

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 335

Representative Schmidt

**Cosponsors: Representatives Jones, Bird, Lampton, Merrin, Ghanbari, Plummer,
Johnson, Carruthers, Fowler Arthur**

A BILL

To amend sections 102.02 and 102.07 of the Revised 1
Code to require the Ohio Ethics Commission to 2
post certain financial disclosure statements 3
online and to make an appropriation. 4

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

Section 1. That sections 102.02 and 102.07 of the Revised 5
Code be amended to read as follows: 6

Sec. 102.02. (A) (1) Except as otherwise provided in 7
division (H) of this section, all of the following shall file 8
with the appropriate ethics commission the disclosure statement 9
described in this division on a form prescribed by the 10
appropriate commission: every person who is elected to or is a 11
candidate for a state, county, or city office and every person 12
who is appointed to fill a vacancy for an unexpired term in such 13
an elective office; all members of the state board of education; 14
the director, assistant directors, deputy directors, division 15
chiefs, or persons of equivalent rank of any administrative 16
department of the state; the president or other chief 17
administrative officer of every state institution of higher 18

education as defined in section 3345.011 of the Revised Code; 19
the executive director and the members of the capitol square 20
review and advisory board appointed or employed pursuant to 21
section 105.41 of the Revised Code; all members of the Ohio 22
casino control commission, the executive director of the 23
commission, all professional employees of the commission, and 24
all technical employees of the commission who perform an 25
internal audit function; the individuals set forth in division 26
(B) (2) of section 187.03 of the Revised Code; the chief 27
executive officer and the members of the board of each state 28
retirement system; each employee of a state retirement board who 29
is a state retirement system investment officer licensed 30
pursuant to section 1707.163 of the Revised Code; the members of 31
the Ohio retirement study council appointed pursuant to division 32
(C) of section 171.01 of the Revised Code; employees of the Ohio 33
retirement study council, other than employees who perform 34
purely administrative or clerical functions; the administrator 35
of workers' compensation and each member of the bureau of 36
workers' compensation board of directors; the bureau of workers' 37
compensation director of investments; the chief investment 38
officer of the bureau of workers' compensation; all members of 39
the board of commissioners on grievances and discipline of the 40
supreme court and the ethics commission created under section 41
102.05 of the Revised Code; every business manager, treasurer, 42
or superintendent of a city, local, exempted village, joint 43
vocational, or cooperative education school district or an 44
educational service center; every person who is elected to or is 45
a candidate for the office of member of a board of education of 46
a city, local, exempted village, joint vocational, or 47
cooperative education school district or of a governing board of 48
an educational service center that has a total student count of 49
twelve thousand or more as most recently determined by the 50

department of education pursuant to section 3317.03 of the 51
Revised Code; every person who is appointed to the board of 52
education of a municipal school district pursuant to division 53
(B) or (F) of section 3311.71 of the Revised Code; all members 54
of the board of directors of a sanitary district that is 55
established under Chapter 6115. of the Revised Code and 56
organized wholly for the purpose of providing a water supply for 57
domestic, municipal, and public use, and that includes two 58
municipal corporations in two counties; every public official or 59
employee who is paid a salary or wage in accordance with 60
schedule C of section 124.15 or schedule E-2 of section 124.152 61
of the Revised Code; members of the board of trustees and the 62
executive director of the southern Ohio agricultural and 63
community development foundation; all members appointed to the 64
Ohio livestock care standards board under section 904.02 of the 65
Revised Code; all entrepreneurs in residence assigned by the 66
LeanOhio office in the department of administrative services 67
under section 125.65 of the Revised Code and every other public 68
official or employee who is designated by the appropriate ethics 69
commission pursuant to division (B) of this section. 70

(2) The disclosure statement shall include all of the 71
following: 72

(a) The name of the person filing the statement and each 73
member of the person's immediate family and all names under 74
which the person or members of the person's immediate family do 75
business; 76

