As Introduced

136th General Assembly
Regular Session **H. B. No. 264**
2025-2026

Representatives Fischer, Mathews, A.

To amend section 9.03 of the Revised Code to prohibit certain government publications concerning candidates or ballot issues during the 30 days before an election.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 9.03 of the Revised Code be amended to read as follows:

Sec. 9.03. (A) As used in this section:

(1) "Political subdivision" means any body corporate and politic, except a municipal corporation that has adopted a charter under Section 7 of Article XVIII, Ohio Constitution, and except a county that has adopted a charter under Sections 3 and 4 of Article X, Ohio Constitution, to which both of the following apply:

(a) It is responsible for governmental activities only in a geographic area smaller than the state.

(b) It is subject to the sovereign immunity of the state.

(2) "Cigarettes" and "tobacco product" have the same meanings as in section 5743.01 of the Revised Code.

(3) "Transaction" has the same meaning as in section

1315.51 of the Revised Code.

(4) "Campaign committee," "campaign fund," "candidate," "legislative campaign fund," "political action committee," "political committee," "political party," and "separate segregated fund" have the same meanings as in section 3517.01 of the Revised Code.

(5) "Government publication" means a notice, placard, advertisement, brochure, flyer, direct mailer, newsletter, electronic mail message, internet article or advertisement, or other form of general publication that communicates information about the plans, policies, and operations of a state agency, political subdivision, or public official to members of the public. "Government publication" does not include either of the following:

(a) Any official notice, report, or other communication that is required to be made under an applicable law;

(b) Any official correspondence sent to one or more persons that is not sent to the general public.

(B) Except as otherwise provided in division (C) of this section, the governing body of a political subdivision may use public funds to publish and distribute ~~newsletters, or to use any other means, to communicate information about the plans, policies, and operations of the political subdivision~~ a government publication to members of the public within the political subdivision and to other persons who may be affected by the political subdivision.

(C) Except as otherwise provided in division (A)(7) of section 340.03 of the Revised Code, no governing body of a political subdivision shall use public funds to do any of the

following:

(1) Publish, distribute, or otherwise communicate information that does any of the following:

(a) Contains defamatory, libelous, or obscene matter;

(b) Promotes alcoholic beverages, cigarettes or other tobacco products, or any illegal product, service, or activity;

(c) Promotes illegal discrimination on the basis of race, color, religion, national origin, disability, age, or ancestry;

(d) Supports or opposes any labor organization or any action by, on behalf of, or against any labor organization;

(e) Supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue.

(2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C)(1)(e) of this section. Division (C)(2) of this section does not prohibit the use of public funds to compensate an employee of a political subdivision for attending a public meeting to present information about the political subdivision's finances, activities, and governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting.

(D) Except as otherwise provided in division (A)(7) of section 340.03 of the Revised Code or in division (E) of this section, no person shall knowingly conduct a direct or indirect

transaction of public funds to the benefit of any of the following:

(1) A campaign committee;

(2) A political action committee;

(3) A legislative campaign fund;

(4) A political party;

(5) A campaign fund;

(6) A political committee;

(7) A separate segregated fund;

(8) A candidate.

(E) Division (D) of this section does not prohibit the utilization of any person's own time to speak in support of or in opposition to any candidate, recall, referendum, levy, or bond issue unless prohibited by any other section of the Revised Code.

~~(F)~~ (F)(1) The use of public funds, directly or indirectly, to disseminate a government publication during the period beginning on the thirtieth day before the day of an election and ending on the day of the election that refers to a clearly identified candidate for nomination or election at that election is considered to support or oppose the nomination or election of a candidate for public office in violation of division (C)(1)(e) of this section and is considered a transaction of public funds to the benefit of a candidate in violation of division (D) of this section. A government publication refers to a clearly identified candidate if the candidate's name, nickname, photograph, or drawing appears, or

if the identity of the candidate is otherwise apparent through an unambiguous reference to the person such as "the chief justice," "the governor," "member of the Ohio senate," "member of the Ohio house of representatives," "county auditor," "mayor," or "township trustee" or through an unambiguous reference to the person's status as a candidate.

(2) The use of public funds, directly or indirectly, to disseminate a government publication during the period beginning on the thirtieth day before the day of an election at which a levy or bond issue appears on the ballot and ending on the day of the election that refers to the levy or bond issue or that refers to a state agency's or political subdivision's finances is considered to support the passage of the levy or bond issue in violation of division (C)(1)(e) of this section and is considered a transaction of public funds to the benefit of a political action committee in violation of division (D) of this section.

(3) Divisions (F)(1) and (2) of this section do not apply to the official web site of a state agency, political subdivision, or public official, so long as the web site refers to the clearly identified candidate or to the levy or bond issue before the thirtieth day before the day of the election.

(G) Nothing in this section prohibits or restricts any political subdivision from sponsoring, participating in, or doing any of the following:

(1) Charitable or public service advertising that is not commercial in nature;

(2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a

political subdivision or are provided at or through premises owned or operated by a political subdivision;

(3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.

~~(G)~~ (H) Whoever violates division (D) of this section shall be punished as provided in section 3599.40 of the Revised Code.

Section 2. That existing section 9.03 of the Revised Code is hereby repealed.