The Corporate Special Interests That Help Write Ohio's Laws

People For the American Way Foundation

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GROWING OHIO'S GRASSROOTS

Common Cause
Holding Power Accountable

ALEC Exposed
A Project of the Center for Media and Democracy

CONTENTS

KEY FINDINGS

The American Legislative Exchange Council, or ALEC, serves as a voice for corporate special interests in state legislatures across the country. Corporate executives, lawyers, or lobbyists who are ALEC members vote behind closed doors with ALEC legislators to approve "model" legislation designed to promote corporate interests. Then, ALEC legislators push for those ALEC bills to become law without any disclosure of the role corporations played in writing or pre-voting on the bills. Ohio has a high concentration of ALEC legislators – about 43% of Ohio's current legislators are ALEC members.

Close analysis of legislative, financial and other records reveal that ALEC has had a major impact on the governance of Ohio. This report examines the influence of ALEC corporations over Ohio's legislative proposals throughout a wide range of issues, including education, voter suppression, immigration, worker's rights, consumer rights, health care and prison systems.

A remarkable number of ALEC proposals have made it into Ohio law in 2011.

Between January and October of 2011, **33 bills were introduced in the Ohio legislature that are identical to or contain elements from 64 different ALEC "model" proposals**. Nine of those bills, containing elements from 33 pieces of ALEC legislation, have been signed into law.

ALEC corporations and lobbyists have given prolifically to Ohio legislators, both directly and indirectly.

In the past ten years, employees of the **22 corporations** on ALEC's Private Enterprise Board have spent **$9.3 million on state political campaigns in Ohio**,[1] an amount that does not include the many other ALEC member corporations that underwrite ALEC's operations but do not have a seat on the corporate board. Local lobbyists and global corporations have made secret contributions to an Ohio "scholarship fund" that funnels money through ALEC, a non-profit group, to be used to reward legislators with trips to attend ALEC meetings at posh resorts. The corporate and lobbyist money held by ALEC is used to reimburse legislators and their families for their lodging and other food and travel expenses for conferences in places like New Orleans and San Diego, where the politicians are wined and dined by lobbyists via ALEC. This is in addition to the thousands of dollars corporate members pay in ALEC dues and fees to sit on ALEC "task forces," as well as other spending such as underwriting the conventions or hosting dinners at ALEC conferences for Ohio legislators and their spouses.

Gov. John Kasich has downplayed his close ties to ALEC.

ALEC's internal talking points praise **Governor John Kasich** as someone who "**helped mold ALEC in its formative years**." Kasich **served as Legislative Aide to ALEC's longest serving National Chairman**, former State Senator Donald 'Buz' Lukens. While Kasich's office has sought to distance him from the organization by saying he is not an "active" member (since he is not a legislator), **Kasich was photographed last year attending an ALEC event** and speaking with lobbyists. In addition to signing ALEC model bills into law, he has **put forward major proposals that share titles**, **messaging strategies, and policy elements with ALEC model legislation**.

State Rep. John Adams is deeply involved with ALEC and has written ethically questionable letters while advancing ALEC's agenda.

The man charged with managing the Republican legislative agenda on the Ohio House floor, Majority Whip John Adams, is deeply involved with ALEC, **and was named 2010 ALEC State "Legislator of the Year."** Unlike some politicians, Adams does credit the group with influencing his legislative proposals, such as his $12 billion plan to eliminate Ohio's income tax. He has

also written thank you **letters to lobbyists who have underwritten parties and travel expenses for ALEC legislators**, writing, "**When your business is a success, it benefits all of Ohio**." He has also acknowledged that ALEC's fundraising activities walk a legal tightrope.

ALEC's legislative work extends far beyond providing a forum for corporations to get their bills into lawmakers' hands.

ALEC encourages legislators "to contact ALEC's public affairs department for assistance with drafting press releases, booking radio and television appearances, building media lists, and participating in media training." They also provide "background research, talking points, sample press releases, and other media resources."

ALEC also regularly contacts state legislators and asks them to join national sign-on letters opposing federal initiatives, such as President Barack Obama's health care plan.

WHAT IS ALEC?

ALEC, or the American Legislative Exchange Council, is a 501(c)(3) organization that serves as a one-stop shop for corporations looking to get special-interest legislation introduced and passed. Founded in 1973 by Paul Weyrich, who helped build a nationwide conservative political infrastructure following the re-election of President Richard Nixon, ALEC has become a very influential voice for corporate special interests in state capitols across the country.

When legislators in multiple states introduce similar or identical bills to boost corporate power and profits, undermine workers' rights, privatize public education, or limit corporate accountability for pollution or harm to consumers, the odds are high that such **legislation was written by corporate lobbyists working through ALEC.** According to ALEC's own legislative scorecard, 826 pieces of ALEC legislation were introduced in state legislatures around the country and 115 were enacted in 2009 alone.

ALEC welcomes executives, lawyers and lobbyists from nearly 300 corporations to sit alongside state legislators, as equals, on "task forces" where ALEC boasts they have a "voice and a vote" on model legislation.[2] After corporations (and in some cases, legislators) bring a proposed model bill to a Task Force, the corporate and legislative Task Force members vote on whether to approve it. ALEC claims that all model legislation then must obtain final approval from ALEC's Legislative Board of Directors, which does not include corporate members, but ALEC Task Force Operating Procedures suggest their approval is basically a rubber stamp: model legislation approved by the Task Forces automatically becomes an "official" ALEC model bill thirty days later, unless a Board member requests review by the entire Board. Regardless, corporate representatives are full voting members of each Task Force, so corporations have already voted on these bills by the time they get to the legislative board for ratification. The legislative board meets jointly with the corporate board, and the corporate board members bankroll ALEC.

ALEC describes itself in internal documents as "the ideal means of creating and delivering public policy ideas aimed at protecting and expanding our free society." It brags about enacting "many of the cutting-edge, conservative policies that now become law in the states" and says it "has amassed an unmatched record of achieving ground-breaking changes in public-policy."[3] According to their own calculations, "**Each year, close to 1,000 bills, based at least in part on ALEC Model Legislation are introduced in the states**. Of these, approximately 17 percent become law."[4]

ALEC's services extend beyond serving as a bill factory for model legislation on corporate wish lists. ALEC's magazine states that members are "**encouraged to contact ALEC's public affairs department for assistance with drafting press releases, booking radio and television appearances, building media lists, and participating in media training**." They also provide "background research, talking points, sample press releases, and other media resources" related to their model legislation and resolutions.[5]

ALEC has selected key Ohio legislators to hold leadership positions within the organization. State Senator Bill Seitz sits on ALEC's Board of Directors, and State Rep. John Adams serves as ALEC's Ohio State Co-Chairman.[6]

ALEC fosters a spirit of equality between corporate lobbyists and elected state legislators. There is an "elected official chairman" as well as a "private sector chairman." In Ohio, Ed Kozelek serves as private sector state Co-Chairman for the state. Kozelek is the Vice President of Government Relations-Midwest at Time Warner Cable and President of the Ohio Cable Telecommunications Association. Kozelek is so intimately tied to the goings-on at the state legislature that he serves as secretary to the Capitol Square Foundation, which oversees fundraising for the building that Ohio's lawmakers meet in.[7] [8] [9]

In private emails to Kozelek, high-level ALEC employees acknowledge Kozelek's power to get results from Ohio legislators. In early 2010, Kozelek e-mailed Seth Cooper, who served as ALEC's Telecommunications and Information Technology Task Force staff director. Kozelek asked for the names of all the Ohio and Wisconsin legislators that signed a letter to the FCC that ALEC has circulated opposing "Net Neutrality," a major issue for Time Warner's internet and cable businesses. Cooper replied that while he thought only one Wisconsin legislator signed the letter, "**We had a terrific response from OH – which I suspect you had something to do with**."[10] [11]

CORPORATE MONEY

The most succinct look at ALEC's dependence on corporate financing at the national level comes from the Center for Media and Democracy's *ALEC Exposed*, which found:[12]

> More than **98% of ALEC's revenues come from sources other than legislative dues**, such as corporations, corporate trade groups, and corporate foundations. Each corporate member pays an annual fee of between $7,000 and $25,000 a year, and if a corporation participates in any of the nine task forces, additional fees apply, from $2,500 to $10,000 each year. ALEC also receives direct grants from corporations, such as **$1.4 million from ExxonMobil** from 1998-2009. It has also received grants from some of the biggest foundations funded by corporate CEOs in the country, such as: the **Koch family** Charles G. Koch Foundation, the Koch-managed Claude R. Lambe Foundation, the Scaife family Allegheny Foundation, the Coors family Castle Rock Foundation, to name a few. Less than 2% of ALEC's funding comes from "Membership Dues" of $50 per year paid by state legislators, a steeply discounted price that may run afoul of state gift bans.

Under ALEC by-laws provided to the IRS in 2009, ALEC state corporate and legislative co-chairs have a responsibility to fundraise for ALEC. Corporate money is solicited for several purposes. In addition to ALEC dues, ALEC state chairs ask corporations to give to state-specific ALEC conference meals and after-parties, as well as the ALEC Scholarship Fund.[13]

SCHOLARSHIP FUND

One unique feature of ALEC is the "scholarship" fund. Reimbursement for the vast majority of legislators' conference expenses are made through the ALEC Scholarship Fund, which is funded through donations from for-profit corporations and the lobbyists that represent them.

One of the best metaphors for the ALEC corporate-political relationship comes from an unlabeled ledger sheet obtained through a Freedom of Information Act request. **Under the 'credit' column is a list of corporations and under the 'debit' column is a list of Ohio politicians.** The following corporate donations were logged[14]:

- Diageo North America - $1,000
- Procter & Gamble - $1,500
- Finney, Stagnaro, Saba & Peterson - $250
- Gary G Koch - $500
- Abbot Laboratories - $500
- Key Bank - $500
- Purdue Pharma - $500
- American Petroleum Institute - $500

- NRA – Institute for Legislative Action - $500
- Sean P Dunn - $500
- SZD Whiteboard - $500
- Cardinal Health - $500
- Willa J Ebersole (VP of Thomas Pappas & Associates) - $1,000
- CashAmerica - $1,000
- Ohio Children's Hospital Association - $1,000
- Vory's Sater, Seymour and Pease - $1,000
- Ohio Farmers Insurance - $1,000
- Columbia Gas of Ohio - $1,000
- Duke Energy - $1,000
- Copart General Disbursement - $1,000
- Roetzel & Andress - $1,000
- NFIB - $1,000
- RAI Services Company (RJ Reynolds Tobacco) - $1,000
- AT&T - $1,500
- Ohio Cable Telecommunications Association - $1,500
- Ohio Association of Wholesalers-Distributors - $1,000
- National Cable Telecommunications Association - $1,000
- Huntington Bancshares - $500
- Greater Cleveland Partnership PAC - $500
- Astellas Pharma US - $300

Under the "Debit" column are the names of 20 legislators, including Ohio House Speaker Bill Batchelder, Speaker Pro Tempore Louis Blessing and Majority Whip John Adams. The **legislators received an average of $1,900,** and the amount they received corresponds to receipts submitted to the ALEC Scholarship Fund. These figures are small for the giant corporations involved but this little bit of money goes a long way in providing ALEC legislators with the perk of trips to luxury resorts to be wined and dined alongside corporate lobbyists and prospective donors. Ohio legislators make a base salary of $60,000 a year before taxes, and the ALEC scholarships help fund working vacations in distant cities where corporations sponsor exclusive cigar parties, shooting trips and other excursions.

The money in the ledger, funneled from corporations through ALEC, a 501(c)(3), can cover not only a legislator's registration, flights and hotel costs, but **also can help defray some costs associated with bringing their spouse and children** along to the conventions, which are underwritten by numerous global corporations.

According to its 2009 tax returns, ALEC spent over **$250,000 in childcare expenses** so that legislators could bring their entire family along to their conferences, which are ostensibly business trips. The childcare program is called "Kid's Congress," and provides supervision for kids as young as six months old. Reimbursement forms indicate that several Ohio legislators participated, receiving thousands of dollars for family members to go on what amounted to a vacation.[15]

In 2009, State **Rep. Seth Morgan** was cleared to receive $3,454.36 from ALEC's Ohio Scholarship Fund. That year **corporate donors and lobbyist money reimbursed him $750 for his three children to attend Kid's Congress and another $350 for his wife to attend the conference**. They also covered mileage ($530.34) and meals for his entire family on the drive to Atlanta and back.[16] **Rep. Todd Snitchler also registered his family and the scholarship fund covered the cost of airfare for one of his children.** Sen. Kris Jordan and Rep. John Adams also received compensation for their spouses to attend that year. Sen. Tom Niehaus sought compensation for his wife's meals but was denied, since she wasn't registered.[17] [18]

The lines of who is paying for what is often blurry. When State Rep. Jarrod Martin posted sight-seeing photos from his ALEC trip to San Diego on Facebook, he stated he "**paid for his own trip, no tax payer money was expended**." While Martin technically did pay for his own trip, at least up-front, he was promptly **reimbursed $1,903.45 from the scholarship fund**. The scholarship fund is replenished through fundraisers accepting "private, corporate and PAC monies," such as the one held at the Athletic Club in Columbus in February 2011. Organized by Time Warner lobbyists and Rep. John Adams, **a $5,000 Platinum donation at this event bought sponsors access to the Ohio House and Senate majority leadership teams over a dinner at Mitchell's Steakhouse**. [19] [20] [21]

The attendees are listed below:

ALEC Legislative Reception RSVP - 02 01 11 Event

First Name	Last Name	Company/Organization	Address	City	State	Zip	RSVP Date	Sponsor Level
Mike	Brello	AEP	88 E. Broad Street, Suite 800	Columbus	OH	43215	1/28/2011	Platinum
Tom	Froehle	AEP	88 E. Broad Street, Suite 800	Columbus	OH	43215	1/28/2011	Platinum
Lisa	Bateson	Anthem Blue Cross & Blue Shield	37 West Broad St., #980	Columbus	OH	43215	1/27/2011	Gold
Kevin	Hinkle	Anthem Blue Cross & Blue Shield	37 West Broad St., #980	Columbus	OH	43215	1/27/2011	Gold
Linda	Eason	Astellas Pharma US, Inc.	1481 Sandy Hook	Wheaton	IL	60187	1/19/2011	Silver
Bob	Blazer	AT&T	150 E. Gay Street, Room 4A	Columbus	OH	43215	1/13/2011	Platinum
Paul	Weirtz	AT&T	150 E. Gay Street, Room 4A	Columbus	OH	43215	1/13/2011	Platinum
Tim	Doran	Auto Dealers Association	655 Metro Place S, Suite 270	Dublin	OH	43017	1/27/2011	Silver
Terrence	O'Donnell	Bricker & Eckler	100 South Third Street	Columbus	OH	43215	1/27/2011	Silver
Scott	Gilliam	Cincinnati Insurance	6200 S. Gilmore Road	Fairfield	OH	45014	1/28/2011	Silver
Katelyn	Jackson	Coca-Cola	1170 Old Henderson Road, Suite 201	Columbus	OH	43220	1/26/2011	Silver
Sam	Gerhardstein	Columbia Gas	200 Civic Center Drive	Columbus	OH	43215	1/18/2011	Silver
Archie	Shew	Daiichi Sankyo	956 Woodsedge Lane	Westerville	OH	43081	1/25/2011	Silver
Paul	Briggs	Dominion	21 E. State Street, Suite 911	Columbus	OH	43215	1/20/2011	Silver
John	Keaton	Duke Energy	155 E. Broad Street, Suite 21	Columbus	OH	43215	1/27/2011	Platinum
Chrisy	Wright	First Energy	76 South Main Street	Akron	OH	44308	1/20/2011	Platinum
Rachel	Winder	Frontier	17 South High Street, Suite 610	Columbus	OH	43215	1/20/2011	Silver
Chip	Gerhardt	Government Strategies Group, LLC	700 Walnut Street, Suite 205	Cincinnati	OH	45202	2/8/2011	Silver
Andrew	Minton	Grant Street Consultants	49 South Grant Avenue	Columbus	OH	43215	1/3/2011	Silver
Brooke	Cheney	HCR ManorCare	17 South High Street, Suite 245	Columbus	OH	43215	1/28/2011	Silver
David	Kluesner	International Paper	16 North Carroll Street, Suite 800	Madison	WI	53703	1/24/2011	Participant
Kristen	Brinkman	K. Brinkman & Associates	P.O. Box 193	Dublin	OH	43017	1/21/2011	Silver
Connie	Nolder	LKQ Corporation	3855 Pleasantbrook Drive	Hilliard	OH	43026	1/29/2011	Silver
Scott	Elisar	McNees Wallace & Nurick	21 E State St # 1700	Columbus	OH	43215	1/24/2011	Silver
Libby	Brunsvold	MedImmune (Astra Zeneca)	1235-A North Clybourn, Suite 246	Chicago	IL	60610	1/24/2011	Participant
Chris	Ferruso	NFIB	10 W. Broad Street, Suite 2450	Columbus	OH	43215	1/28/2011	Silver
Roger	Geiger	NFIB	10 W. Broad Street, Suite 2450	Columbus	OH	43215	1/28/2011	Silver
Cathy	McGeehan	Novartis Pharmaceuticals Corporation	6598 Tantallon Square	Dublin	OH	43016	1/28/2011	Gold
Jonathon	McGee	OCTA	50 W. Broad Street, Suite 1118	Columbus	OH	43215	1/18/2011	Silver
Nick	Lashutka	Ohio Children's Hospital	155 E. Broad Street, 23rd Floor	Columbus	OH	43215	1/3/2011	Silver
Shawn	Bennett	Ohio Coal	17 South High Street, Suite 410	Columbus	OH	43215	1/17/2011	Silver
Mike	Carey	Ohio Coal	17 South High Street, Suite 410	Columbus	OH	43215	1/17/2011	Silver
Gordon	Gough	Ohio Council of Retail Merchants	50 W. Broad Street, Suite 2020	Columbus	OH	43215	1/4/2011	Silver
Lora	Miller	Ohio Council of Retail Merchants	50 W. Broad Street, Suite 2020	Columbus	OH	43215	1/28/2011	Silver
Bridget	Gargan	Ohio Hospital Association	155 East Broad St., 15th Flr	Columbus	OH	43215	1/13/2011	Silver
Michael	Evans	Ohio Hotel & Lodging Association	692 North High Street, Suite 212	Columbus	OH	43215	1/31/2011	Participant
Todd	Bergdoll	Ohio Nursing Home Association	1650 Arlington Avenue	Columbus	OH	43212	1/20/2011	Silver
Tom	Stewart	Ohio Oil and Gas Association	P.O. Box 535	Granville	OH	43023	1/12/2011	Silver
Kimberly	McConville	Ohio Soft Drink Association	1170 Old Henderson Road, Suite 201	Columbus	OH	43220	1/14/2011	Silver
Tim	Maglione	Ohio State Medical Association	3401 Mill Run Drive	Hilliard	OH	43026	1/31/2011	Silver
Jeff	Smith	Ohio State Medical Association	3401 Mill Run Drive	Hilliard	OH	43026	1/31/2011	Silver
Darryl	Dever	Penn National	140 E Town St., Suite 142	Columbus	OH	43215	1/28/2011	Platinum

First Name	Last Name	Company/Organization	Address	City	State	Zip	RSVP Date	Sponsor Level
Adam	Hewit	Penn National	140 E Town St., Suite 142	Columbus	OH	43215	1/28/2011	Platinum
Linda	Martens	Pfizer Inc.	41 South High Street, Suite 3310	Columbus	OH	43215	1/28/2011	Silver
Dean	Fadel	Public Affairs Advocates	172 East State Street, Suite 201	Columbus	OH	43215	1/21/2011	Gold
Richard	Mason	Restaurant Association	1525 Bethel Road, Suite 301	Columbus	OH	43220	1/19/2011	Silver
Brooke	Cheney	Reynolds American	17 South High Street, Suite 245	Columbus	OH	4315	1/21/2011	Gold
Melissa	Hoeffel	Roetzel & Andress	155 E. Broad Street, 12th Floor	Columbus	OH	43215	1/28/2011	Silver
Dave	Celona	Strategic Impact Consulting, LLC	17 South High Street, Suite 1000	Columbus	OH	43215	1/3/2011	Silver
Dave	Battocletti	SZD Whiteboard	250 West Street	Columbus	OH	43215	1/19/2011	Silver
Dan	Helmick	SZD Whiteboard	250 West Street	Columbus	OH	43215	1/27/2011	Silver
Ed	Kozelek	Time Warner Cable	1015 Olentangy River Road	Columbus	OH	43212	1/20/2011	Platinum
Megan	Lashutka	Time Warner Cable	1015 Olentangy River Road	Columbus	OH	43212	1/20/2011	Platinum
Willa	Ebersole	Tom Pappas & Associates	66 E. Lynn Street, Suite 2000	Columbus	OH	43215	1/19/2011	Silver
Steve	Dimon	Trans Canada Corporation	21 West Broad Street, Suite 700	Columbus	OH	43215	1/21/2011	Silver
Christopher	Masciantonio	US Steel	600 Grant Street	Pittsburgh	PA	15219	1/29/2011	Platinum
Emily	Petrovich	US Steel	600 Grant Street, Room 685	Pittsburgh	PA	15219	1/29/2011	Platinum
Dave	Hoeffel	VSSP	PO Box 1008	Columbus	OH	43216	2/1/2011	Silver
Fred	Mills	VSSP	52 E. Gay St.	Columbus	OH	43215	1/13/2011	Silver
Andy	Herf	Wholesale Beer & Wine Association	37 West Broad Street, Suite 710	Columbus	OH	43215	1/18/2011	Platinum

Although ALEC flatly denies that they are a lobbying organization,[22] the majority of the attendees to this function are registered lobbyists.

On the same day as the fundraiser in Columbus, State Rep. John Adams sent Paul Weirtz, a registered lobbyist on behalf of ALEC member AT&T, a letter on ALEC stationery requesting $5,000 for the scholarship fund. Adams references boilerplate-type language that the money solicited from lobbyists for events with lobbyists will be used in a way that is restricted by law:[23]

> **We also acknowledge that we understand federal and state law includes limitations on the manner in which corporate contributions can be spent by organizations that are conducting certain political activities. We also acknowledge that federal and state law limits the manner in which we spend contributions received from your company and will comply with such restrictions.**

ALEC isn't shy about collecting its corporate money either – **Time Warner was sent an invoice by ALEC directly for the $10,000 it 'owed' to the Ohio Scholarship Fund**.[24]

ALEC'S OHIO AFTER-PARTY

The lobbying firm Sean P. Dunn & Associates sponsored the Ohio Night event at ALEC's 2010 annual meeting in San Diego. In a thank you letter to Dunn, Rep. John Adams wrote, "Because of your help and others like you, the trip to ALEC was made possible for our legislators. […] With information that is disseminated at these meetings, my desire is that the Ohio Legislature **will pass and repeal laws** to make Ohio a much more business friendly state. After all, **when your business is a success, it benefits all of Ohio**."[25]

This is a startling admission given that Mr. Dunn's business is lobbying legislators like Adams. **Dunn's clients include ALEC member corporations and scholarship donors such as AT&T and Cardinal Health**.[26] Adams wrote a similar letter praising **Thomas Pappas & Associates,** which is registered to advance the legislative priorities of **ALEC members General Electric, Novartis, Altria, Microsoft, Abbot Laboratories, Purdue Pharma, Wal-Mart, Baxter Healthcare and Liberty Mutual**.[27] [28]

OTHER CORPORATIONS WITH OHIO AND ALEC TIES

From a document entitled "ALEC Sponsors – Contact information 2010":

ALEC Sponsors - Contact Info 2010

Company	First Name	Last Name	Sponsor Amount	Address	City	State	Zip Code	Phone #	Email
Abbott	LeTonia	Armstrong	Participant	4708 Hilldale Drive	Knoxville	TN	37914	(865) 540-150[illegible]	letonia.armstrong@abbott.com
Aitria	Tim	Holston	Silver	180 E. Broad Street, Suite 1074	Columbus	Ohio	43215	(614) 225-1923	Timothy.Holston@Aitria.com
AT&T	Paul	Weirtz	Gold	150 E. Gay Street, Room 4A	Columbus	Ohio	43215	(614) 223-4145	pw3834@ATT.com
AT&T	Bob	Blazer		150 E. Gay Street, Room 4A	Columbus	Ohio	43215		
Cardinal Health	David	Gonzales	Participant	7000 Cardinal Place	Dublin	Ohio	43017		cassi.baker@cardinalhealth.com
Cardinal Health	Cassi	Baker		7000 Cardinal Place	Dublin	Ohio	43017		
Cash America International, Inc	Jason	Paduchik	Silver	1600 W. 7th Street	Fort Worth	TX	76102	(614) 330-157[illegible]	jpaduchik@casham.com
Columbia Gas	Darnita	Bradley	Silver	200 Civic Center Drive	Columbus	Ohio	43215	(614) 460-469[illegible]	sgerhardstein@nisource.com
Columbia Gas	Sam	Gerhardstein		200 Civic Center Drive	Columbus	Ohio	43215		
Copart	Shawn	Yadon	Silver	4665 Business Center Drive	Fairfield	CA	94534	(707) 639-507[illegible]	shawn.yadon@copart.com
The Success Group	McKenzie	Davis	Silver	172 East State Street, Suite 400	Columbus	Ohio	43215	(614) 221-0971	mdavis@thesuccessgroup.com
Diageo	Josh	Sanders	Silver	109 Boulder Court	Granville	Ohio	43023	(740) 920-4288	joshua.sanders@diageo.com
Duke Energy	John	Keaton	Silver	155 E. Broad Street, Suite 21	Columbus	Ohio	43215	(614) 221-7551	john.keaton@Duke-Energy.com
Eli Lily	Francis	Fitzgerald	Participant	1400 Trotters Lane	Williamston	MI	48895		
Finney, Stagnaro, Saba & Patterson Co.	Chris	Finney	Participant	2623 Erie Avenue	Cincinnati	Ohio	45208	(513) 533-270[illegible]	cfinney@fssp-law.com
Gary Koch & Associates	Gary	Koch	Participant	5381 Adventure Drive	Dublin	Ohio	43017	(614) 893-639[illegible]	garykoch@gmail.com
Greater Cleveland Partnership	Carol	Caruso	Participant	100 Public Square, Suite 210	Cleveland	Ohio	44113	(216) 592-2471	
Huntington Bancshares Inc.	Barbara	Benham	Participant	41 South High Street (HC1244)	Columbus	Ohio	43287	(614) 480-4718	barbara.benham@huntington.com
Key Bank	Ernie	Cade	Participant	127 Public Square 17th Floor	Cleveland	Ohio	44114	(216) 689-448[illegible]	erskine_e_cade@keybank.com
NCTA	Rick	Cimerman		25 Massachusetts Ave NW	Washington	DC	20001	(202) 222-2325	rcimerman@ncta.com
NFIB	Roger	Geiger	Silver	10 W. Broad Street, Suite 2450	Columbus	Ohio	43215	(614) 221-4107	Roger.Geiger@NFIB.org
NRA	John	Hohenwarter	Participant	11250 Waples Mill Road	Fairfax	VA	22030	(703) 267-100[illegible]	jhohenwarter@nrahq.org
OCTA	Jonathon	McGee	Gold	50 W. Broad Street, Suite 1118	Columbus	Ohio	43215	(614) 461-4014	jmcgee@octa.org
OCTA	Chris	Vaughan		50 W. Broad Street, Suite 1118	Columbus	Ohio	43215		
Ohio Children's Hospital Association	Nick	Lashutka	Silver	155 E. Broad Street, 23rd Floor	Columbus	Ohio	43215	(614) 228-2844	nlashutka@ohiochildrenshospitals.org
Ohio Council of Retail Merchants	Gordon	Gough	Silver	50 W. Broad Street, Suite 2020	Columbus	Ohio	43215	(614) 221-7833	GordonG@ohioretailmerchants.com
Ohio Nursing Home Association	Todd	Bergdoll	Participant	1650 Arlington Avenue	Columbus	Ohio	43212	(614) 306-5574	mbergdol@columbus.rr.com
Ohio Petroleum Council	Terry	Fleming	Participant	88 E. Broad Street, Suite 1460	Columbus	Ohio	43215	(614) 221-5439	flemingt@api.org
Procter & Gamble	Brian	Hodgett	Gold	2 P&G Plaza (TN-2)	Cincinnati	Ohio	45202	(513) 983-9004	hodgett.be@pg.com
Purdue Pharma	Brian	Rosen	Participant	2365 Kensington Drive	Columbus	Ohio	43221	(614) 406-650[illegible]	brian.rosen@pharma.com
Reynolds American Inc.	David	Spross	Silver	P.O. Box 464	Winston-Salem	NC	27102	(336) 741-026[illegible]	sprossd@rirt.com
Reynolds American Inc.	David	Powers		P.O. Box 464	Winston-Salem	NC	27102		
Roetzel & Andress	Melissa	Hoeffel	Silver	155 E. Broad Street, 12th Floor	Columbus	Ohio	43215	(614) 723-207[illegible]	MHoeffel@ralaw.com
Sean P. Dunn & Associates, LLP	Sean	Dunn	Participant	37 W. Broad Street, Suite 325	Columbus	Ohio	43215	(614) 228-980[illegible]	sean@spdunn.com
SZD Whiteboard, LLC	Dan	Helmick	Participant	250 West Street	Columbus	Ohio	43215	(614) 462-1059	dhelmick@szd.com
Thomas P. Pappas & Associates	Willa	Ebersole	Participant	66 E. Lynn Street, Suite 2000	Columbus	Ohio	43215	(614) 621-200[illegible]	willa@thomaspappas.com
Time Warner Cable	Ed	Kozelek	Platinum	1015 Olentangy River Road	Columbus	Ohio	43212	(614) 827-7955	ed.kozelek@twcable.com
Westfield Group	Sally	Estvanic	Silver	P.O. Box 5001	Westfield Center	Ohio	44251	(330) 887-0992	sallyestvanic@westfieldgrp.com
Vorys, Sater, Seymour and Pease, LLP	David	Hoeffel	Silver	52 E. Gay Street	Columbus	Ohio	43215	(614) 464-5405	dlhoeffel@vorys.com
Ohio Oil & Gas Association	Tom	Stewart	Participant	1718 Columbus Rd SW, P.O. Box 535	Granville	Ohio	43023	(740) 587-0444	stewart@ooga.org

An examination of ALEC mailing and donor lists for corporations with Ohio mailing addresses revealed the names of these corporate representatives, in addition to others detailed in the table above:[29] [30] [31]

- Michael Weinstein, American Electric Power
- Mike Prentiss, Procter & Gamble
- Jack Dalton & Margie Nimmo, LifeSafer Interlock
- David Frissora, Wendy's International
- Libby Brunswold, Med Immune

GOVERNOR JOHN KASICH AND ALEC

Given the controversy surrounding ALEC's activities, Gov. John Kasich's office has downplayed his extensive relationship to the organization.[32] Rob Nichols, a spokesman for Gov. John Kasich, says the governor was formerly active in ALEC but stopped after leaving Ohio's legislature. The group's website says Kasich participated in the group during its formative years. Kasich's spokesperson said that while the governor appreciates the group's work, he hasn't collaborated with it on recent legislation such as SB 5.

While this may be technically true, it is far from a fair assessment of Kasich's relationship with ALEC. An internal set of talking points created for an Ohio ALEC Scholarship fundraiser credits **Gov. John Kasich as someone who** "**helped mold ALEC in its formative years**."[33]

Kasich's influence is likely due to his unique history with the organization. In 1977, Ohio State Senator Donald 'Buz' Lukens took over the helm at ALEC and would go on to become its longest serving National Chairman.[34] Lukens' legislative aide at the time was John Kasich.[35] If State Chair John Adams' reliance on his legislative aide to perform extensive work on behalf of ALEC work is any guide, Kasich may have spent substantial amounts of time staffing the organization in its formative years before he would go on to win his own legislative seat and join the organization as a member.

Kasich's involvement doesn't end with his time in the legislature. Kasich was recently photographed attending an ALEC meeting on December 1, 2010, where he is seen talking to private sector members. [36]

Kasich has not only signed a number of ALEC-influenced bills into law, he also introduced major initiatives in his 2011 State of the State address that were similar or identical to ALEC proposals taking root in other states. For example, weeks before Kasich announced his prison privatization proposal on March 15, 2011, Louisiana Gov. Bobby Jindal, ALEC's 2011 "Thomas Jefferson" Freedom Award winner, introduced a very similar measure. As a result of Kasich's measure, Ohio's Lake Erie Correctional Institute was bought by Corrections Corporation of America (CCA), which had spent two decades sitting on ALEC's Public Safety and Education Task Force, an ALEC body which approved numerous model bills to privatize prisons and increase sentences. (The company, which has benefited enormously from ALEC's privatization efforts, claims it is no longer on that task force as of late 2010, after critical reports about its extensive role in ALEC surfaced earlier that year.) [37] [38] [39] [40] [41] [42] [43] [44] [45]

OHIO LEGISLATORS AND ALEC

REP. JOHN ADAMS

Rep. John Adams is one of the most engaged ALEC members in the country. He attended **six ALEC events in 2009 and 2010, was a member of the Tax & Fiscal Policy Task Force, was named a 2010 ALEC "Legislator of the Year"** and is Ohio's state Co-Chairman for ALEC. Kara Joseph, his legislative aide, is a point person for ALEC in the state and won ALEC's 2011 "Volunteer of the Year" award. [46] [47]

Many of Adams' extreme ideas on state revenue are tied to ALEC policies. Adams contributed a column to the April 2010 edition of *Inside ALEC* magazine, where he wrote, "The only way to reenergize the state economy is to eliminate the job-killing income tax…." He also **sent the ALEC Super-Majority Act, which calls for a two-thirds supermajority for all tax and license fee increases for review** by the policy arm of the Ohio House Republican Caucus. [48] [49] This anti-democratic measure would allow a small minority of legislators to obstruct the will of a majority of state representatives to increase taxes in order to meet the needs of Ohio citizens.

Adams' true role in passing ALEC legislation in Ohio extends far beyond the bills he introduces. As Majority Whip for the Ohio House, Adams wields a lot of soft power by deciding what bills will move forward through the legislative process.

As Ohio co-chair, he has written a number of thank-you letters that would seem more appropriate for a non-profit director or fundraiser than a high-ranking sitting legislator. He wrote to ALEC corporate and lobbyist sponsors in 2009, saying, "**If I can be of any assistance in the future, or if you have suggestions to improve ALEC in Ohio, please do not hesitate to contact me**." [50] [51]

Adams' campaign fund has benefitted from his close relationship to ALEC. Since 2006, his campaign has received at least $28,135 in corporate PAC donations from ALEC members, corporations or their employees.[52]

OTHER OHIO LEGISLATORS

ALEC dues are $50 a year for legislators. In Ohio, legislators often cover these out of their campaign funds.

Republican state legislators who aren't already ALEC members are actively recruited. A 2009 memo labeled **"Representatives who are not members of ALEC" lists 16 elected officials, all Republicans, who should be "encouraged to join."** Two officials from the list, Reps. Troy Balderson and Peter Beck, not only joined but took committee appointments within ALEC.[53]

As of January, 57 members, or roughly 43% of the Ohio legislature were members of ALEC:[54]

Rep. John Adams (R-78)

Rep. Ron Amstutz (R-3)

Rep. Marlene Anielski (R-17)

Sen. Kevin Bacon (R-3)

Rep. Nan A. Baker (R-16)

Rep. Peter Beck (R-67)

Sen. Troy Balderson (R-20)

Rep. Bill Batchelder (R-69)

Rep. Louis Blessing Jr. (R-29)

Rep. Terry Boose (R-58)

Rep. Andrew Brenner (R-2)

Rep. Danny Bubp (R-88)

Rep. Jim Buchy (R-77)

Rep. James Butler (R-37)

Sen. Dave Burke (R-26)

Sen. Bill Coley (R-4)

Rep. Courtney Combs (R-54)

Sen. David T. Daniels (R-17)

Rep. Rex Damschroder (R-81)

Rep. Tim Derickson (R-53)

Sen. Keith Faber (R-12)

Rep. Anne Gonzales (R-19)

Rep. Bruce Goodwin (R-74)

Rep. Cheryl Grossman (R-23)

Rep. Robert Hackett (R-84)

Rep. David Hall (R-97)

Rep. Christina Hagan (R-50)

Rep. William Hayes (R-91)

Sen. Cliff Hite (R-1)

Rep. Jay Hottinger (R-71)

Rep. Matt Huffman (R-4)

Sen. Jim Hughes (R-16)

Sen. Shannon Jones (R-7)

Rep. Kris Jordan (R-19)

Rep. Casey Kozlowski (R-99)

Sen. Frank LaRose (R-27)

Sen. Peggy Lehner (R-6)

Rep. Ronald Maag (R-35)

Rep. Jarrod Martin (R-70)

Rep. Jeffery McClain (R-82)

Rep. Ross McGregor (R-72)

Sen. Tom Niehaus (R-14)

Sen. Tom Patton (R-24)

Rep. Kristina Roegner (R-42)

Rep. Cliff Rosenberger (R-86)

Rep. Margaret Ruhl (R-90)

Sen. Tim Schaffer (R-31)

Rep. Barbara Sears (R-46)

Sen. Bill Seitz (R-8)

Rep. Peter Stautberg (R-34)

Rep. Gerald Stebelton (R-5)

Rep. Michael Stinziano (D-25)[55]

Rep. Andy Thompson (R-93)

Rep. Joseph Uecker (R-66)

Rep. Lynn Wachtmann (R-75)

Sen. Mark Wagoner (R-2)

Rep. Ronald Young (R-63)

TASK FORCE MEMBERS

ALEC task forces are comprised of representatives from corporations and think tanks as well as elected legislators. The task forces approve and promote ALEC "model legislation." Each task force is co-chaired by both elected officials and "private sector" members. Below are current ALEC legislators and their 2011/2012 Task Force appointments.[56]

Civil Justice

- Sen. Bill Seitz (R-8)
- Rep. Matt Huffman (R-4)
- Sen. Bill Coley (R-4)

Commerce, Insurance & Economic Development

- Rep. Anne Gonzales (R-19)
- Rep. Cheryl Grossman (R-23)
- Rep. Andy Thompson (R-93)
- Rep. Joseph Uecker (R-66)

Education

- Rep. Kristina Roegner (R-42)
- Rep. Gerald Stebelton (R-5)

Energy, Environment & Agriculture

- Sen. Kris Jordan (R-19)
- Sen. Tom Niehaus (R-14)
- Rep. Bruce Goodwin (R-74)

Health & Human Services

- Sen. David Burke (R-26)
- Rep. Barbara Sears (R-46)
- Rep. Lynn Wachtmann (R-75)

Public Safety & Elections

- Rep. Casey Kozlowski (R-99)
- Sen. Frank LaRose (R-27)
- Rep. Jarrod Martin (R-70)

Tax & Fiscal Policy

- Rep. John Adams (R-78)
- Rep. Ron Maag (R-35)

Telecommunications & Information Technology

- Rep. John Adams (R-78)

- Rep. Terry Boose (R-58)
- Rep. Ronald Maag (R-35)

ALEC's Influence on Ohio Law

Ohio legislators have earned key leadership positions at ALEC. The disgraced Buz Lukens was the only two-time National Chairman of ALEC, heading the organization for four years during the late 1970's and mid-1980's. Former State Rep. Dale Van Vyven served as ALEC National Chair in 1996, and Sen. Bill Seitz currently serves on the national board.[57] [58] [59]

Ohio legislators' representation at the top of ALEC may reflect their decades of successfully turning ALEC model proposals into Ohio law. This report examines a selection of the model bills available at alecexposed.org against the Ohio Revised Code, and it is beyond question that much of Ohio law is deeply embedded with the DNA of ALEC's model bills.

2011 Legislative Impact

The depth of ALEC's influence over Ohio lawmakers has yielded dramatic results for the corporations that underwrite it. Less than one year into the 129th General Assembly, **33 bills have been introduced that appear to contain elements from 64 different ALEC model proposals**. As of October, **nine of those bills, encompassing 33 ALEC model bills, were passed into law**, including Ohio's extremely controversial anti-labor bill S.B.5 which was subsequently repealed by Ohio voters.

ALEC Inspired Legislation in Ohio

An examination of legislation considered by the Ohio legislature over the past several years shows ALEC's imprint. Among the bills sponsored by ALEC-connected legislators, many contain remarkably similar – if not identical – provisions to ALEC "model" bills.

Education

Ohio Legislation: HB 153 – Innovation Schools

ALEC Model Legislation: The Innovation Schools and School Districts Act

Sponsors (in bold) and co-sponsors**:**

17 ALEC Representatives, 11 ALEC Senators

Rep. Ron Amstutz (Rep-3)
Rep. John Adams (R-78)
Rep. William G. Batchelder (R-69)
Rep. Peter A. Beck (R-67)
Rep. Louis Blessing Jr. (R-29)
Rep. Terry R. Boose (R-58)
Rep. Jim Buchy (R-77)
Rep. Courtney E. Combs (R-54)
Rep. Cherly L. Grossman (R-23)
Rep. Robert D. Hackett (R-84)

Rep. David L. Hall (R-97)
Rep. Ronald Maag (R-35), ALEC
Rep. Jeffrey A. McClain (R-82)
Rep. Cliff Rosenberger (R-82), ALEC
Rep. Margaret Ann Ruhl (R-90)
Rep. Gerald L. Stebelton (R-5)
Rep. Joseph W. Uecker (R-66)
Sen. Kevin Bacon (R-3)
Sen. William P. Coley (R-4)
Sen. David T. Daniels (R-17)
Sen. Keith Faber (R-12)
Sen. Clifford Kime Hite (R-1)
Sen. Shannon Jones (R-7)
Sen. Frank LaRose (R-27)
Sen. Peggy B. Lehner (R-6)
Sen. Tom Niehaus (R-14)
Sen. Tim Schaffer (R-31)
Sen. Mark D. Wagoner Jr. (R-2)

Last Action: 06/30/2011, Signed into law by Governor John Kasich

Legislative Session: 129th General Assembly Regular Session 2011-2012

Similarities/Analysis: H.B. 153 is an omnibus budget bill riddled with ALEC model legislation. In particular, the "Innovation Schools and Innovation School Zones" section that amends Department of Education policy is closely modeled, and at times copied word for word, from ALEC's "Innovation Schools and School Districts Act."

This section of H.B. 153 allows schools, groups of schools and districts to establish "innovation schools" within the public school framework. Despite an apparent emphasis on local sovereignty, the approval process is finalized with state-level officials. Like so many ALEC proposals, some of the "innovative" remedies put forth by the law would remove collective bargaining rights and waive education laws, administrative rules and district requirements regarding conditions of employment.

ALEC Model Legislation: The Innovation Schools and School Districts Act	Ohio Legislation (as introduced, analysis): H.B. 153
Section 4. {Innovation Plans – Submission – Contents} (C) Each innovation plan, whether submitted by a public school or created by a local school board through collaboration between the local school board and a public school, shall include the following information: (1) A statement of the public school's mission and why designation as an innovation school would enhance the school's ability to achieve its mission; (2) A description of the innovations the public school would implement, which may include, but need not be limited to, innovations in school staffing; curriculum and assessment; class scheduling; use of financial and other resources; and faculty recruitment, employment, evaluation, and compensation;	Applying for designation as an innovation school or innovation school zone (R.C. 3302.06) When a school applies to the school board to be designated as an innovation school, the application must include an innovation plan that contains the following: (1) A statement of the school's mission and an explanation of how the designation would enhance the school's ability to fulfill that mission; (2) A description of the innovations the school would implement;
(3) A listing of the programs, policies, or operational documents within the public school that would be affected by the public school's within the public school that would be affected by the public school's identified innovation and the manner in which they would be affected. The programs, policies, or operational	(3) An explanation of how those innovations would affect the school's programs and policies, including (a) the school's educational program,

documents may include, but need not be limited to: (a) the research-based educational program the public school would implement; (b) the length of school day and school year at the public school; (c) the student promotion and graduation policies to be implemented at the public school; (d) the public school's assessment plan; (e) the proposed budget for the public school; and (f) the proposed staffing plan for the public school.	(b) the length of the school day and school year, (c) the student promotion policy, (d) the assessment of students, (e) the school's budget, and (f) the school's staffing levels;
(4) An identification of the improvements in academic performance that the public school expects to achieve in implementing the innovations; (5) An estimate of the cost savings and increased efficiencies, if any, the public school expects to achieve in implementing its identified innovation; (6) Evidence that a majority of the administrators employed at the public school, a majority of the teachers employed at the public school, and a majority of the school advisory council for the public school consent to designation as an innovation school; (7) A statement of the level of support for designation as an innovation school demonstrated by the other persons employed at the public school, the students and parents of students enrolled in the public school, and the community surrounding the public school; … (D) Each plan for creating an innovation school zone, whether submitted by a group of public schools or created by a local school board through collaboration with a group of public schools, shall include the information specified in Subsection (C) of this section for each public school that would be included in the innovation school zone. A plan for creating an innovation school zone shall also include the following additional information: (1) A description of how innovations in the public schools in the school innovation zone would be integrated to achieve results that would be less likely to	(4) A description of the improvements in student academic performance that the school expects to achieve with the innovations; (5) An estimate of the cost savings and increased efficiencies, if any, that the school expects to achieve with the innovations; (6) A description of any education laws, State Board of Education rules, district requirements, or provisions of a collective bargaining agreement that would need to be waived to implement the innovations; and (7) Evidence that a majority of the teachers and a majority of the administrators assigned to the school consent to seeking the designation and a statement of the level of support for seeking the designation from other school personnel, students, parents, and members of the community in which the school is located. Two or more schools in the same district may apply for designation as an innovation school zone, if the schools share common interests, such as geographical proximity or similar educational programs, or if the schools serve the same students as they progress to higher grades (an elementary school that feeds into a middle school, for example, could jointly apply). The application must contain the same information as above for each participating school, plus (1) a description of how innovations in the participating schools would be integrated to achieve results that would be less likely to be achieved by each school alone and (2) an estimate of economies of scale that would be realized by joint implementation of the innovations.

be accomplished by each public school working alone; (2) An estimate of any economies of scale that would be achieved by innovations implemented jointly by the public schools within the innovation school zone;	
Section 5. {Suggested Innovation} (A) In considering or creating an innovation plan or a plan for creating an innovation school zone, each local school board is strongly encouraged to consider innovations in the following areas: (1) Curriculum and academic standards and assessments; (2) Accountability measures, including but not limited to expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted by an innovation school or an innovation school zone may include, but need not be limited to: (a) use of graduation or exit examinations; (b) use of end-of-course examinations; (c) use of student portfolio reviews; (d) use of national and international accountability measures such as the national assessment of educational progress and the program for international student assessment; (e) measuring the percentage of students continuing into higher education; and (f) measuring the percentage of students simultaneously obtaining a high school diploma and an associate's degree or a career and technical education certificate.	Review of applications by district (R.C. 3302.061) The school board must approve or disapprove an application for designation as an innovation school or an innovation school zone within 60 days. If the board disapproves an application, it must provide a written explanation for its decision. The applicants may reapply for the designation at any time. In evaluating applications, the school board must give preference to those that propose innovations in one or more of the following areas: (1) Curriculum; (2) Student assessments, other than the state achievement assessments; (3) Class scheduling; (4) Accountability measures, including innovations that expand the measures used in order to collect more complete data about student performance. For this purpose, schools may consider use of such measures as end-of-course exams, portfolios of student work, nationally or internationally normed assessments, the percentage of students enrolling in higher education, or the percentage of students simultaneously obtaining a diploma and an associate ' s degree or industry certification.
(3) Provision of services, including but not limited to special education services; services for gifted and talented students; services for students for whom English is not the dominant language; educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the expulsion, or dropping out; and support services provided by the department of human services	

or county social services agencies; (4) Teacher recruitment, training, preparation, and professional development; (5) Teacher employment; (6) Performance expectations and evaluation procedures for teachers and principals; (7) Compensation for teachers, principals, and other school building personnel, including but not limited to performance pay plans, total compensation plans, and other innovations with regard to retirement and other benefits; (8) School governance and the roles, responsibilities, and expectations of principals in innovation schools or schools within an innovation school zone; and (9) Preparation and counseling of students for transition to higher education or the work force.	
Section 7. {District of Innovation – Designation} (B) A local school board that seeks designation as a district of innovation shall submit one or more innovation plans or plans for creating an innovation school zone to the commissioner for review and comment by the commissioner and the state board. Within 60 days after receiving a local school board's plan, the commission and the state board shall respond to the local school board with any suggested changes or additions to the plan, including but not limited to suggestions for further innovations or for measures to increase the likelihood that the innovations will result in greater academic achievement within the innovation schools or innovation school zones. Based on the commissioner's and the state board's comments, the local school board may choose to withdraw and resubmit its innovation plan or plan for creating an innovation school zone. (C) (1) Within 60 days after receiving a local school board's innovation plan or plan for creating an innovation school zone, the state board shall designate the local school board's school district as a district of innovation unless the state board concludes that the submitted plan: (a) is likely to result in a decrease in academic	Designation as district of innovation (R.C. 3302.062, 3302.066, and 3302.067) Once a school board has designated an innovation school or innovation school zone within the district, it must submit the innovation plan of the participating schools to the State Board of Education. Within 60 days after receipt of the plan, the State Board must designate the district as a school district of innovation. However, the State Board must deny the designation if it determines the plan is not financially feasible or will likely result in decreased academic achievement. A school board may request the State Board to make a preliminary assessment of an innovation plan prior to formally applying for designation as a school district of innovation. The State Board must review the plan and, within 60 days, recommend changes that would improve the plan. Designation as a school district of innovation grants the participating schools permission to implement the innovation plan. The school board or a participating school may accept donations to support the plan's implementation. At any time, the school board, in collaboration with the participating schools, may revise the innovation plan to further improve student performance. A majority of the teachers and a majority

achievement in the innovation schools or innovation school zones; or (b) is not fiscally feasible. (2) If the state board does not designate a school district as a district of innovation, it shall provide to the local school board a written explanation of the basis for its decision. The local school board may resubmit an amended innovation plan or plan for creating an innovation school zone and seek designation of its school district as a school district of innovation at any time after denial.	of the administrators in each participating school must consent to the revisions.
Section 8. {District of Innovation – Waiver of Statutory and Regulatory Requirements} (A) Upon designation of a district of innovation, the state board shall waive any statutes or rules specified in the school district's innovation plan as they pertain to the innovation schools or innovation school zones of the district of innovation; except that the state board shall not waive: (1) [state teachers' retirement and pension plan]; and (2) established regulations and procedures for administration of the [public school transportation fund]. (B) Each district of innovation shall continue to be subject to all statutes and rules that are not waived by the state board pursuant to Subsection (A) of this section, including but not limited to all statutes and rules concerning implementation of: (1) the [state student assessment program]; (2) school accountability reports; and (3) the federal "No Child Left Behind Act of 2001", 20 U.S.C. sec. 6301 et seq. (C) Designation as a district of innovation shall not affect a school district's: (1) total program funding; or (2) eligibility for funding. (D) Each district of innovation that receives a waiver pursuant to this section shall specify the manner in which the innovation school or the schools within the innovation school zone shall comply with the intent of	Waiver of education laws and rules (R.C. 3302.063) The bill requires the State Board of Education, in most cases, to waive education laws or administrative rules necessary to implement an innovation plan. A waiver applies only to the schools participating in the innovation plan. But the bill prohibits the State Board from waiving any law or rule regarding: (1) School district funding; (2) Provision of services to students with disabilities and gifted students; (3) Requirements related to career-technical education that are necessary to comply with federal law; (4) Administration of the state achievement assessments and diagnostic assessments (and end-of-course exams and a nationally standardized test required as part of the new high school assessment system to be developed by the State Board and the Chancellor of the Board of Regents86); (5) Issuance of the annual school district and building report cards; (6) Implementation of the Department of Education's Model of Differentiated Accountability, which specifies sanctions for underperforming schools as required by the federal No Child Left Behind Act; (7) Reporting of education data to the Department; (8) Criminal records checks of school employees; and 86 See R.C. 3301.0712, not in the bill.

the waived statutes or rules and shall be accountable to the state for such compliance. …	(9) State retirement systems for teachers and other school employees.
Section 9. {District of Innovation – Collective Bargaining Agreement} (2) For an innovation school, waiver of one or more of the provisions of the collective bargaining agreement shall be based on obtaining the approval, by means of a secret ballot vote, of at least 60 percent of the members of the collective bargaining unit who are employed at the innovation school. (3) For an innovation school, waiver of one or more of the provisions of the collective bargaining agreement shall be based on obtaining, at each school included in the innovation school zone, the approval of at least 60 percent of the members of the collective bargaining unit who are employed at the school. The innovation school zone shall seek to obtain approval of the waivers through a secret ballot vote of the members of the collective bargaining unit at each school included in the innovation school zone. The local school board for the innovation school zone may choose to revise the plan for creating an innovation school zone to remove from the zone any school in which at least 60 percent of the members of the collective bargaining unit employed at the school do not vote to waive the identified provisions of the collective bargaining agreement. … (5) Except as otherwise provided in Paragraph (4) of this Subsection (A), waiver of identified provisions of a collective bargaining agreement for an innovation school or the public schools within an innovation school zone pursuant to this Subsection (A) shall continue so long as the innovation school remains an innovation school or public school remains a part of the innovation school zone. A waiver approved pursuant to this Subsection (A) shall continue to apply to any substantially similar provision that is included in a new or renewed collective bargaining agreement for the schools of the district of innovation.	Waiver of collective bargaining agreement (R.C. 3302.064) The bill also permits the waiver of specific provisions of a collective bargaining agreement to implement an innovation plan. To obtain a waiver, at least 60% of the members of the bargaining unit covered by the agreement who work in a participating school must vote, by secret ballot, to approve the waiver. In the case of an innovation school zone, this 60% threshold applies to each participating school individually. If a participating school does not meet this threshold, the school board may remove the school from the innovation school zone. A member of the bargaining unit who works at a participating school (and presumably did not vote for the waiver) may request a transfer to another district school. The school board must make every reasonable effort to accommodate the request. Once a waiver is approved, it remains in effect relative to any substantially similar provision in future collective bargaining agreements. Each collective bargaining agreement entered into by a school district on or after the bill's effective date must allow for the waiver of its provisions in order to implement an innovation plan.
Section 10. {District of Innovation – Review of Innovation Schools and Innovation School Zones} (A) Three years after the local school board of a district of innovation approves an innovation plan or a plan for creating an innovation school zone, and every three	Regular performance reviews (R.C. 3302.065; conforming changes in R.C. 3302.063, and 3302.064(D))

years thereafter, the local school board shall review the level of performance of the innovation school and each public school included in the innovation school zone and determine whether the innovation school or innovation school zone is achieving or making adequate progress toward achieving the academic performance results identified in the school's or zone's innovation plan. The local school board, in collaboration with the innovation school or the innovation school zone, may revise the innovation plan, including but not limited to revising the identification of the provisions of the collective bargaining agreement that need to be waived to implement the innovations, as necessary to improve or continue to improve academic performance at the innovation school or innovation school zone. Any revisions to the innovation plan shall require the consent of a majority of the teachers and a majority of the administrators employed at and a majority of the school advisory council for each affected public school. (B) (1) Following review of an innovation school's performance, if a local school board finds that the academic performance of students enrolled in the innovation school is not improving at a sufficient rate, the local school board may revoke the school's innovation status. (2) Following review of the performance of an innovation school zone, if a local school board finds that the academic performance of students enrolled in one or more of the public schools included in the innovation school zone is not improving at a sufficient rate, the local school board may remove the underperforming public school or schools from the innovation school zone or may revoke the designation of the innovation school zone.	Every three years, the school board must review the performance of each innovation school and innovation school zone to determine if it is achieving, or making sufficient progress toward achieving, the improvements in student performance described in its innovation plan. If the board finds that a school has not demonstrated sufficient progress, it may revoke the school's designation as an innovation school or remove the school from the innovation school zone. The board also may revoke the designation of all participating schools as an innovation school zone. If a school's designation is revoked or the school is removed from an innovation school zone, the school again becomes subject to all laws, rules, and provisions of a collective bargaining agreement that had been waived to implement the innovation plan.
Section 11. {Reporting} (A) On or before March 1, 2010, and on or before March 1 each year thereafter, the commissioner and the state board shall submit to the governor and to the education committees of the Senate and the House of Representatives, or any successor committees, a report concerning the districts of innovation. At a minimum, the report shall include: … (3) An overview of the innovations implemented in the	Annual report (R.C. 3302.068) By July 1 each year, the Department of Education must issue a report on school districts of innovation. This report must include data on the number of innovation schools and innovation school zones and how many students are served by them. In addition, it must contain (1) an overview of the innovations implemented in districts of innovation, (2) data on student performance, including a comparison of performance before and after a district's designation, and (3) legislative recommendations.

innovation schools and the innovation school zones in the districts of innovation; (4) An overview of the academic performance of the students served in innovation schools and innovation school zones in each district of innovation, including a comparison between the students' academic performance before and since implementation of the innovations; (5) Any recommendations for legislative changes based on the innovations implemented or to further enhance the ability of local school boards to implement innovations; and	

OHIO LEGISLATION: S.B. 88

ALEC Model Legislation: Resolution Supporting Private Scholarships Tax Credits

Sponsors (in bold) and co-sponsors**:**

6 ALEC Senators

Sen. Kris Jordan (R -19)
Sen. Kevin Bacon (R- 3)
Sen. Peggy B. Lehner (R- 6)
Sen. Tim Schaffer (R- 13)
Sen. William Seitz (R- 8)
Sen. Clifford Hite (R- 1)

Last Action: 04/14/2011, Held in Senate Ways and Means and Economic Development Committees

Legislative Session: 129th General Assembly Regular Session 2011-2012

Similarities/Analysis: S.B. 88 and H.B. 242 are expanded versions of ALEC's "'Resolution Supporting Private Scholarships Tax Credits." Both bills advocate for issuing non-refundable tax credits to donors of non-profit organizations that supply scholarship funds to private schools. By providing these credits, S.B. 88 and H.B. 242 would repurpose tax revenue – revenue that could be used for funding public schools – and places it directly into private schools, essentially using public funds to subsidize private education. It provides a tax benefit for funding private schools while reducing funds available for universal public education.

ALEC: Resolution Supporting Private Scholarships Tax Credits	OHIO: S.B. 88 (As reported by the Senate Ways and Means and Economic Development Committee)
This resolution declares the state legislative body's support for the creation of a tax credit for individuals and businesses that make a contribution to a nonprofit scholarship or educational assistance organization. … WHEREAS, privately-funded scholarships are an excellent and popular means by which parents and guardians can exercise expanded educational opportunities for their children, especially children from low income families and the minority community; and	A BILL To amend sections 109.572, 5725.98, 5729.98, 5733.01, 5733.98, and 5747.98 and to enact section 3310.30 of the Revised Code to authorize nonrefundable tax credits for donations to nonprofit entities providing scholarships to low-income students enrolling in chartered nonpublic schools.

… WHEREAS, each child is unique and learns differently, and many children are likely to benefit from expanded educational opportunities, including tutorial assistance, transportation to another public school, after school programs, or attendance at a nonpublic school; and	Sec. 3310.30. (A) As used in this section: … (6) "Qualified scholarship" means either of the following: (a) A scholarship granted to an eligible student in grade eight or lower not to exceed the lesser of four thousand two hundred fifty dollars, as adjusted in division (A)(6)(c) of this section, or the cost of tuition for the purpose of attendance at a chartered nonpublic school;
THEREFORE, BE IT RESOLVED that the {insert name of state legislative body} supports the creation of a tax credit for donations to nonprofit organizations that make more privately funded scholarships and educational assistance available to children.	(7) "Donation" means an unconditional gift of cash. … (B) A nonrefundable credit is allowed against the tax levied by section 5707.03 and assessed under section 5725.15, the tax imposed by section 5725.18, the tax imposed by section 5727.24, 5727.30, 5727.81, or 5727.811, the tax assessed under Chapter 5729., or the tax imposed by section 5733.06 or 5747.02 of the Revised Code for a taxpayer that makes an authorized donation to an educational scholarship organization. No credit is allowed if the taxpayer designates a specific child as the beneficiary of the donation. … Sec. 5733.01. (A) The tax provided by this chapter for domestic corporations shall be the amount charged against each corporation organized for profit under the laws of this state and each nonprofit corporation organized pursuant to Chapter 1729. of the Revised Code, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of exercising its franchise during the calendar year in which that amount is payable, and the tax provided by this chapter for foreign corporations shall be the amount charged against each corporation organized for profit and each nonprofit corporation organized or operating in the same or similar manner as nonprofit corporations organized under Chapter 1729. of the Revised Code, under the laws of any state or country other than this state, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of doing business in this state, owning or using a part or all of its capital or property in this state, holding a certificate of compliance with the laws of this state authorizing it to do business in this state, or otherwise having nexus in or with this state under the

	Constitution of the United States, during the calendar year in which that amount is payable.
WHEREAS, a credit against taxes for contributions to nonprofit scholarship or educational assistance organizations will make more privately-funded scholarships available, and thereby expand the educational opportunities available to children of families that have limited financial resources and increase the academic achievements of children across the country;	… (v) The entity will award at least fifty per cent of its new qualified scholarships to students who did not attend chartered nonpublic schools in this state in the preceding school year. For this purpose, a new qualified scholarship is a qualified scholarship first awarded to a student who did not receive a scholarship from an educational scholarship organization for all or part of the preceding school year.

VOTER ID

OHIO LEGISLATION: HB 159

ALEC Model Legislation: Voter ID Act

Sponsor (in bold) and co-sponsors**:**

9 ALEC Representatives

Rep. Louis Blessing (R-29)
Rep. John P. Adams (R-78)
Rep. Jarrod B. Martin (R-70)
Rep. Marlene Anielski (R-17)
Rep. Cheryl L. Grossman (R-23)
Rep. Ronald Maag (R-35)
Rep. Joseph W. Uecker (R-66)
Rep. Danny Bubp (R-88)
Rep. Peter A. Beck (R-67)

Last Action: 06/23/2011, Reported by Senate State and Local Government and Veterans Affairs Committees

Legislative Session: 129th General Assembly Regular Session 2011-2012

Similarities/Analysis: The two versions of the legislation require voters to provide proof of identification at the polls, outline permissible provisional ballots and make it optional to provide free identification to certain eligible citizens. The Ohio legislation is much more comprehensive than its ALEC counterpart: the Ohio legislation provides a detailed standard of conduct for voters and the county board of elections. Nonetheless, both bills have nearly the same content.

The ALEC legislation requires voters to provide photo identification, while the Ohio legislation accepts either photo identification or certain forms of non-photo state identification. Both bills require voters to provide identification in order to cast a provisional ballot, but the Ohio legislation authorizes the use of provisional ballots in more limited circumstances than the ALEC legislation.

ALEC Model Legislation: Voter ID Act	**Ohio Legislation:** HB 159

Summary This legislation requires any United States citizen desiring to vote in a state to provide proof of identity at the polls, outlines permissible provisional ballots, and optionally provides for a free ID to those who do not have a driver's license.	Introduction A bill to amend sections 3501.01, 3503.14, 3503.15, 3503.16, 3503.19, 3503.24, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3509.08, 3511.02, 3511.05, 3511.09, and 4507.50 of the Revised Code to generally require electors who appear at a polling place to vote or who cast absent voter's ballots in person to provide photo identification, to establish a process for electors to receive free photo identification, to establish a process to permit electors with a religious objection to being photographed to vote, and to revise the information that must accompany a provisional ballot for that ballot to be eligible to be counted.
Section 1. (a) "Proof of identity" means a document or identification card that: (1) Shows the name of the person to whom the document was issued; (2) Shows a photograph of the person to whom the document was issued; (3) Contains an expiration date, and is not expired (4) Is issued by the United States or the State of Arkansas.	(AA) "Photo identification" means a document that: (1) Contains the name of the elector, which shall conform to the name in the individual's voter registration record; (2) Contains a photograph of the individual to whom it was issued. (3) Contains an expiration date that is not expired or that expired after the date of the most recent general election, unless the document is one of the following:
Section 2. (b) Any person desiring to vote in this state shall present proof of identity to the election official when appearing to vote in person either early or at the polls on Election Day. (c)(1) If the voter is listed on the precinct voter registration list but failed to provide proof of identity, the election official shall: (A) Indicate on the precinct voter registration list that the voter did not provide proof of identity; and (B) Request that the voter execute an affidavit in the presence of the election official containing: (i) A written eligibility affirmation stating that he or she is a registered voter in the precinct in which he or she desires to vote and is eligible to vote; and (ii) A statement that the voter cannot provide proof of identity because the voter: (a) Does not have proof of identity available at the time of voting;	Sec. 3505.18. (A)(1) When an elector appears in a polling place to vote, the elector shall announce to the precinct election officials the elector's full name and current address and provide proof of the elector's identity in the form of a photo identification or a nonphoto state identification card. (2) If an elector does not have or is unable to provide to the precinct election officials any of the forms of identification required under division (A)(1) of this section, the elector may cast a provisional ballot under section 3505.181 of the Revised Code and do either of the following: (a) Appear at the office of the board of elections not later than the close of the polls on the day of the election and provide the identification required under division (A)(1) of this section; or (b) Write the elector's social security number, driver's license number, or state identification card number on the provisional ballot envelope, which number shall be verified by the board of elections with the bureau of motor vehicles.

(b) Is indigent; or (c) Has a religious objection to being photographed (2) If a voter executes an affidavit under subsection (c)(1)(B) of this section, the election official shall permit the voter to cast a provisional ballot.	(3) If an elector has a religious objection to being photographed and the elector does not have a nonphoto state identification card, the elector may execute an affirmation under penalty of election falsification to that effect. Upon signing the affirmation, the elector may cast a provisional ballot under section 3505.181 of the Revised Code. The secretary of state shall prescribe the form of the affirmation, which shall include spaces for all of the following: (a) The elector's name; (b) The elector's address; (c) The current date; (d) The elector's date of birth; (e) The elector's signature.; (f) A statement that the elector has a religious objection to being photographed; and (g) The statement, "A person who knowingly and falsely signs this affirmation may be subject to criminal prosecution for election falsification, a felony, which may subject a violator to a prison term, a monetary fine, and possible loss of voting privileges for repeat violations."
Section 2. (d) A provisional ballot cast by a voter who did not provide proof of identity shall be counted if: (1)(A) The voter returns to the county board of election commissioners by 12:00 p.m. on the Monday following the election and provides proof of identity. (B) If a voter does not return to the county board of election commissioners and provide proof of identity, the county board of election commissioners shall make a determination whether to count a provisional ballot cast by a voter who did not provide proof of identity based on the merits of each provisional ballot; and (2) The voter has not been challenged or required to vote a provisional ballot for any other reason.	Sec. 3505.183. (B)(1) To determine whether a provisional ballot is valid and entitled to be counted, the board shall examine the affirmation executed by the provisional voter, the statewide voter registration database, and other records maintained by the board of elections and determine whether the individual who cast the provisional ballot is registered and eligible to vote in the applicable election. The board shall examine the information contained in the written affirmation executed by the individual who cast the provisional ballot under division (B)(2) of section 3505.181 of the Revised Code. If the provisional voter provided identification at the board of elections prior to the close of the polls under division (A)(2)(a) of section 3505.18 of the Revised Code, the board of elections shall match that voter's provisional ballot envelope with the corresponding voter's identification and consider that provisional voter to have provided the required identification at the polling place at the time the ballot was cast when determining the validity of the provisional ballot. If the provisional voter provided the individual's social security number, driver's license number, or state identification card number on the provisional ballot

	envelope under division (A)(2)(b) of that section, the board of elections shall verify that voter's social security number, driver's license number, or state identification card number with records maintained by the bureau of motor vehicles. If those records correspond, the board of elections shall consider that provisional voter to have provided the required identification at the polling place at the time the ballot was cast.
(e) An identification card shall be issued without the payment of a fee or charge to an individual who: (1) Does not have a valid driver's license; and (2) Will be at least eighteen (18) years of age at the next general election, special election, or municipal election.	Sec. 4507.50. (A) The registrar of motor vehicles or a deputy registrar, upon receipt of an application filed in compliance with section 4507.51 of the Revised Code by any person who is a resident or a temporary resident of this state and, except as otherwise provided in this section, is not licensed as an operator of a motor vehicle in this state or another licensing jurisdiction, and, except as provided in divisions (B) and (C) of this section, upon receipt of a fee of three dollars and fifty cents, shall issue an identification card to that person. Any person who is a resident or temporary resident of this state whose Ohio driver's or commercial driver's license has been suspended or canceled, upon application in compliance with section 4507.51 of the Revised Code and, except as provided in division (B) of this section, payment of a fee of three dollars and fifty cents, may be issued a temporary identification card Except as provided in divisions (B) and (C) of this section, the deputy registrar shall be allowed a fee of two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for each identification card issued under this section. The fee allowed to the deputy registrar shall be in addition to the fee for issuing an identification card. (B) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration may apply to the registrar or a deputy registrar for the issuance to that veteran of an identification card or a temporary identification card under this section without payment of any fee prescribed in division (A) of this section, including any lamination fee. An application made under division (B) of this section shall be accompanied by such documentary evidence of disability as the registrar may require by rule. (C) Not more frequently than once every four years, an individual who does not have photo identification may

	apply to the registrar or a deputy registrar for the issuance to that individual of an identification card or a temporary identification card under this section without payment of any fee. The registrar shall issue photo identification to such an individual without payment of any fee described in division (A) of this section. (D) The bureau of motor vehicles shall promulgate rules permitting an individual with a religious objection to being photographed to receive a state identification card issued without a photograph under this section. Rules issued under this section shall permit nonphoto state identification cards to be issued for use as identification under Title XXXV of the Revised Code sufficiently in advance of the February 7, 2012, special election to allow those identification cards to be used as identification for individuals casting a ballot at that election. (E) The bureau of motor vehicles shall promulgate rules to allow developmentally disabled individuals to apply for, and receive, state identification cards onsite at the county boards of developmental disabilities at regular intervals.

IMMIGRATION

OHIO LEGISLATION: H.B. 286

ALEC Model Legislation: Fair and Legal Employment Act, No Sanctuary For Illegal Immigrants Act

Sponsors (in bold) and co-sponsors**:**

11 ALEC Representatives

Rep. Courtney E. Combs (R- 54)
Rep. Danny R. Deb (R- 88)
Rep. Andy Thompson (R- 93)
Rep. John Adams (R-78)
Rep. Andrew Brenner (R-2)
Rep. Jarrod B. Martin (R- 70)
Rep. Margaret Ann Ruhl (R- 90)
Rep. Timothy Derickson (R- 53)
Rep. Jeffrey A. McClain (R- 82)
Rep. Ronald Maag (R-35)
Rep. Ronald E. Young (R- 31)

Last Action: Introduced on 06/29/2011, Held in Committees

Legislative Session: 129th General Assembly Regular Session 2011-2012

Similarities/Analysis: H.B. 286 was taken nearly word for word from ALEC's "Fair and Legal Employment Act," which is also incorporated in ALEC's longer and more thorough "No Sanctuary for Illegal Immigrants Act" – the infamous model legislation that was introduced in Arizona as SB 1070 and led to protests across the country.

H.B. 286, if adopted, would require employers to register their employees under the E-Verify system. E-Verify legislation was enacted in 12 states in 2011,[60] but the program is plagued with structural flaws. Government audits estimate that if the program were adopted nationally, some 770,000 Americans would incorrectly lose their jobs due to name duplications and database inconsistencies.[61] During the Clinton Administration, a predecessor to this system was called "1-800-Big-Brother" by Congressman Steve Chabot (R-OH). Even if the system were 99% accurate, it would still require employers to deny a job to a person they may have known for years until the employee can prove that they really are who they say they are.

Even if the program functioned correctly, critics assert that employer sanctions would drive the hiring of undocumented workers further underground into the black market economy, where collective bargaining, worker rights and fair wages fall victim to exploitive forces.[62]

ALEC: Fair and Legal Employment Act, No Sanctuary For Illegal Immigrants Act	Ohio: H.B. 286 (as introduced)
Section 4. { Definitions.} … (C) "E-verify program" means the employment verification pilot program as jointly administered by the United States department of homeland security and the social security administration or any of its successor programs. … (E) "Knowingly employ an unauthorized alien" means the actions described in 8 United States Code section 1324a. This term shall be interpreted consistently with United States Code section 1324a and any applicable federal rules and regulations. (F) "License": (1) Means any agency permit, certificate, approval, registration, charter or similar form of authorization that is required by law and that is issued by any agency for the purposes of operating a business in this state. … (H) "Unauthorized alien" means an alien who does not have the legal right or authorization under federal law to work in the United States as described in 8 United States Code section 1324a(h)(3).	Sec. 4113.81. As used in sections 4113.81 to 4113.88 of the Revised Code: (A) "E-verify program" means the employment verification pilot program as jointly administered by the United States department of homeland security and the social security administration or any of its successor programs. (B) "Knowingly employ an unauthorized alien" means the actions described in the "Immigration Reform and Control Act of 1986," 100 Stat. 3360, 8 U.S.C. 1324a. This term shall be interpreted consistently with the "Immigration Reform and Control Act of 1986," 100 Stat. 3360, 8 U.S.C. 1324a and any applicable federal rules and regulations. (C)(1) "License" means any agency permit, certificate, approval, registration, charter, or similar form of authorization that is required by law and that is issued by any agency for the purposes of operating a business in this state. … (D) "Unauthorized alien" means an alien who does not have the legal right or authorization under federal law to work in the United States as described in the "Immigration Reform and Control Act of 1986," 100 Stat. 3360, 8 U.S.C. 1324a.
Section 5. {Knowingly Employing Unauthorized Aliens; Prohibition; False and Frivolous Complaints; Violation; Classification; License Suspension and Revocation; Affirmative Defense.}	Sec. 4113.82. (A)(1) No employer shall knowingly employ an unauthorized alien.

(A) An employer shall not knowingly employ an unauthorized alien. If, in the case when an employer uses a contract, subcontract or other independent contractor agreement to obtain the labor of an alien in this state, the employer knowingly contracts with an unauthorized alien or with a person who employs or contracts with an unauthorized alien to perform the labor, the employer violates this subsection.	(2) No employer purposefully shall employ an unauthorized alien. (3) No individual knowingly shall file a false and frivolous complaint under section 4113.83 of the Revised Code. (B) Every employer, after hiring an employee, shall verify the employment eligibility of the employee through the e-verify program. (C) For purposes of division (A)(1) of this section, an employer violates that division if the employer uses a contract, subcontract, or other independent contractor agreement to obtain the labor of an alien in this state and the employer knowingly contracts with an alien the employer knows is an unauthorized alien or with a person whom the employer knows employs or contracts with an unauthorized alien to perform the labor.
(B) The attorney general shall prescribe a complaint form for a person to allege a violation of subsection A. of this section. The complainant shall not be required to list the complainant's social security number on the complaint form or to have the complaint form notarized. On receipt of a complaint on a prescribed complaint form that an employer allegedly knowingly employs an unauthorized alien, the attorney general or county attorney shall investigate whether the employer has violated subsection A of this section. If a complaint is received but is not submitted on a prescribed complaint form, the attorney general or county attorney may investigate whether the employer has violated subsection A of this section. This subsection shall not be construed to prohibit the filing of anonymous complaints that are not submitted on a prescribed complaint form. The attorney general or county attorney shall not investigate complaints that are based solely on race, color or national origin. A complaint that is submitted to a county attorney shall be submitted to the county attorney in the county in which the alleged unauthorized alien is or was employed by the employer. The county sheriff or any other local law enforcement agency may assist in investigating a complaint. When investigating a complaint, the attorney general or county attorney shall verify the work authorization of	Sec. 4113.83. The attorney general shall prescribe a complaint form for a person to allege a violation of division (A)(1) or (2) of section 4113.82 of the Revised Code. The attorney general shall not require the complainant to list the complainant's social security number on the complaint form or to have the complaint form notarized. A complainant shall submit the complaint to the attorney general or to the prosecuting attorney of the county in which the alleged unauthorized alien is or was employed by the employer. On receipt of a complaint on a prescribed complaint form that an employer allegedly knowingly or purposefully employs an unauthorized alien, the attorney general or prosecuting attorney shall investigate whether the employer has violated division (A)(1) or (2) of section 4113.82 of the Revised Code, as alleged in the complaint. Nothing in this section shall be construed to prohibit an individual from filing an anonymous complaint on a form other than the prescribed complaint form. If the attorney general or a prosecuting attorney receives a complaint that is not submitted on a prescribed complaint form, the attorney general or prosecuting attorney may, but is not required to, investigate whether the employer has violated division (A)(1) or (2) of section 4113.82 of the Revised Code as alleged in the complaint. The attorney general or prosecuting attorney shall not investigate complaints that are based solely on race, color, or national origin.

the alleged unauthorized alien with the federal government pursuant to 8 United States Code section 1373(c). A state, county or local official shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States. An alien's immigration status or work authorization status shall be verified with the federal government pursuant to 8 United States Code section 1373(c). A person who knowingly files a false and frivolous complaint under this subsection is guilty of a class 3 misdemeanor.	The county sheriff or any other local law enforcement officer may assist in investigating a complaint. When investigating a complaint, the attorney general or prosecuting attorney shall verify the work authorization of the alleged unauthorized alien with the federal government pursuant to the federal "Omnibus Consolidated Appropriations Act, 1997," 110 Stat. 3009, 8 U.S.C. 1373(c), as amended. An officer or employee of the state or a political subdivision of the state shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States.
(C) If, after an investigation, the attorney general or county attorney determines that the complaint is not false and frivolous: (1) The attorney general or county attorney shall notify the United States immigration and customs enforcement of the unauthorized alien. (2) The attorney general or county attorney shall notify the local law enforcement agency of the unauthorized alien. (3) The attorney general shall notify the appropriate county attorney to bring an action pursuant to subsection D of this section if the complaint was originally filed with the attorney general. (D) An action for a violation of subsection A of this section shall be brought against the employer by the county attorney in the county where the unauthorized alien employee is or was employed by the employer. The county attorney shall not bring an action against any employer for any violation of subsection A of this section that occurs before [Insert Date]. A second violation of this section shall be based only on an unauthorized alien who is or was employed by the employer after an action has been brought for a violation of subsection A or state law. (E) For any action in superior court under this section, the court shall expedite the action, including assigning the hearing at the earliest practicable date.	Sec. 4113.84. (A) If, after an investigation conducted under section 4113.83 of the Revised Code, the attorney general or prosecuting attorney determines that the complaint is not false and frivolous, the attorney general or prosecuting attorney shall do all of the following, as applicable: (1) Notify the United States department of homeland security or its successor agency regarding the status of the unauthorized alien; (2) Notify the local law enforcement agency regarding the status of the unauthorized alien; (3) If the complaint was originally filed with the attorney general, notify the appropriate prosecuting attorney to allow the prosecuting attorney to bring an action pursuant to division (B) of this section. (B) If a prosecuting attorney of the county where an unauthorized alien employee allegedly is or was employed by an employer conducts an investigation under section 4113.83 of the Revised Code and determines that reasonable evidence exists that the employer violated division (A)(1) or (2) of section 4113.82 of the Revised Code, or if that prosecuting attorney receives a notice under division (A)(3) of this section, the prosecuting attorney shall bring an action for a violation of division (A)(1) or (2) of section 4113.82 of the Revised Code against the employer in the court of common pleas of the county where the unauthorized alien employee allegedly is or was employed by the employer. The prosecuting attorney shall not bring an action against any employer for any violation of division (A)(1) or (2) of section 4113.82 of the Revised Code that occurred prior to the effective date of this section. A second violation of this section shall be based only on any additional unauthorized

	aliens employed by the employer after a previous action has been brought against an employer for a violation of division (A)(1) or (2) of section 4113.82 of the Revised Code. (C) For any action brought pursuant to this section, the court shall expedite the action, including assigning the hearing at the earliest practicable date.
… (H) On determining whether an employee is an unauthorized alien, the court shall consider only the federal government's determination pursuant to 8 United States Code section 1373(c). The federal government's determination creates a rebuttable presumption of the employee's lawful status. The court may take judicial notice of the federal government's determination and may request the federal government to provide automated or testimonial verification pursuant to 8 United States Code section 1373(c). (I) For the purposes of this section, proof of verifying the employment authorization of an employee through the e-verify program creates a rebuttable presumption that an employer did knowingly employ an unauthorized alien. (J) For the purposes of this section, an employer that establishes that it has complied in good faith with the requirements of 8 United States code section 1324a(b) establishes an affirmative defense that the employer did not knowingly employ an unauthorized alien. an employer is considered to have complied with the requirements of 8 United States code section 1324a(b), notwithstanding an isolated, sporadic or accidental technical or procedural failure to meet the requirements, if there is a good faith attempt to comply with the requirements.	Sec. 4113.85. (A) In an action brought pursuant to section 4113.84 of the Revised Code, for purposes of determining whether an employee is an unauthorized alien, a court shall consider only a determination with respect to that alien's immigration status made by the federal government pursuant to the federal "Omnibus Consolidated Appropriations Act, 1997," 110 Stat. 3009, 8 U.S.C. 1373(c), as amended. The federal government's determination creates a rebuttable presumption of the alien's lawful status. The court may take judicial notice of the federal government's determination and may request the federal government to provide automated or testimonial verification pursuant to the federal "Omnibus Consolidated Appropriations Act, 1997," 110 Stat. 3009, 8 U.S.C. 1373(c), as amended. (B) For purposes of section 4113.84 of the Revised Code, proof of verifying the employment authorization of an employee through the e-verify program creates a rebuttable presumption that an employer did not knowingly or purposefully employ an unauthorized alien. (C) For purposes of section 4113.84 of the Revised Code, an employer who establishes that the employer has complied in good faith with the requirements of the federal "Immigration Reform and Control Act of 1986," 100 Stat. 3360, 8 U.S.C. 1324a(b), as amended, establishes an affirmative defense that the employer did not knowingly or purposefully employ an unauthorized alien in violation of division (A)(1) or (2) of section 4113.82 of the Revised Code. An employer is considered to have complied with the requirements of the federal "Immigration Reform and Control Act of 1986," 100 Stat. 3360, 8 U.S.C. 1324a(b), as amended, notwithstanding an isolated, sporadic, or accidental technical or procedural failure to meet the requirements, if a good faith attempt was made to comply with the requirements of that act.

	…
Section 5. … (F) On a finding of a violation of subsection A of this section:1) For a first violation, as described in subsection 3 of this section, the court: (1)(a) Shall order the employer to terminate the employment of all unauthorized aliens. (1)(b) Shall order the employer to be subject to a three year probationary period for the business location where the unauthorized alien performed work. During the probationary period the employer shall file quarterly reports in the form provided in section 3 with the county attorney of each new employee who is hired by the employer at the business location where the unauthorized alien performed work.	Sec. 4113.86. (A)(1) If a court, pursuant to an action brought under section 4113.84 of the Revised Code, determines that an employer has committed a first violation of division (A)(1) of section 4113.82 of the Revised Code, the court shall do all of the following: (a) Order the employer to terminate the employment of all unauthorized aliens; (b) Order the employer to be subject to a three-year probationary period for the business location where the unauthorized alien performed work;
(1)(c) Shall order the employer to file a signed sworn affidavit with the county attorney within three business days after the order is issued. The affidavit shall state that the employer has terminated the employment of all unauthorized aliens in this state and that the employer will not intentionally or knowingly employ an unauthorized alien in this state. The court shall order the appropriate agencies to suspend all licenses subject to this subdivision that are held by the employer if the employer fails to file a signed sworn affidavit with the county attorney within three business days after the order is issued. All licenses that are suspended under this subdivision shall remain suspended until the employer files a signed sworn affidavit with the county attorney. Notwithstanding any other law, on filing of the affidavit the suspended licenses shall be reinstated immediately by the appropriate agencies. For the purposes of this subdivision, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer at the employer's primary place of business. On receipt of the court's order and	(c) Order the employer to file a signed affidavit of the type described in division (A)(4) of this section with the prosecuting attorney of the county where the violation occurred within three business days after the order is issued. (2) If a court pursuant to an action brought under section 4113.84 of the Revised Code determines that an employer has committed a first violation of division (A)(1) of section 4113.82 of the Revised Code, the court may order the appropriate agencies to suspend all licenses described in division (A)(4) of this section that are held by the employer for a period not to exceed ten business days. The court shall determine whether to suspend an employer's licenses based upon any evidence or information submitted to the court during the action and shall consider any of the following factors, as applicable: (a) The number of unauthorized aliens employed by the employer; (b) Any prior misconduct committed by the employer; (c) The degree of harm resulting from the violation; (d) Whether the employer made good faith efforts to comply with any applicable requirements; (e) The duration of the violation;

notwithstanding any other law, the appropriate agencies shall suspend the licenses according to the court's order. The court shall send a copy of the court's order to the attorney general and the attorney general shall maintain the copy pursuant to subsection G of this section. (1)(d) May order the appropriate agencies to suspend all licenses described in subdivision (c) of this paragraph that are held by the employer for not to exceed ten business days. The court shall base its decision to suspend under this subdivision on any evidence or information submitted to it during the action for a violation of this subsection and shall consider the following factors, if relevant: (i) The number of unauthorized aliens employed by the employer. (ii) Any prior misconduct by the employer. (iii) The degree of harm resulting from the violation. (iv) Whether the employer made good faith efforts to comply with any applicable requirements. (v) The duration of the violation. (vi) The role of the directors, officers or principals of the employer in the violation. (vii) Any other factors the court deems appropriate.	(f) The role of the directors, officers, or principals of the employer in the violation; (g) Any other factors the court considers appropriate. (3) During the probationary period described in division (A)(1)(b) of this section, the employer shall file quarterly reports in the form provided in section 3121.892 of the Revised Code with the prosecuting attorney of the county where the violation occurred documenting each new employee who is hired by the employer after the date the court determined the employer violated division (A)(1) of section 4113.82 of the Revised Code and who is employed at the business location where the unauthorized alien performed work. (4) The affidavit described in division (A)(1)(c) of this section shall state that the employer has terminated the employment of all unauthorized aliens employed by the employer in this state and that the employer will not purposefully or knowingly employ an unauthorized alien in this state. If the employer fails to file the affidavit with the prosecuting attorney within three business days after the date the order is issued, the court shall order the appropriate agencies to suspend all licenses described in this division held by the employer. On receipt of the court's order and notwithstanding any other law to the contrary, the appropriate agencies shall suspend the licenses according to the court's order. The court shall send a copy of the court's order to the attorney general, and the attorney general shall maintain the copy pursuant to section 4113.88 of the Revised Code. For the purposes of division (A)(4) of this section, a license subject to suspension is any license held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, any license held by the employer at the employer's primary place of business is subject to suspension. A license remains suspended until the employer files the affidavit required under division (A)(1)(c) of this section with the prosecuting attorney. Notwithstanding any other law to the contrary, the appropriate agency shall reinstate the suspended license upon the employer's filing of the affidavit with

	the prosecuting attorney.
(2) For a second violation, as described in subsection 3 of this section, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. The employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses. (3) The violation shall be considered: (a) A first violation by an employer at a business location if the violation did not occur during a probationary period ordered by the court under state law for that employer's business location. (b) A second violation by an employer at a business location if the violation occurred during a probationary period ordered by the court under state law for that employer's business location.	(B) For a second violation of division (A)(1) of section 4113.82 of the Revised Code, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses. (C) A violation is considered a first violation by an employer at a business location if the violation did not occur during a probationary period ordered by the court under this section or section 4113.87 of the Revised Code for that employer's business location. A violation is considered a second violation by an employer at a business location if the violation occurred during a probationary period ordered by the court under this section or section 4113.87 of the Revised Code for that employer's business location.

LABOR

OHIO LEGISLATION: S.B. 5

ALEC Model Legislation: Public Employee Bargaining Transparency Act, Prohibition of Negative Check-off Act, Political Funding Reform Act, Public Employee Freedom Act

Sponsors (in bold) and co-sponsors**:**

1 ALEC Senator

Sen. Shannon Jones (R- 7)

Last Action: Repealed by referendum on November 8th, 2011 – "Issue 2"

Legislative Session: 129th General Assembly Regular Session 2011-2012

Analysis:

When ALEC Senator Shannon Jones (R- 7) introduced Senate Bill 5, she was and would remain the sole sponsor. Although S.B. 5 would eventually pass in both the State House and Senate, the aims of the bill were so controversial that no other politician wished to have his or her name on the bill's header.[63] Even the bill's path to passage was tenuous; when held up in two Senate committees lacking the necessary votes to advance, the Republican leadership simply replaced committee members to achieve their desired outcome.[64]

Among other objectives, S.B. 5 would have severely restricted the collective bargaining rights of 350,000 public workers.[65] From school teachers to firefighters, the bill targeted a wide range of professionals and was a blatant assault on the middle class.

Its passage immediately catalyzed a grassroots movement to repeal the bill. Setting a record for Ohio ballot initiatives, activists collected nearly 1.3 million signatures to place Issue 2 on the November 8th ballot[66] – and after a fierce battle, they successfully repealed the law.

Similarities:
Sec. 4117.21 is based on the ALEC "Public Employee Bargaining Transparency Act," which demands that collective bargaining meetings be made public upon the request of the employer. By opening this dialogue to the public, workers are subject to external pressures and are less likely to be able to reach meaningful compromises.

Sec. 9.81 is based on ALEC's model bill, "Prohibition of Negative Check Act," which bars public unions from collecting dues via payroll deductions without written consent from employees. This proposal weakens worker rights by adding a bureaucratic layer to unionization.

Sec. 4117.09 is based on ALEC's model bill, "Political Funding Reform Act" and the "Right to Work Act," which, together, prohibit public employers from signing contracts that require unionization or fair-share fees, and forbid public union funds from being used for political purposes, although members may engage in standard PAC procedure as defined by 3517.082, 3517.09, and 3599.031 of the Revised Code.

Sec. 4117.15 is based on Section 6 and Section 8 of ALEC's model bill, "Public Employee Freedom Act," which prohibits public workers from engaging in strikes. If an employee violates this decree, he or she is subject to punishment by law enforcement authorities for misconduct.

ALEC: Public Employee Bargaining Transparency Act	OHIO: S.B. 5 (as enrolled)
Section 4. {Open Meetings} A. Collective bargaining sessions between a public employer or its agent and a labor organization or its agent pursuant to [INSERT COLLECTIVE BARGAINING STATUTES] are public meetings subject to the provisions of [INSERT STATE OPEN MEETINGS ACT], as now or hereafter amended…	Sec. 4117.21. Collective bargaining meetings between public employers and employee organizations are private, and are not subject to section 121.22 of the Revised Code, except fact-finding hearings held pursuant to section 4117.14 of the Revised Code may be open to the public if either the public employer or the exclusive representative requests the hearing be open.
ALEC: Prohibition of Negative Check-off Act	OHIO: S.B. 5 (as enrolled)
Section 1. {Short Title.} This Act shall be known as the Prohibition of Negative Check-Off Act. Section 2. {Legislative Declaration.} Section 3. {Definitions.}	Sec. 9.81. After an authorization adopted under section 9.80 of the Revised Code, any public officer or employee of any department or division of the state, any political subdivision or school district thereof, or of any institution supported in whole or in part by the state, a county, or municipal corporation, who desires to make a contribution by the payroll deduction plan to

(A) "negative check-off plan" means a plan whereby a payer, by his or her inaction is deemed to have agreed to a payment or series of payments. (B) "voluntary" means an action or choice given freely, as evidenced by some affirmative act on the part of the payer. A charitable contribution made by a payer pursuant to authorization given by such payer is deemed to be voluntary. Section 4. {Negative check-off plans prohibited.} (A) It shall be a deceptive trade practice to, in the course of one's business, vocation, or occupation, receive funds from an individual whereby such funds are not given on a voluntary basis, unless such an arrangement is required pursuant to a court order. Such involuntary payments are void as against public policy. A payment made pursuant to a negative check-off plan shall not be considered to have been made on a voluntary basis. (B) Nothing in any other state law shall affect the validity or application of this section as it applies to any employee, including, but not limited to, persons employed by the state or a local government or any governmental subdivision or agency thereof, without exception. Section 5. {Severability Clause.} Section 6. {Repealer Clause.} Section 7. {Effective Date.}	one or more of the specified charitable agencies which are corporations not for profit, community chests, united funds, or other similar united community fund organizations, may be permitted to have such contribution payments deducted from the salary or wages due such public officer or employee by filing a written request and authorization signed by such public officer or employee and specifying the amount of the deduction in each payroll period with the fiscal officer of the state, political subdivision, or school district, or institution by which such public officer or employee is employed. Such authorization may be withdrawn in writing by such public officer or employee at any time**.** No funds may be withheld from the salary or wages of any such public officer or employee for the purposes permitted by sections 9.80 and 9.81 of the Revised Code unless the withholding is specifically, freely, and voluntarily authorized by that public officer or employee in writing. Upon receipt of evidence of such request by the appropriate fiscal officer, or upon receipt of a written deduction authorization under division (B)(2) or (C) of section 4117.09 of the Revised Code, such fiscal officer shall make such deduction and shall, at periodic intervals to the extent of the amount collected, pay the designated charitable agencies which are corporations not for profit, community chests, united funds, or other similar united community fund organizations, or the exclusive representative designated under section 4117.05 of the Revised Code.
ALEC: Right to Work Act Sec. 4 No person shall be required, as a condition of employment or continuation of employment: (C) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor	OHIO: S.B. 5 (as enrolled) Sec. 4117.09. (C) The No agreement may contain a provision that requires as a condition of employment, on or after a mutually agreed upon probationary period or sixty days following the beginning of employment, whichever is less, or the effective date of a collective bargaining agreement, whichever is later, that the employees in the unit who are not members of the employee organization pay to the employee organization a fair share fee.
ALEC: Political Funding Reform Act	OHIO: S.B. 5 (as enrolled)
Section 4. {Prohibitions} A public employer is prohibited from collecting or deducting or transmitting political funds within the meaning of this section.	Sec. 4117.09. (A) The parties to any collective bargaining agreement shall reduce the agreement to writing and both execute it.

Section 5. {Penalties} A. For a period of two years, no public employer shall collect, deduct, or assist in the collection or deduction of funds for any purpose for a person or organization if, in violation of this article, the person or organization has: 1. used as political funds, as defined in section 3(A) or (B), any of the funds collected or deducted for it by any public employer, or 2. commingled funds collected or deducted by any public employer with political funds. 3. whenever funds for multiple levels of an organization (local, regional, state, and/or national) are deducted, collected, and/or transmitted to a single recipient for all affiliates that receive funds from the recipient organization. B. Any employee whose wages have been deducted in violation of the provisions of this article may bring suit in a court of competent jurisdiction to obtain injunctive relief against the violator or person or public employer threatening violation. If the state enjoys sovereign immunity, nothing in this section shall be considered or otherwise construed to waive, or in any way abrogate such immunity. An employee whose wages have been deducted in violation of this article may bring suit in a court of competent jurisdiction to recover damages equal to: 1. from a public employer violating the provisions of this article, or failing to take appropriate action when informed of the violation, any amounts actually deducted from the public employee's wages; and 2. from any individual or organization acting separately or in league with a public employer to violate the provisions of this article, twice any amounts actually received by said individual or organization from the injured public employee 3. The remedies in i. and ii. above shall not preempt any other causes of action and damage awards which may be available to public employees injured as a result of	… (… No public employer shall agree to a provision requiring that a public employee become a member of an employee organization as a condition for securing or retaining employment. Any agreement that purports to require that employees join any exclusive representative is void and unenforceable. No public employer shall agree to a provision that provides for the payroll deduction for any contributions to a political action committee using any other method than the method prescribed in sections 3517.082, 3517.09, and 3599.031 of the Revised Code.

violations of this act. C. In any judgment for the plaintiff intended to enforce of this article the court may award reasonable attorneys' fees as part of the court costs.	
ALEC: Public Employee Freedom Act	OHIO: S.B. 5 (as enrolled)
Section 6. {Agreements in violation, and actions to induce such agreements, declared illegal.} Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and public employer that violates the rights of employees as guaranteed by provisions of this chapter is hereby declared to be unlawful, null and void, and of no legal effect. Any strike, picketing, boycott, or other action by an employee organization for the purpose of inducing or attempting to induce an employer to enter into any agreement prohibited by this chapter is hereby declared to be for an illegal purpose and is a violation of the provisions of this chapter. Section 8. {Penalties.} Any person who directly or indirectly violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding(insert amount) or imprisonment for a period of not more than (insert time period), or both such fine or imprisonment.	Sec. 4117.15. (A) No public employee or employee organization shall engage in a strike, and no public employee or employee organization shall cause, instigate, encourage, or condone a strike. Whenever a strike occurs, the public employer may seek an injunction against the strike in the court of common pleas of the county in which the strike is located. (B) Any person who violates division (A) of this section may be subject to removal or other disciplinary action provided by law for misconduct. The public employer, the state employment relations board, or any court of competent jurisdiction shall not waive the penalties or fines provided in this section as part of the settlement of an illegal strike. (C) A public employee who is absent from work without permission or who abstains wholly or in part from the full performance of the employee's duties in the employee's normal manner without permission, on the date when a strike occurs, shall be presumed to have engaged in the strike on that date. (D) No person exercising on behalf of any public employer any authority, supervision, or direction over any public employee shall have the power to authorize, approve, condone, or consent to a strike, or the engaging in a strike, by one or more public employees, and such person shall not authorize, approve, condone or consent to such strike or engagement.

OHIO LEGISLATION: S.B. 89

ALEC Model Legislation: Open Contracting Act

Sponsors (in bold) and co-sponsors**:**

3 ALEC Senators
Sen. Kris Jordan (R -19)
Sen. Tim Schaffer (R- 13)

Sen. William Seitz (R- 8)

Last Action: Introduced on 02/23/2011, Held in Committees

Legislative Session: 129th General Assembly Regular Session 2011-2012

Similarities/Analysis: With striking similarity, the "Open Contracting Act" and S.B. 89 aim to undercut unionization by precluding states from requiring contractors they do business with to be represented by unions. Such legislation, which undermines collective bargaining rights, has been documented to have a significant impact on workers in terms of pension benefits, health insurance coverage and wages.[67]

ALEC: Open Contracting Act	Ohio: S.B. 89
Section 3. {Prohibited activities.} The State and political subdivisions, agencies and instrumentalities thereof, when engaged in procuring products or services or letting contracts for manufacture of public works, or overseeing such procurement, construction or manufacture, shall ensure that bid specifications, project agreements and other controlling documents, entered into, required or subject to approval by the subdivision, agency or instrumentality, do not:	Sec. 4116.02. A state agency, when engaged in procuring products or services, awarding contracts, or overseeing procurement or construction for public improvements, shall ensure that bid specifications issued by the state agency for the proposed public improvement, and any subsequent contract or other agreement for the public improvement to which the state agency and a contractor or subcontractor are direct parties, do not require or prohibit that a contractor or subcontractor do any of the following:
(A) Require bidders, offerors, contractors or subcontractors to enter into or adhere to agreements with one or more labor organizations on the same or related projects; … (C) require any bidder, offeror, contractor or subcontractor to enter into, adhere to or enforce any agreement that requires its employees as a condition of employment to: (1) become members of or become affiliated with a labor organization; or (2) pay dues or fees to a labor organization, over an employee's objection, in excess of the employee's share of labor organization costs relating to collective bargaining, contract administration or grievance adjustment.	(A) Enter into agreements with any labor organization on the public improvement; (B) Enter into any agreement that requires the employees of that contractor or subcontractor to do either of the following as a condition of employment or continued employment: (1) Become members of or affiliated with a labor organization; (2) Pay dues or fees to a labor organization.
(B) discriminate against bidders, offerors, contractors or subcontractors for refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations on the same or	Sec. 4116.03. (A) No state agency shall do any of the following: …

related construction projects; or	(2) Discriminate against any bidder, contractor, or subcontractor for refusing to become a party to any agreement with any labor organization on the public improvement that currently is under bid or on projects related to that improvement;
Section 4. {Grants and cooperative agreements. (A) General rule. The State and political subdivisions and any agencies or instrumentalities thereof shall not issue grants or enter into cooperative agreements for construction projects a condition of which requires that bid specifications, project agreements or other controlling documents pertaining to the grant or cooperative agreement contain any of the elements specified in Section 3	(4) Issue grants or enter into cooperative agreements for construction that have as a condition of the grant or agreement that bid specifications, project agreements, or other documents related to the grant or cooperative agreement contain either of the items described in division (A) or (B) of section 4116.02 of the Revised Code;
Section 3 (B) discriminate against bidders, offerors, contractors or subcontractors for refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations on the same or related construction projects;	(5) Discriminate against any grant recipient or party to a cooperative agreement for construction for refusing to become a party to any agreement with any labor organization on the grant project or cooperative agreement construction project.
Section 4 (b) (B) The State and political subdivisions or any agencies or instrumentalities thereof shall exercise such authority as may be required to preclude a grant recipient or party to a cooperative agreement from imposing any of the elements specified in Section 3 in connection with any grant or cooperative agreement awarded or entered into.	(B) Within the authority granted to a state agency by the Revised Code, the state agency shall prevent a grant recipient or a party to a cooperative agreement from behaving inconsistently with division (A)(2) of this section.
	(C) No state funds shall be appropriated for the purpose of constructing a public improvement, if any political subdivision of the state, in procuring products or services, awarding contracts, or overseeing procurement or construction for public improvements, requires a contractor or subcontractor to enter into, or prohibits a contractor or subcontractor from entering into, an agreement described in divisions (A) or (B) of section 4116.02 of the Revised Code.

CONSUMER RIGHTS

OHIO LEGISLATION: H.B. 275

ALEC Model Legislation: Offer of Settlement Act

Sponsors (in bold) and co-sponsors**:**

6 ALEC Representatives

Rep. Ronald E. Young (R- 63)
Rep. Danny Bubp (R- 88)
Rep. Courtney E. Combs (R- 54)
Rep. Robert D. Hackett (R- 86)
Rep. Andy Thompson (R- 93)
Rep John Adams (R- 78)

Last Action: Held in Committees as of 12/14/11

Legislative Session: 129th General Assembly Regular Session 2011-2012

Similarities/Analysis: H.B. 275 and ALEC's "Offer of Settlement Act" are similar, but Ohio's bill actually goes further in its effort to tilt the legal system in favor of wealthy interests. Both bills share the same objective – to make it more difficult for consumers who have been injured or otherwise wronged by a corporation to get their day in court.

Both the ALEC bill and H.B. 275 invite corporations to give low-range pre-trial offers to consumers bringing a lawsuit and create mechanisms to pressure the consumer into accepting the offer. If the consumer rejects the offer and succeeds in court but the final settlement is not significantly greater than the original offer, the consumer is effectively punished by receiving lower damages and attorney's fees than the jury believed to be just (as in the Ohio bill), or by having to pay the defendant's attorney fees (as in the ALEC bill). The bills shifts the risk of proceeding to trial onto consumers, placing them in the difficult situation of deciding whether to accept an unsatisfactory offer for fear that rejecting it may put them in a worse situation.

ALEC: Offer of Settlement Act	Ohio: H.B. 275 (as passed by House)
Section 2. {Offer of settlement procedure.} At any time more than 20 days after the service of a summons and complaint on a party but not less than 30 days (or 20 days if it is a counter offer) before trial, either party may serve upon the other party, but shall not file with the court, a written offer denominated as an offer under this rule, to settle a claim for the money, property, or relief specified in the offer and to enter into an agreement dismissing the claim or to allow judgment to be entered accordingly…	Sec. 1345.092. (A) Not later than thirty days after service of process is completed upon a supplier by a consumer in any action seeking a private remedy pursuant to section 1345.09 of the Revised Code, the supplier may deliver a cure offer to the consumer, or if the consumer is represented by an attorney, to the consumer's attorney. The supplier shall send a cure offer by certified mail, return receipt requested, to the consumer, or if the consumer is represented by an attorney, to the consumer's attorney. The supplier shall file a copy of the cure offer with the court in which the action was commenced.
The offer shall remain open for 30 days unless sooner withdrawn by a writing served on the offeree prior to acceptance by the offeree. Acceptance or rejection of the offer by the offeree must be in writing and served upon the offeror. An offer that is neither withdrawn nor accepted within 30 days shall be deemed	(B) A consumer shall have thirty days after the date the consumer or the consumer's attorney receives a cure offer from a supplier to notify the supplier, or if the supplier is represented by an attorney, the supplier's attorney, of the consumer's acceptance or rejection of the cure offer. The consumer shall file the notice of

rejected…	acceptance or rejection with the court in which the action was commenced and serve the notice to the supplier. The notice shall be deemed effective when it is filed with the court. The failure of a consumer to file a notice of acceptance or rejection of the supplier's cure offer within thirty days after the date of receipt of the cure offer shall be deemed a rejection of the cure offer by the consumer.
	(C) When by rule, notice, or order of court a motion or pleading is required to be filed by any party during the time periods described in divisions (A) and (B) of this section, the court may extend the time period for filing the motion or pleading to allow both parties adequate time to comply with this section. (D) A cure offer shall include both of the following: (1) Language that clearly explains the resolution being offered by the supplier consisting of the following separate components: (a) A supplier's remedy that consists solely of monetary compensation to resolve alleged violations of this chapter; (b) Reasonable attorney's fees that consist of legal fees necessary or reasonably related to the filing of the initial complaint, not to exceed two thousand five hundred dollars; (c) Court costs incurred by the consumer that are related to the filing of the initial complaint. (2) A prominent notice that clearly and conspicuously contains the following disclosure in substantially the following form:
The fact that an offer is made but not accepted does not preclude a subsequent offer…	(E) If the consumer files a notice rejecting the cure offer provided by the supplier, if a cure offer is deemed rejected pursuant to division (B) of this section, or if no cure offer is made to the consumer by the supplier within the time frame set forth in this section, the consumer may proceed with a civil action in accordance with this chapter. (F) If the consumer files a notice accepting a cure offer, the agreed upon resolution shall be completed within a reasonable time in accordance with court supervision. The court may at any time, in its discretion, extend any deadlines set forth by rule, statute, or order of the court for filing motions or pleadings, or conducting discovery in order to allow the resolution to be completed.
When the complaint sets forth a claim for money, if	(G) If a judge, jury, or arbitrator awards actual

the offeree rejects the offer and the judgment finally obtained by the offeree was not at least 10 percent more favorable than the last offer, the offeree shall pay the offerors's reasonable attorneys' fees and reasonable costs incurred after the rejection of the last offer. When the complaint sets forth a claim for property or other nonmonetary relief, if the offeree rejects the offer and the judgment finally obtained by the offeree is not more favorable than the last offer, the offeree shall pay the offeror's reasonable costs and reasonable attorneys' fees incurred after rejection of the last offer…	economic damages as defined in section 1345.09 of the Revised Code that are less than the value of a supplier's remedy included in a cure offer made pursuant to this section, the consumer shall not be entitled to any of the following: (1) An award of treble damages; (2) Any court costs incurred by the consumer after the date the consumer or the consumer's attorney receives the cure offer; (3) Any attorney's fees incurred by the consumer after the date the consumer or the consumer's attorney receives the cure offer from the supplier. The comparison of actual economic damages and the supplier's remedy shall not take into consideration statutory treble damages, court costs, or attorney's fees.
Evidence of an offer is not admissible except in proceedings to enforce a settlement or to determine sanctions under this rule.	(H) A cure offer is not admissible as evidence in a jury trial of the consumer's action seeking a private remedy pursuant to section 1345.09 of the Revised Code as described in division (A) of this section. After a jury renders its verdict in that action or if the action is tried to a judge, the judge may consider the cure offer only if the offer was timely delivered in accordance with this section and only for the limited purpose of determining whether treble damages may be awarded and the amount of court costs and reasonable attorney's fees that may be awarded. A cure offer is not admissible in a court proceeding for any other purpose.
This rule shall not apply to class or derivative actions.	Sec. 1345.09. … (B) Where the violation was an act or practice declared to be deceptive or unconscionable by rule adopted under division (B)(2) of section 1345.05 of the Revised Code before the consumer transaction on which the action is based, or an act or practice determined by a court of this state to violate section 1345.02, 1345.03, or 1345.031 of the Revised Code and committed after the decision containing the determination has been made available for public inspection under division (A)(3) of section 1345.05 of the Revised Code, the consumer may rescind the transaction or recover, but not in a class action, three times the amount of the consumer's actual economic damages or two hundred dollars, whichever is greater, plus an amount not exceeding five thousand dollars in noneconomic damages or recover damages or other appropriate relief in a class action under Civil Rule 23, as amended.

HEALTHCARE

OHIO LEGISLATION: HEALTH CARE AMENDMENT, ISSUE 3

ALEC Model Legislation: Freedom of Choice in Health Care Act

Last Action: Passed, November 8th 2011

Similarities/Analysis: State Issue 3, the "Ohio Healthcare Freedom Amendment," was modeled after ALEC's "Freedom of Choice in Health Care Act," and is aimed at undermining states' compliance with the Affordable Care Act. ALEC circulated press templates and talking points to help pass its bill. Additionally, ALEC regularly contacts state legislators and asks them to join national sign-on letters opposing President Obama's initiatives. ALEC's staff director on health care, Christie Herrera, told the State Policy Network that she was working to stop the reform and get model bills passed.[68]

ALEC: Freedom of Choice in Health Care Act	Ohio: Issue 3
Section 1. Short Title. This Act may be cited as the "Freedom of Choice in Health Care Act." Section 2. The people have the right to enter into private contracts with health care providers for health care services and to purchase private health care coverage. The legislature may not require any person to participate in any health care system or plan, nor may it impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan. Section 3. {Severability Clause} Section 4. {Repealer Clause} Section 5. {Effective Date}	§ 1.21 Preservation of the freedom to choose health care and health care coverage (A) No federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system. (B) No federal, state, or local law or rule shall prohibit the purchase or sale of health care or health insurance. (C) No federal, state, or local law or rule shall impose a penalty or fine for the sale or purchase of health care or health insurance. (D) This section does not affect laws or rules in effect as of March 19, 2010; affect which services a health care provider or hospital is required to perform or provide; affect terms and conditions of government employment; or affect any laws calculated to deter fraud or punish wrongdoing in the health care industry. (E) As used in this Section, (1) "Compel" includes the levying of penalties or fines. (2) "Health care system" means any public or private entity or program whose function or purpose includes the management of, processing of, enrollment of individuals for, or payment for, in full or in part, health care services, health care data, or health care information for its participants. (3) "Penalty or fine" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee established by law or rule by a

	government established, created, or controlled agency that is used to punish or discourage the exercise of rights protected under this section. (Adopted 12-9-11; Proposed by Initiative Petition)

PRISON PRIVATIZATION

Ohio Legislation: HB 153 – PRIVATE PRISONS

ALEC Model Legislation: Private Correctional Facilities Act, Prison Industries Act

Sponsors (in bold) and co-sponsors**:**

17 ALEC Representatives, 11 ALEC Senators

Rep. Ron Amstutz (Rep-3)
Rep. John Adams (R-78)
Rep. William G. Batchelder (R-69)
Rep. Peter A. Beck (R-67)
Rep. Louis Blessing Jr. (R-29)
Rep. Terry R. Boose (R-58)
Rep. Jim Buchy (R-77)
Rep. Courtney E. Combs (R-54)
Rep. Cherly L. Grossman (R-23)
Rep. Robert D. Hackett (R-84)
Rep. David L. Hall (R-97)
Rep. Ronald Maag (R-35)
Rep. Jeffrey A. McClain (R-82)
Rep. Cliff Rosenberger (R-82)
Rep. Margaret Ann Ruhl (R-90)
Rep. Gerald L. Stebelton (R-5)
Rep. Joseph W. Uecker (R-66)
Sen. Kevin Bacon (R-3)
Sen. William P. Coley (R-4)
Sen. David T. Daniels (R-17)
Sen. Keith Faber (R-12)
Sen. Clifford Kime Hite (R-1)
Sen. Shannon Jones (R-7)
Sen. Frank LaRose (R-27)
Sen. Peggy B. Lehner (R-6)
Sen. Tom Niehaus (R-14)
Sen. Tim Schaffer (R-31)
Sen. Mark D. Wagoner Jr. (R-2)

Last Action: 06/30/2011,
Signed into law by Governor John Kasich

Legislative Session: 129th General Assembly Regular Session 2011-2012

Analysis: In September 2011, Ohio became the first state in the union to sell outright a public prison to a private corporation. The legislative framework initiating the purchase had been set that summer with provisions of H.B. 153 that specifically permitted the sale.

The Lake Erie Correctional Institution was sold for $72.7 million to Corrections Corporation of America (CCA),[69] the largest private prison company in the country and a long-time supporter of both Governor Kasich and ALEC. In December of 2010, CCA contributed $10,000 to Kasich's transition fund, which helped pay for the governor's inaugural parties, among other expenses.[70] A long-standing funder of ALEC, CCA had been a member of the organization for nearly two decades before reportedly leaving in late 2010.[71]

Upon assuming office, Kasich appointed Gary Mohr as director of the Department of Rehabilitation and Correction. In a potential conflict of interest, before assuming the position, Mohr had served as a consultant for CCA. Although he officially recused himself from the bidding process for the Lake Erie complex, Ohio lobbying records show that Mohr indeed met with CCA officials while in office.[72]

Similarities: This side-by-side comparison demonstrates a common interest between ALEC and certain Ohio legislators in expanding prison privatization towards selling off public assets directly to private corporations. Although private corporations had been contracted to operate correctional facilities before the enactment of HB 153, the sale provision that allowed those companies to purchase state facilities was unprecedented for Ohio; and has been part of ALEC's agenda since as early as 1995.[73][74][75][76][77]

Considering the close relationships between the ALEC officials who lead this effort and the boldness of the sale proposals, the ALEC footprint in this legislation is clear.

ALEC: Private Correctional Facilities Act	Ohio: HB 153 (as enrolled)
Section 3. {Authority to contract.) (A) The state or a local government may contract with private entities for the construction, lease (as lesser or lessee), acquisition, improvement, operation, maintenance, purchase, or management of facilities and services as provided in this Act, only with prior approval from the legislature, with the governor acting as the chief executive, as to the site, number of beds, and classifications of inmates or prisoners to be housed in the facility.	Sec. 9.06. (J) If, on or after the effective date of this amendment, a contractor enters into a contract with the department of rehabilitation and correction under this section for the operation and management of any facility described in Section 753.10 of the act in which this amendment was adopted, if the contract provides for the sale of the facility to the contractor, if the facility is sold to the contractor subsequent to the execution of the contract, and if the contractor is privately operating and managing the facility, notwithstanding the contractor's private operation and management of the facility, all of the following apply:
(C) After receiving the majority consent of the five state elected officials as to the site, number of beds, and classifications of inmates or prisoners to be housed in the facility, the state or local government may contract with private entities for the construction, lease (as lesser or lessee), acquisition, improvement, operation, maintenance, purchase, or management of facilities, either: (1) for the incarceration of its own inmates or prisoners; (2) for the incarceration of prisoners or inmates of the state or any other local government; (3) for the incarceration of any prisoners or inmates:	Sec. 9.06. (A)(1) The department of rehabilitation and correction may contract for the private operation and management pursuant to this section of the initial intensive program prison established pursuant to section 5120.033 of the Revised Code, if one or more intensive program prisons are established under that section, and may contract for the private operation and management of any other facility under this section. Counties and municipal corporations to the extent authorized in sections 307.93, 341.35, 753.03, and 753.15 of the Revised Code may contract for the private operation and management of a facility under this section. A contract entered into under this section shall be for an initial term in the contract with an option to renew for additional periods of two years. …

ALEC: Prison Industries Act	Ohio: HB 153 (as enrolled)
Sec. ____. Labor; Pay. (1) The board may develop by rule and the department may administer an incentive pay scale for work program participants consistent with rules adopted by the Private Sector Prison Industries Oversight Authority under Subchapter D. Prison industries may be financed through contributions donated for this purpose by private businesses contracting with the department. The department shall apportion pay earned by a work program participant in the same manner as is required by rules adopted by the Private Sector Prison Industries Oversight Authority under Subchapter D. … Sec. ____. Industrial Receipts. The division may use money appropriated to the division in amounts corresponding to receipts from the sale of articles and products under this subchapter to purchase real property, erect buildings, improve facilities, buy equipment and tools, install or replace equipment, buy industrial raw materials and supplies, and pay for other necessary expenses for the administration of this subchapter and Subchapter C.	Sec. 5120.28. (A) The department of rehabilitation and correction, subject to the approval of the office of budget and management, shall fix the prices at which all labor and services performed, all agricultural products produced, and all articles manufactured in correctional and penal institutions shall be furnished to the state, the political subdivisions of the state, and the public institutions of the state and the political subdivisions, and to private persons. The prices shall be uniform to all and not higher than the usual market price for like labor, products, services, and articles. (B) Any money received by the department of rehabilitation and correction for labor and services performed shall be deposited into the institutional services fund created pursuant to division (A) of section 5120.29 of the Revised Code and shall be used and accounted for as provided in that section and division (B) of section 5145.03 of the Revised Code. (C) Any money received by the department of rehabilitation and correction for articles manufactured and agricultural products produced in penal and correctional institutions shall be deposited into the Ohio penal industries manufacturing fund created pursuant to division (B) of section 5120.29 of the Revised Code and shall be used and accounted for as provided in that section and division (B) of section 5145.03 of the Revised Code.

ENDNOTES

[1] "Legislating Under the Influence," *Common Cause*, p. 8, 3 August 2011.
[2] "ALEC Exposed," *Center for Media and Democracy*, 2011.
[3] ALEC Exposed Source Documents #14, p. 18
[4] ALEC Exposed Source Documents #14, p. 42
[5] ALEC Exposed Source Documents #1, p. 45
[6] ALEC Exposed Source Documents #14, p. 18
[7] Ed Kozelek, LinkedIn Profile, 2011.
[8] Ohio Cable Telecommunications Association, Board of Directors, 2011.
[9] Capitol Square Foundation, 2011.
[10] SourceWatch: Seth Cooper, *Center for Media and Democracy,* 2011.
[11] Common Cause Source Documents #1, p. 57
[12] "ALEC Exposed: About ALEC," *Center for Media and Democracy,* 2011.
[13] ALEC Exposed Source Documents #9, p.3
[14] ALEC Exposed Source Documents #15, p. 4-7
[15] ALEC 990 Tax Form, accessed via *Guidestar*, 2009.
[16] ALEC Exposed Source Documents #29, p. 49-52
[17] ALEC Exposed Source Documents #28p. 53, 55
[18] ALEC Exposed Source Documents #29p. 32
[19] Jarrod Martin, ALEC Annual Meeting Facebook Album, 2010.
[20] ALEC Exposed Source Documents #15, p. 5, 7
[21] ALEC Exposed Source Documents #14, p. 17
[22] "SourceWatch: ALEC, Secrecy & Lobbying," *Center for Media and Democracy,* 2011.
[23] ALEC Exposed Source Documents #9, p. 46
[24] ALEC Exposed Source Documents #14, p. 39
[25] ALEC Exposed Source Documents #11, p. 1
[26] Sean P. Dunn Associates LLC, "Current Clients," 2012.
[27] ALEC Exposed Source Documents #11, p. 3
[28] Ohio Lobbying Activity Center, "Agents and Employer Lists,"2011.
[29] ALEC Exposed Source Documents #14, p. 45
[30] ALEC Exposed Source Documents #9, p. 44
[31] ALEC Exposed Source Documents #20, p. 13
[32] Sabrina Eaton, "Conservative Group Denies it Masterminded Drive to Restrict Public Employee Unions," *Cleveland Plain Dealer,* 3 April 2011.
[33] ALEC Exposed Source Documents #14, p. 18
[34] American Legislative Exchange Council, "Former ALEC National Chairmen," 2012.
[35] Appalachian Regional Commission, "Ohio Governor John Kasich," 2012.
[36] Kurstin Roe Photography, Printroom Photo Gallery
[37] Joe Guillen, "Gov. Kasich Plans to Sell Prisons, Privatize State Liquor Profits for Now, Turnpike Lease Could Be in Near Future," *The Cleveland Plain Dealer,* 15 March 2011.
[38] ALEC Exposed: Targeted Contracting for Certain Correctional Facilities and Services Act, *Center for Media and Democracy,* 2011.
[39] Michelle Millhollon, "Jindal Ready to Move on Prison Sales," *In the Public Interest,* 24 February 2011.
[40] SourceWatch: ALEC Award Winners, *Center for Media and Democracy,* 2011.
[41] Julie Carr Smyth, "Ohio Prepares to Privatize Some State Prisons," *Bloomberg Businessweek,* 29 December 2011.
[42] Bob Ortega, "Arizona Prison Businesses are Big Political Contributors," *AZ Central,* 4 September 2011.
[43] "Kasich Plan Would Let Parents Overhaul Failing Schools," *The Columbus Dispatch,* 4 April 2011.
[44] ALEC, "Parent Trigger Act," *WebCite,* 2010.
[45] Bill Bush, "Harris Didn't Tell Board About 'Parent Trigger'," *The Columbus Dispatch,* 26 May 2011.
[46] ALEC Exposed Source Documents #14, p. 15

[47] SourceWatch: ALEC Award Winners, *Center for Media and Democracy,* 2011.
[48] ALEC Exposed Source Documents #9, p. 59
[49] ALEC Exposed Source Documents #19, p. 58
[50] ALEC Exposed Source Documents #11, p. 1
[51] ALEC Exposed Source Documents #20, p. 35
[52] ALEC Exposed Source Documents: John Adams ALEC Contributions
[53] ALEC Exposed Source Documents #11, p. 9
[54] Documents on file with Common Cause
[55] Stinziano claims to have resigned from ALEC.
[56] ALEC Exposed Source Documents #11, p. 8
[57] Lukens became notorious for a scandal involving sex with a minor. Associated Press, "Rep. Lukens Gets 30 Days for Sex with Minor," 1 July 1989.
[58] American Legislative Exchange Council, "Former ALEC National Chairmen," 2012.
[59]American Legislative Exchange Council, "Board of Directors," 2012.
[60] National Council of State Legislatures, E-Verify FAQ, 2012.
[61] Julianne Hing, "Mandatory E-Verify Bill Advances As Critics Fight Back with New Ads" *Color Lines News For Action*, 30 September 2011.
[62] Ibid
[63] "Lawrence O'Donnell on SB 5: 'I have never seen a more corrupted legislative process'" *Plunderbund*, 3 March 2011.
[64] Ibid
[65] "SB 5 would ban worker strikes, punish walkout," *The Morning Journal*, 2 March 2011.
[66] Jim Provance, "Record 1.3M back vote to torpedo Senate Bill 5," *Toledo Blade*, 30 June 2011.
[67] Elise Gould and Heidi Shiderholz, "The Compensation Penalty of 'Right-to-Work' Laws," *Economic Policy Institute,* 17 February 2011.
[68] Christie Herrera, Stop ObamaCare!, *YouTube*, 16 November 2011.
[69] Scott Keyes, "Ohio Becomes First State To Sell Off A Prison, Giving it To Prison Director's Former Private Employer," *Think Progress*, 22 September 2011.
[70] Tom Beyerlein and Laura Bischoff, "Records, political ties of private prisons raise concerns in Ohio," *Springfield News-Sun*, 7 August 2011.
[71] "SourceWatch: Corrections Corporation of America," *Center for Media and Democracy*, 2 January 2012.
[72] Scott Keyes, "Ohio Becomes First State To Sell Off A Prison, Giving it To Prison Director's Former Private Employer," *Think Progress*, 22 September 2011.
[73] ALEC, "Prison Correctional Facilities Act," *The Heartland Institute*, 1995.
[74] ALEC, "Privatization Initiative Panel Act," *The Heartland Institute*, 1995.
[75] ALEC, "Amercia's Protected Classes IV – The Inequities Found in Public Employee Compensation," *The Heartland Institute*, December 1997.
[76] William D. Eggers, ALEC, "Show Me the Money: Budget Cutting Strategies for Cash-Strapped States," *Manhattan Institute for Policy Research*, p. 7-8, July 2002.
[77] ALEC, "State Budget Reform Toolkit," *ALEC*, p. 34-35, 2001.