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 77
this section and except as otherwise provided in section 102.022 78
of the Revised Code, identification of every source of income, 79
other than income from a legislative agent identified in 80

division (A) (2) (b) (ii) of this section, received during the 81
preceding calendar year, in the person's own name or by any 82
other person for the person's use or benefit, by the person 83
filing the statement, and a brief description of the nature of 84
the services for which the income was received. If the person 85
filing the statement is a member of the general assembly, the 86
statement shall identify the amount of every source of income 87
received in accordance with the following ranges of amounts: 88
zero or more, but less than one thousand dollars; one thousand 89
dollars or more, but less than ten thousand dollars; ten 90
thousand dollars or more, but less than twenty-five thousand 91
dollars; twenty-five thousand dollars or more, but less than 92
fifty thousand dollars; fifty thousand dollars or more, but less 93
than one hundred thousand dollars; and one hundred thousand 94
dollars or more. Division (A) (2) (b) (i) of this section shall not 95
be construed to require a person filing the statement who 96
derives income from a business or profession to disclose the 97
individual items of income that constitute the gross income of 98
that business or profession, except for those individual items 99
of income that are attributable to the person's or, if the 100
income is shared with the person, the partner's, solicitation of 101
services or goods or performance, arrangement, or facilitation 102
of services or provision of goods on behalf of the business or 103
profession of clients, including corporate clients, who are 104
legislative agents. A person who files the statement under this 105
section shall disclose the identity of and the amount of income 106
received from a person who the public official or employee knows 107
or has reason to know is doing or seeking to do business of any 108
kind with the public official's or employee's agency. 109

(ii) If the person filing the statement is a member of the 110
general assembly, the statement shall identify every source of 111

income and the amount of that income that was received from a 112
legislative agent during the preceding calendar year, in the 113
person's own name or by any other person for the person's use or 114
benefit, by the person filing the statement, and a brief 115
description of the nature of the services for which the income 116
was received. Division (A) (2) (b) (ii) of this section requires 117
the disclosure of clients of attorneys or persons licensed under 118
section 4732.12 of the Revised Code, or patients of persons 119
licensed under section 4731.14 of the Revised Code, if those 120
clients or patients are legislative agents. Division (A) (2) (b) 121
(ii) of this section requires a person filing the statement who 122
derives income from a business or profession to disclose those 123
individual items of income that constitute the gross income of 124
that business or profession that are received from legislative 125
agents. 126

(iii) Except as otherwise provided in division (A) (2) (b) 127
(iii) of this section, division (A) (2) (b) (i) of this section 128
applies to attorneys, physicians, and other persons who engage 129
in the practice of a profession and who, pursuant to a section 130
of the Revised Code, the common law of this state, a code of 131
ethics applicable to the profession, or otherwise, generally are 132
required not to reveal, disclose, or use confidences of clients, 133
patients, or other recipients of professional services except 134
under specified circumstances or generally are required to 135
maintain those types of confidences as privileged communications 136
except under specified circumstances. Division (A) (2) (b) (i) of 137
this section does not require an attorney, physician, or other 138
professional subject to a confidentiality requirement as 139
described in division (A) (2) (b) (iii) of this section to disclose 140
the name, other identity, or address of a client, patient, or 141
other recipient of professional services if the disclosure would 142

threaten the client, patient, or other recipient of professional 143
services, would reveal details of the subject matter for which 144
legal, medical, or professional advice or other services were 145
sought, or would reveal an otherwise privileged communication 146
involving the client, patient, or other recipient of 147
professional services. Division (A) (2) (b) (i) of this section 148
does not require an attorney, physician, or other professional 149
subject to a confidentiality requirement as described in 150
division (A) (2) (b) (iii) of this section to disclose in the brief 151
description of the nature of services required by division (A) 152
(2) (b) (i) of this section any information pertaining to specific 153
professional services rendered for a client, patient, or other 154
recipient of professional services that would reveal details of 155
the subject matter for which legal, medical, or professional 156
advice was sought or would reveal an otherwise privileged 157
communication involving the client, patient, or other recipient 158
of professional services. 159

(c) The name of every corporation on file with the 160
secretary of state that is incorporated in this state or holds a 161
certificate of compliance authorizing it to do business in this 162
state, trust, business trust, partnership, or association that 163
transacts business in this state in which the person filing the 164
statement or any other person for the person's use and benefit 165
had during the preceding calendar year an investment of over one 166
thousand dollars at fair market value as of the thirty-first day 167
of December of the preceding calendar year, or the date of 168
disposition, whichever is earlier, or in which the person holds 169
any office or has a fiduciary relationship, and a description of 170
the nature of the investment, office, or relationship. Division 171
(A) (2) (c) of this section does not require disclosure of the 172
name of any bank, savings and loan association, credit union, or 173

building and loan association with which the person filing the statement has a deposit or a withdrawable share account. 174
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(d) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation; 176
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(e) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A) (2) (e) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money. 181
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(f) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A) (2) (c) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A) (2) (f) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person 194
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resulting from the ordinary conduct of a business or profession. 204

(g) Except as otherwise provided in section 102.022 of the 205
Revised Code, the source of each gift of over seventy-five 206
dollars, or of each gift of over twenty-five dollars received by 207
a member of the general assembly from a legislative agent, 208
received by the person in the person's own name or by any other 209
person for the person's use or benefit during the preceding 210
calendar year, except gifts received by will or by virtue of 211
section 2105.06 of the Revised Code, or received from spouses, 212
parents, grandparents, children, grandchildren, siblings, 213
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 214
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 215
or any person to whom the person filing the statement stands in 216
loco parentis, or received by way of distribution from any inter 217
vivos or testamentary trust established by a spouse or by an 218
ancestor; 219

(h) Except as otherwise provided in section 102.022 of the 220
Revised Code, identification of the source and amount of every 221
payment of expenses incurred for travel to destinations inside 222
or outside this state that is received by the person in the 223
person's own name or by any other person for the person's use or 224
benefit and that is incurred in connection with the person's 225
official duties, except for expenses for travel to meetings or 226
conventions of a national or state organization to which any 227
state agency, including, but not limited to, any legislative 228
agency or state institution of higher education as defined in 229
section 3345.011 of the Revised Code, pays membership dues, or 230
any political subdivision or any office or agency of a political 231
subdivision pays membership dues; 232

(i) Except as otherwise provided in section 102.022 of the 233

Revised Code, identification of the source of payment of 234
expenses for meals and other food and beverages, other than for 235
meals and other food and beverages provided at a meeting at 236
which the person participated in a panel, seminar, or speaking 237
engagement or at a meeting or convention of a national or state 238
organization to which any state agency, including, but not 239
limited to, any legislative agency or state institution of 240
higher education as defined in section 3345.011 of the Revised 241
Code, pays membership dues, or any political subdivision or any 242
office or agency of a political subdivision pays membership 243
dues, that are incurred in connection with the person's official 244
duties and that exceed one hundred dollars aggregated per 245
calendar year; 246

(j) If the disclosure statement is filed by a public 247
official or employee described in division (B) (2) of section 248
101.73 of the Revised Code or division (B) (2) of section 121.63 249
of the Revised Code who receives a statement from a legislative 250
agent, executive agency lobbyist, or employer that contains the 251
information described in division (F) (2) of section 101.73 of 252
the Revised Code or division (G) (2) of section 121.63 of the 253
Revised Code, all of the nondisputed information contained in 254
the statement delivered to that public official or employee by 255
the legislative agent, executive agency lobbyist, or employer 256
under division (F) (2) of section 101.73 or (G) (2) of section 257
121.63 of the Revised Code. 258

(3) A person may file a statement required by this section 259
in person, by mail, or by electronic means. 260

(4) A person who is required to file a statement under 261
this section shall file that statement according to the 262
following deadlines, as applicable: 263

(a) Except as otherwise provided in divisions (A) (4) (b), (c), and (d) of this section, the person shall file the statement not later than the fifteenth day of May of each year.

(b) A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.

(c) A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office.

(d) A person who is appointed or employed after the fifteenth day of May, other than a person described in division (A) (4) (c) of this section, shall file an annual statement within ninety days after appointment or employment.

(5) No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

~~(7) A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.~~

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making

procedures of Chapter 119. of the Revised Code, may require any 293
class of public officials or employees under its jurisdiction 294
and not specifically excluded by this section whose positions 295
involve a substantial and material exercise of administrative 296
discretion in the formulation of public policy, expenditure of 297
public funds, enforcement of laws and rules of the state or a 298
county or city, or the execution of other public trusts, to file 299
an annual statement under division (A) of this section. The 300
appropriate ethics commission shall send the public officials or 301
employees written notice of the requirement not less than thirty 302
days before the applicable filing deadline unless the public 303
official or employee is appointed after that date, in which case 304
the notice shall be sent within thirty days after appointment, 305
and the filing shall be made not later than ninety days after 306
appointment. 307

Disclosure statements filed under this division with the 308
Ohio ethics commission by members of boards, commissions, or 309
bureaus of the state for which no compensation is received other 310
than reasonable and necessary expenses shall be kept 311
confidential. Disclosure statements filed with the Ohio ethics 312
commission under division (A) of this section by business 313
managers, treasurers, and superintendents of city, local, 314
exempted village, joint vocational, or cooperative education 315
school districts or educational service centers shall be kept 316
confidential, except that any person conducting an audit of any 317
such school district or educational service center pursuant to 318
Chapter 117. of the Revised Code may examine the disclosure 319
statement of any business manager, treasurer, or superintendent 320
of that school district or educational service center. 321
Disclosure statements filed with the Ohio ethics commission 322
under division (A) of this section by the individuals set forth 323

in division (B) (2) of section 187.03 of the Revised Code shall 324
be kept confidential. The Ohio ethics commission shall examine 325
each disclosure statement required to be kept confidential to 326
determine whether a potential conflict of interest exists for 327
the person who filed the disclosure statement. A potential 328
conflict of interest exists if the private interests of the 329
person, as indicated by the person's disclosure statement, might 330
interfere with the public interests the person is required to 331
serve in the exercise of the person's authority and duties in 332
the person's office or position of employment. If the commission 333
determines that a potential conflict of interest exists, it 334
shall notify the person who filed the disclosure statement and 335
shall make the portions of the disclosure statement that 336
indicate a potential conflict of interest subject to public 337
inspection in the same manner as is provided for other 338
disclosure statements. Any portion of the disclosure statement 339
that the commission determines does not indicate a potential 340
conflict of interest shall be kept confidential by the 341
commission and shall not be made subject to public inspection, 342
except as is necessary for the enforcement of Chapters 102. and 343
2921. of the Revised Code and except as otherwise provided in 344
this division. 345

(C) No person shall knowingly fail to file, on or before 346
the applicable filing deadline established under this section, a 347
statement that is required by this section. 348

(D) No person shall knowingly file a false statement that 349
is required to be filed under this section. 350

(E) (1) Except as provided in divisions (E) (2) and (3) of 351
this section, the statement required by division (A) or (B) of 352
this section shall be accompanied by a filing fee of sixty 353

dollars. 354

(2) The statement required by division (A) of this section 355

shall be accompanied by the following filing fee to be paid by 356

the person who is elected or appointed to, or is a candidate 357

for, any of the following offices: 358

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A For state office, except member of the state board of \$95
education

B For office of member of general assembly \$40

C For county office \$60

D For city office \$35

E For office of member of the state board of education \$35

F For office of member of a city, local, exempted \$30
village, or cooperative education board of education
or educational service center governing board

G For position of business manager, treasurer, or \$30
superintendent of a city, local, exempted village,
joint vocational, or cooperative education school
district or educational service center

(3) No judge of a court of record or candidate for judge 361

of a court of record, and no referee or magistrate serving a 362

court of record, shall be required to pay the fee required under 363
division (E) (1) or (2) or (F) of this section. 364

(4) For any public official who is appointed to a 365
nonelective office of the state and for any employee who holds a 366
nonelective position in a public agency of the state, the state 367
agency that is the primary employer of the state official or 368
employee shall pay the fee required under division (E) (1) or (F) 369
of this section. 370

(F) If a statement required to be filed under this section 371
is not filed by the date on which it is required to be filed, 372
the appropriate ethics commission shall assess the person 373
required to file the statement a late filing fee of ten dollars 374
for each day the statement is not filed, except that the total 375
amount of the late filing fee shall not exceed two hundred fifty 376
dollars. 377

(G) (1) The appropriate ethics commission other than the 378
Ohio ethics commission and the joint legislative ethics 379
committee shall deposit all fees it receives under divisions (E) 380
and (F) of this section into the general revenue fund of the 381
state. 382

(2) The Ohio ethics commission shall deposit all receipts, 383
including, but not limited to, fees it receives under divisions 384
(E) and (F) of this section, investigative or other fees, costs, 385
or other funds it receives as a result of court orders, and all 386
moneys it receives from settlements under division (G) of 387
section 102.06 of the Revised Code, into the Ohio ethics 388
commission fund, which is hereby created in the state treasury. 389
All moneys credited to the fund shall be used solely for 390
expenses related to the operation and statutory functions of the 391
commission. 392

(3) The joint legislative ethics committee shall deposit 393
all receipts it receives from the payment of financial 394
disclosure statement filing fees under divisions (E) and (F) of 395
this section into the joint legislative ethics committee 396
investigative and financial disclosure fund. 397

(H) Division (A) of this section does not apply to a 398
person elected or appointed to the office of precinct, ward, or 399
district committee member under Chapter 3517. of the Revised 400
Code; a presidential elector; a delegate to a national 401
convention; village or township officials and employees; any 402
physician or psychiatrist who is paid a salary or wage in 403
accordance with schedule C of section 124.15 or schedule E-2 of 404
section 124.152 of the Revised Code and whose primary duties do 405
not require the exercise of administrative discretion; or any 406
member of a board, commission, or bureau of any county or city 407
who receives less than one thousand dollars per year for serving 408
in that position. 409

Sec. 102.07. (A) No member, employee, or agent of the Ohio 410
ethics commission, board of commissioners on grievances and 411
discipline of the supreme court, or joint legislative ethics 412
committee shall divulge any information or any books, papers, or 413
documents presented to the commission, joint legislative ethics 414
committee, or board of commissioners on grievances and 415
discipline without the consent, in writing, of the appropriate 416
ethics commission, unless such books, papers, or documents were 417
presented at a public hearing, except as provided in section 418
102.06 of the Revised Code. 419

(B) (1) Subject to division (B) (3) of this section, a 420
statement filed under section 102.02 of the Revised Code is 421
subject to public inspection at locations designated by the 422

appropriate ethics commission. 423

(2) Subject to division (B)(3) of this section, the Ohio 424
ethics commission shall make the information in the following 425
statements filed with the commission under section 102.02 of the 426
Revised Code available to the public on its official web site as 427
soon as practicable after the statements are filed: 428

(a) A statement filed by a person who holds an elective 429
office while the person holds that office; 430

(b) A statement filed by an administrative department head 431
listed in section 121.03 of the Revised Code while the person 432
holds that position. 433

(3) No person shall divulge information that appears on a 434
disclosure statement and is required to be kept confidential 435
under division (B) of section 102.02 of the Revised Code. 436

Section 2. That existing sections 102.02 and 102.07 of the 437
Revised Code are hereby repealed. 438

Section 3. All items in this act are hereby appropriated 439
as designated out of any moneys in the state treasury to the 440
credit of the designated fund. For all operating appropriations 441
made in this act, those in the first column are for fiscal year 442
2022 and those in the second column are for fiscal year 2023. 443
The operating appropriations made in this act are in addition to 444
any other operating appropriations made for the FY 2022-FY 2023 445
biennium. 446

Section 4. 447

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A	ETH OHIO ETHICS COMMISSION				
B	General Revenue Fund				
C	GRF	146321	Operating Expenses	\$35,000	\$2,500
D	TOTAL GRF General Revenue Fund			\$35,000	\$2,500
E	TOTAL ALL BUDGET FUND GROUPS			\$35,000	\$2,500

OPERATING EXPENSES 449

The foregoing appropriation item 146321, Operating Expenses, shall be used by the Ethics Commission to make information in certain financial disclosure statements filed with the Commission available to the public on its official web site pursuant to division (B) (2) of section 102.07 of the Revised Code. 450
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Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in the main operating appropriations act of the 134th General Assembly. The operating appropriations made in this act are subject to all provisions of the main operating appropriations act of the 134th General Assembly that are generally applicable to such appropriations. 456
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Section 6. Section 102.07 of the Revised Code is presented in this act as a composite of the section as amended by both 467
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H.B. 285 and H.B. 492 of the 120th General Assembly. The General 469
Assembly, applying the principle stated in division (B) of 470
section 1.52 of the Revised Code that amendments are to be 471
harmonized if reasonably capable of simultaneous operation, 472
finds that the composite is the resulting version of the section 473
in effect prior to the effective date of the section as 474
presented in this act. 475