner