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Clean Air Now, But a Hazy Future: Tobacco Industry Political Influence and Tobacco Policy Making in Ohio 1997-2007

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EXECUTIVE SUMMARY

- From 1997-2006 the tobacco industry and tobacco trade organizations contributed \$464,700 to Ohio state political candidates and political parties, including \$88,400 during the 2005-6 election.
- From 1997-2006 the tobacco industry and tobacco trade organizations made 77.2% of their total contributions to individuals and organizations affiliated with the Republican Party.
- Starting in 2000, health advocates made attempts to introduce clean indoor air regulations to all public and work places in Lucas County through the regulatory authority of the County Board of Health. These attempts were opposed by forces allied with the tobacco industry, and included legal and legislative challenges. In 2002 the Ohio Supreme Court ruled that Boards of Health do not have the authority to regulate tobacco products.
- In 1998, the state settled its lawsuit against the tobacco industry through the Master Settlement Agreement, which awarded the state about \$350 million per year.
- In 1999, Governor Bob Taft (R) formed the Tobacco Task Force to outline a plan for how Ohio would use the Master Settlement Agreement money awarded to the State. This plan specified the formation of the Ohio Tobacco Prevention Foundation to coordinate Ohio's tobacco control programs and the creation of a trust fund/endowment to fund the Foundation with \$1.1 billion in MSA revenue by 2008.
- Through 2008 the Ohio Legislature has redirected the majority of the Ohio Tobacco Prevention Foundation's funding to the State's general fund. The Foundation has received only 32% of the originally planned funding recommended by the Tobacco Task Force.
- From 1997-2006, Ohio has increased the State's excise tax on cigarettes twice. In 2002 the tax was increased \$.21 to a total of \$.55 and in 2005 the tax was increased \$.70 to a total of \$1.25. None of these funds were directed to Ohio's tobacco control programs.
- The Ohio Department of Health has a very small and limited Tobacco Risk Reduction Program that is completely funded by grants from the US Centers for Disease Control that has historically ranged between \$1-2 million.
- The Ohio Tobacco Prevention Foundation is a government funded independent foundation that is charged with running and coordinating all of Ohio's tobacco control programs. Due to the redirection of originally planned funding, the Foundation's annual budgets have leveled off at \$45 million, short of the CDC recommended minimum \$62 million in annual tobacco control program expenditures for Ohio.
- In order to maintain even this reduced level of activity, the Foundation has had to start spending down its principle. Absent a new infusion of funds, it will be forced to cease operations in 2016.
- The Ohio Tobacco Prevention Foundation's community grants program effort has expanded tobacco control infrastructure throughout the state and accelerated the pursuit of local clean indoor air efforts throughout Ohio.
- Local efforts to pass comprehensive clean indoor air ordinances in Ohio produced variable results with some tobacco control successes, such as in Columbus, and some setbacks, such as in Toledo.
- In 2005, the American Cancer Society and a coalition of Ohio health groups formed Smoke Free Ohio, a campaign to pursue a statewide comprehensive clean indoor air law through a ballot initiative. The campaign was run primarily by the American Cancer

Society and received some criticism from tobacco control advocates for being too hierarchical and insulated.

- In response to the Smoke Free Ohio campaign, RJ Reynolds Tobacco Company backed a competing campaign called Smoke Less Ohio, which was a ballot initiative to amend the State's constitution and introduce an extremely weak state clean indoor air ordinance that exempted bars, restaurants, bowling alleys and bingo parlors. The Smoke Less Ohio initiative would also have preempted future local ordinances that were more strict and overturned 21 local ordinances in Ohio that were already in place.
- Health advocates (mainly the American Cancer Society) spent \$2.7 million supporting the Smoke Free Ohio campaign and tobacco interests (mainly RJ Reynolds) spent \$6.7 million supporting Smoke Less Ohio.
- On November 7, 2006, Ohio became the 15th state in the US to go smoke free when the Smoke Free Ohio campaign passed with 58% of voter in favor and the Smoke Less Ohio campaign failed with only 36% of Ohioans in favor.
- While the law was enacted in December 2006, enforcement did not start until the Ohio Department of Health finalized enforcement rules, which it did in April 2007. During this delay, pro-tobacco interests worked to create confusion and undermine public support for and compliance with the law. Consequently public confusion and non compliance with Ohio's new clean indoor air law was common.
- The American Cancer Society and other health groups generated a tremendous amount of political credibility when they successfully passed the Smoke Free Ohio initiative by a convincing margin. However, these health groups were unsuccessful in using their new political power along with underlying public support to aid implementation of Ohio's clean indoor air law and to exert political pressure to restore funding for the Ohio Tobacco Prevention Foundation.

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INTRODUCTION

As in the rest of the United States tobacco use is the single greatest cause of preventable death and disease in Ohio. Ohio's smoking prevalence in 2004 was 25.9% which makes the state the 6th highest in terms of smoking prevalence in the country.¹ Tobacco use causes approximately 18,600 deaths a year in Ohio or about one out of every five deaths in the state.¹

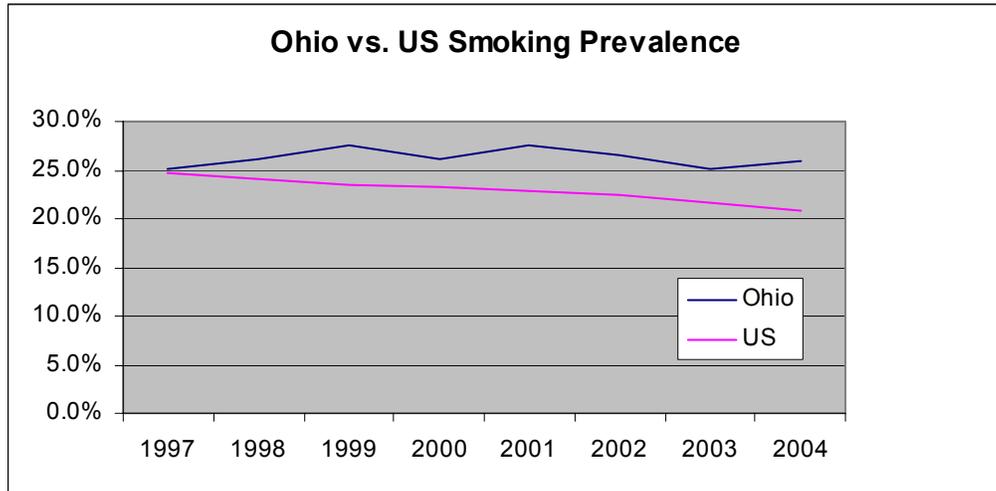


Figure 1: Ohio vs. US Smoking Prevalence by Year²

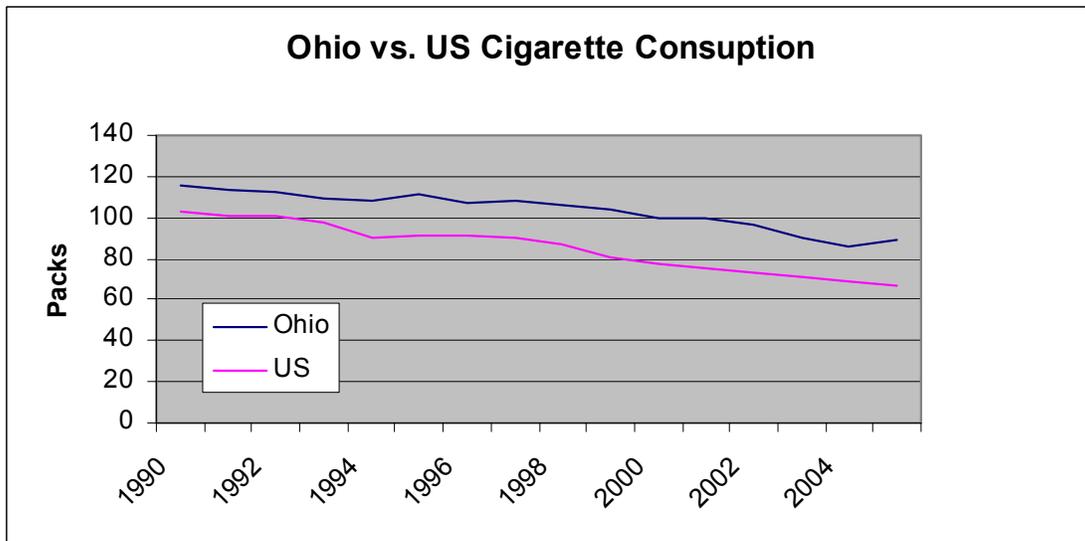


Figure 2: Ohio vs. US Cigarette Consumption by Year³

The Ohio Department of Health estimates that the medical costs associated with tobacco use in the state are approximately \$4.02 billion annually, \$1.3 billion of which is paid by Ohio's Medicaid program.¹ The Ohio Department of Health also estimates smoking costs the state \$4.44 billion in lost revenue due to reduced productivity, increased illness, and increased business expenses.¹

On November 7, 2006 Ohio became the 15th state to pass a comprehensive statewide clean indoor air law.⁴ This tobacco control achievement was the result of many years of dedicated work from the state's tobacco control advocates that included many successes and failures. Significant events leading to this result and related to tobacco control in Ohio include:

- Efforts to regulate second hand smoke through the authority of County Boards of Health. These efforts culminated in an Ohio Supreme Court ruling which stated that Boards of Health do not have the authority to regulate tobacco products.
- Master Settlement Agreement (MSA) dollars coming into the State of Ohio. These funds resulted in the formation of the Tobacco Task Force which formed recommendations for how Ohio should utilize the state's MSA funding. MSA dollars eventually led to the expansion of tobacco control infrastructure in Ohio.
- Two tobacco tax increases, one in 2002 for 21 cents and one in 2005, for 70 cents which made the tax on a pack of cigarettes in Ohio \$1.25 in 2006.
- The Formation of the Ohio Tobacco Prevention Foundation (OTPF). OTPF is responsible for all of Ohio's tobacco control activities and is funded by the state's MSA dollars. Programs run by OTPF have resulted in the expansion of local tobacco control infrastructure throughout the state of Ohio as well as increased education and cessation services.
- Efforts to pass local clean indoor air ordinances through city councils. Local clean indoor air efforts were the result of the state's expanding tobacco control infrastructure and were frequently led by the American Cancer Society (ACS).
- The Statewide Smoke Free Ohio campaign led by the American Cancer Society which successfully pursued a voter initiative to introduce a comprehensive clean indoor air law.

Monardi and Glantz wrote a case study of tobacco control policy in Ohio from 1981 to 1998.⁵ This paper is a continuation of Monardi and Glantz's original case study and covers the time period between 1998 and 2007.

Findings from the case study performed by Monardi and Glantz concluded that the tobacco industry was a major political force in Ohio through campaign contributions, lobbying and litigation. From 1981 to 1998, tobacco control efforts in Ohio were limited partially due to the absence of any state funding for tobacco control. During this period health advocates initiated efforts in the state to regulate second hand smoke through the authority of boards of health. These efforts were ultimately unsuccessful due to the inclusion of exemptions. Further detail regarding these attempts to regulate second hand smoke are discussed later.

CAMPAIGN CONTRIBUTIONS AND POLICY SCORES

Campaign Contributions

The tobacco industry is a major political force in Ohio and an element of the industry's political influence is campaign contributions. From 1997-2006 the tobacco industry and their allies contributed \$464,700 to the state political parties and individuals running for state office (Table 1 and 2). The majority of party contributions from the tobacco industry have gone to state candidates affiliated with the Republican Party, probably because (1) the party's values have been more aligned with the tobacco industry's interests and (2) the Republic party is the

dominant and influential political party in Ohio.

Campaign contribution data were obtained from campaign finance reports available from the Ohio Secretary of State's office for years 1997-2006. Contributions from tobacco companies and tobacco trade organizations were used in the campaign contribution data. A complete list of all candidates and elected officials and their tobacco industry campaign contributions and tobacco policy scores are listed in Appendix A.

Expenses for lobbyists were not included because Ohio has not required companies and organizations to disclose financial information related to the employment of lobbyists.

Each member of the Legislature was assigned a *tobacco policy score* by polling four knowledgeable individuals and asking them to rate each legislator's performance on a scale of 0 (extremely pro-tobacco industry) to 10 (extremely pro-tobacco control). The average scores are reported in Appendix A.

2005-2006 Election Cycle

During the 2005-2006 election cycle, the tobacco industry and its trade organizations contributed \$63,050 to state candidates associated with the Republican Party while only

contributing \$19,600 to state candidates associated with the Democratic Party.

Contributions by the tobacco industry to the Democratic and Republican Parties for 2005-2006 were \$500 and \$5,250 respectively. See Tables 1 and 2 and Figures 1-3 for a summary of tobacco industry contributions in from 1997-2006

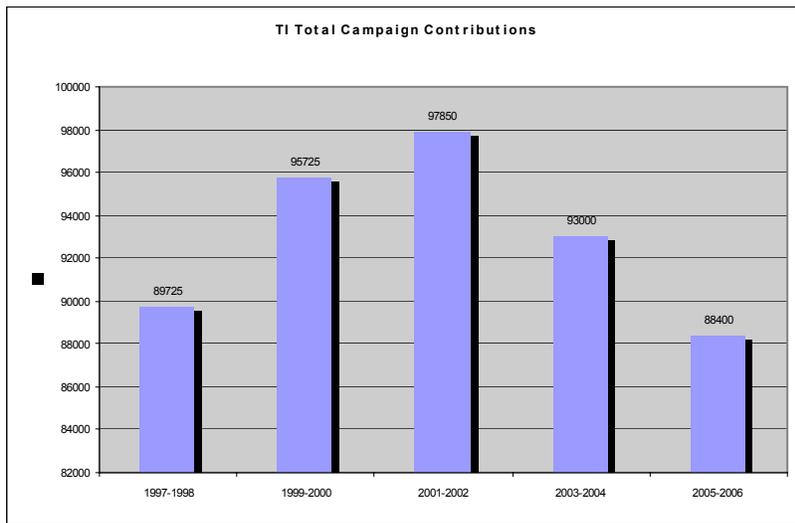


Figure 3: Tobacco Industry Total Political Contributions by Election Cycle

Contributions by Party Affiliation

From 1997 to 2006, the tobacco industry and their allies

contributed \$358,800 or 77.2% of total contributions to individuals and organizations associated with the Republican Party. In comparison, individuals and organizations affiliated with the Democratic Party received \$105,900 or 22.8% of tobacco associated contributions during the same time period. This large discrepancy is likely do to the fact that state politics have been dominated, with Republican majorities in the House and Senate, by the Republican party in Ohio during 1997-2006. The tobacco industry has focused their contributions to areas where it feels it can generate the most significant political benefit by contributing to the most politically influential and not necessary the most pro-tobacco politically. This conclusion is supported by the fact that during the 1980's and early 1990's the majority of tobacco industry campaign

contributions were directed to individuals and organizations associated with the Democratic Party when the Democrats had control of both the House and Senate.⁵

Table 1: Summary of Tobacco Industry Contributions by Election Cycle						
	<u>1997-1998</u>	<u>1999-2000</u>	<u>2001-2002</u>	<u>2003-2004</u>	<u>2006-2006</u>	<u>Total</u>
<u>Tobacco Companies</u>						
Altria/PM	\$30,000	\$39,000	\$48,000	\$54,000	\$47,000	\$218,000
R.J. Reynolds	\$44,000	\$41,000	\$38,000	\$35,000	\$39,000	\$197,000
Lorillard	\$0	\$0	\$0	\$4,000	\$0	\$4,000
<u>Tobacco Organizations</u>						
Bakery, Confectionary, Tobacco	\$0	\$0	\$0	\$0	\$2,000	\$2,000
Smokeless Tobacco Council	\$0	\$0	\$2,000	\$0	\$0	\$2,000
Ohio Assn. Of Tobacco and Candy	\$16,000	\$17,000	\$11,000	\$0	\$2,000	\$46,000
<u>Total</u>	\$90,000	\$97,000	\$97,000	\$93,000	\$88,000	\$465,000

Contributions to Individuals

From 1997-2006, 716 individuals ran for the various state offices in Ohio.⁶ Of those 716 individuals, 223 received contributions from the tobacco industry or tobacco trade organizations.

During the 2005-2006 election cycle there were seven individuals who received greater than \$2,000 in contributions from the tobacco industry and the industry's political allies (Table 3). Consistent with the tobacco industry's trend of directing contributions to individuals and

Table 2: Summary of Tobacco Industry Contributions to State Candidates and Political Parties from 1997-2006			
	<u>Legislature and Constitutional Officers</u>	<u>Political Parties</u>	<u>Total</u>
<u>Tobacco Companies</u>			
Altria/PM	\$174,000	\$44,000	\$218,000
R.J. Reynolds	\$171,000	\$26,000	\$197,000
Lorrillard	\$3,000	\$1,000	\$4,000
<u>Tobacco Trade Organizations</u>			
Bakery, Confectionary, Tobacco	\$2,000	\$0	\$2,000
Smokeless Tobacco Council	\$2,000	\$0	\$2000
Ohio Assn. Of Tobacco and Candy	\$33,000	\$9,000	\$42,000
<u>Total</u>	\$385,000	\$80,000	\$465,000

organizations with the greatest political influence, the top contribution recipient was the Republican candidate for Governor in 2006, Kenneth Blackwell, who ultimately lost the election.

From 1997-2006, five individuals received over \$10,000 in tobacco contributions (Table 4). This list includes both Republican candidates for Governor, Bob Taft and Kenneth Blackwell, during the 1997-2006 time period as well as Senate President, Bill Harris, and former House Speaker, Larry Householder. The tobacco industry contributions to these political candidates in positions of leadership is consistent with their history of making contributions to individuals with political influence, independent of how pro-tobacco they are.

The Relationship Between Campaign Contributions and Legislative Behavior

Research has shown that tobacco industry campaign contributions can influence the behavior of state legislators in dealing with tobacco control policy.^{7, 8} We sought to test this hypothesis in Ohio using campaign contributions and tobacco policy scores for the 2005-2006 legislative session. All Ohio Senate and House members who were in office during 2005-2006 where included in the analysis.

The relationship between tobacco industry campaign contributions and tobacco policy score was examined using simultaneous regression.

Party affiliation and House or Senate membership were used as instrumental variables. An analysis using simultaneous regression was used because campaign contributions and policy scores effect one another. Party affiliation and House or Senate membership were included as instrumental variables because both effect campaign contributions and policy scores in a non confounding way. The results of this analysis is summarized in Table 5.

In Ohio during the 2005-2006 legislative cycle there was not a statistically significant relationship between tobacco industry campaign contributions and the tobacco policy scores that were assigned to legislative members. Tobacco control advocates in Ohio generally stated that there was not an obvious relationship between tobacco industry campaign contributions and legislative behavior related to tobacco control but that the tobacco industry was very active in

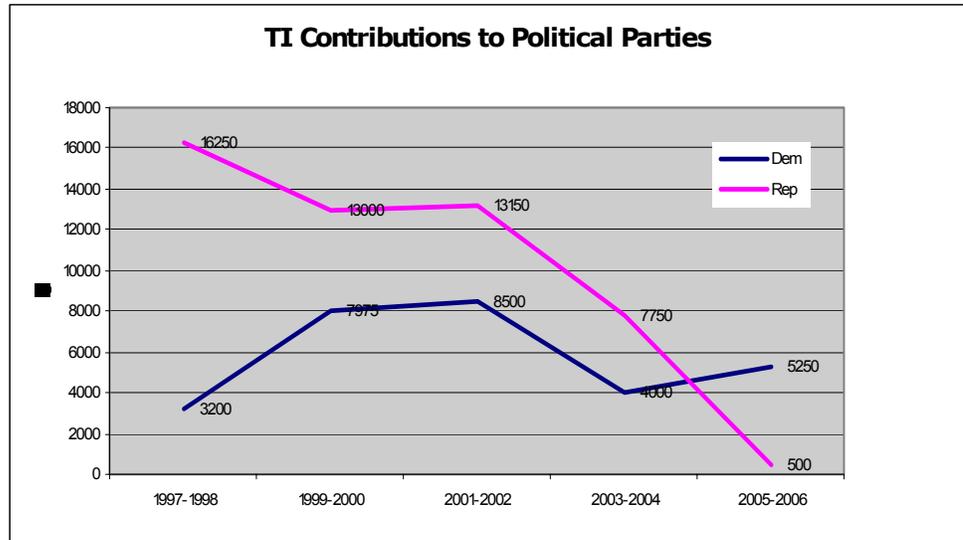


Figure 4: Tobacco Industry Political Contributions to Political Parties

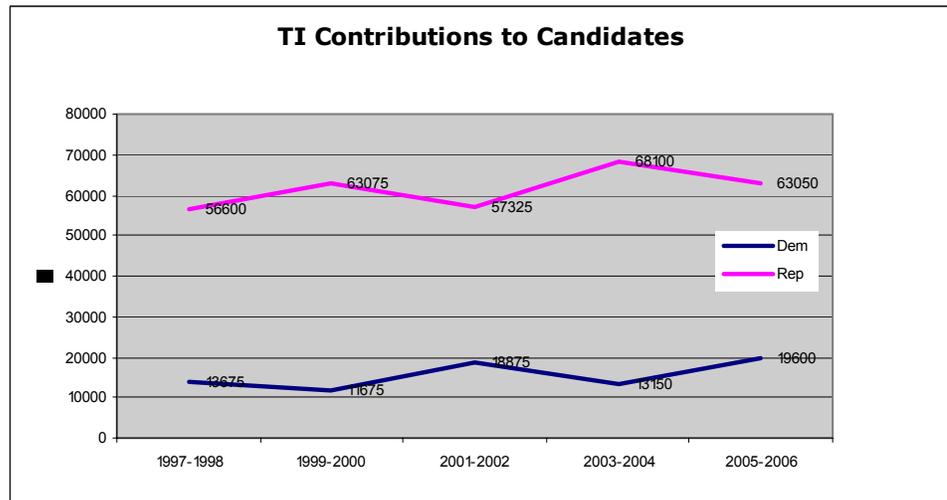


Figure 5: Tobacco Industry Contributions to State Political Candidates

Ohio politics.

Other Contributions and Direct Political Involvement

While the tobacco industry has used campaign contributions to political candidates and parties for political influence, from 1997-2006, the largest campaign contribution made by the tobacco industry was \$6.7 million by Smoke Less Ohio and Reynolds American to the Smoke Less Ohio campaign. Smoke Less Ohio was a tobacco industry backed campaign which attempted to amend the state constitution by voter initiative in an effort to introduce a preemptive statewide clean indoor air ordinance that exempted bars, restaurants, bowling alleys, and bingo parlors. The specifics are covered in detail later in this report.

In addition to the political influence gained by the tobacco industry through campaign contributions, the industry has been very active through lobbying and direct involvement in all levels of Ohio politics.

Table 3: Top Seven (>\$2,000) Recipients of Tobacco Contributions in 2005-2006				
<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>Amount</u>	<u>Policy Score</u>
Kenneth Blackwell	Republican	Governor	\$9,500	2
Jon Husted	Republican	House	\$4,000	4
Chris Redfern	Democrat	House	\$3,850	6
Betty Montgomery	Republican	Attorney General	\$3,000	8
Stephen Buehrer	Republican	House	\$2,800	4
Mark Wagoner	Republican	House	\$2,150	5
Teresa Fedor	Democrat	House	\$2,100	7

Table 4: Top Five (>\$10,000) Recipients of Tobacco Contributions from 1997-2006				
<u>Name</u>	<u>Party</u>	<u>Office</u>	<u>Amount</u>	<u>Policy Score</u>
Larry Householder	Republican	House	\$18,400	2
Bob Taft	Republican	Governor	\$15,750	5
Jon Husted	Republican	House	\$11,800	4
Bill Harris	Republican	Senate	\$11,600	5

Kenneth Blackwell	Republican	Governor	\$10,450	2
Table 5: Relationship Between Tobacco Industry Campaign Contributions and Legislative Behavior During the 2005-2006 Legislative Cycle				
<u>Variable</u>	<u>Coefficient</u>	<u>Standard Error</u>	<u>t value</u>	<u>P</u>
Dependent Variable = Tobacco Policy Score (0-10)				
Constant	-5.11	22.34	-0.23	.82
Campaign Contribution	.011	.026	.44	.66
Dependent Variable = Tobacco Industry Campaign Contributions (in dollars)				
Constant	480.18	896.11	.54	.59
Tobacco Policy Score	79.50	187.99	.42	.67

THE TOBACCO FREE OHIO COALITION

In 1997, the American Cancer Society, American Lung Association, American Heart Association and the Ohio Department of Health came together along with other health organizations to form the Tobacco Free Ohio coalition. Tobacco Free Ohio was funded initially with a four year, \$1.5 million grant from the Robert Wood Johnson SmokeLess States Program. The primary objective of the grant and Tobacco Free Ohio was to build tobacco control coalitions and capacity around the state in order to advance all aspects of tobacco control.

Throughout the late 1990's Tobacco Free Ohio worked to build a tobacco control infrastructure throughout the state. Policy coordinators were located in Cleveland, Toledo, Columbus, Marietta, and Dayton. The American Cancer Society acted as the fiscal agent for all Tobacco Free Ohio grants and all of the regional policy coordinators reported to a project director who was housed at the American Cancer Society.

In 2001, Tobacco Free Ohio was awarded an additional three year \$1.37 million grant by the Robert Wood Johnson Foundation SmokeLess States Program to work on tobacco control policy throughout the state. The specific objectives were clean indoor air at the local level, increases in the state's cigarette taxes, and to increase the coverage for cessation services by health insurance plans.

The Tobacco Free Ohio coalition and the grants from the Robert Wood Johnson SmokeLess States program were the beginning of Ohio's tobacco control infrastructure. The Tobacco Free Ohio coalition would go on to play a direct role in the pursuit of various tobacco control policies in Ohio, which are discussed in detail later in this report. An equally if not more important contribution made by Tobacco Free Ohio to tobacco control in the state was the initial creation of a statewide tobacco control infrastructure that would act as the foundation for future

coalitions and tobacco control efforts that ultimately shaped the state of tobacco control in Ohio through 2006.

COUNTY BOARD OF HEALTH REGULATION OF TOBACCO SMOKE

Background

In 1993 the Columbus and Franklin County Boards of Health, in central Ohio, proposed clean indoor air regulations that would have limited where smoking would be allowed throughout the county. The proposition called for comprehensive regulation of smoking in public places and work places with an exemption for bars. The regulations were passed by the boards of health and were scheduled to go into effect on July 1, 1994.

A tobacco industry-organized group of businesses called “Can the Ban” brought a lawsuit against the Franklin County Boards of Health claiming that (1) the boards of health did not have the authority to regulate tobacco smoke and (2) because the boards of health had included exemptions and phase ins, they were not regulating but legislating, something the boards also did not have the authority to do. These exemption were included by the boards of health at the request of and in an effort to work collaboratively with the hospitality industry who later brought the lawsuit. The courts in Franklin County ruled that the boards of health did have the authority to regulate tobacco smoke, a health threat, but by allowing exceptions and phase-ins the board was, in fact, legislating. The judge voided the regulations. This strategy of working to include exemptions and then filing suit against boards of health claiming legislation instead of regulation is an established strategy employed by the tobacco industry against board of health regulations.⁹

In 1994 the Knox County Board of Health, also in central Ohio, considered the ruling in the Franklin County case and passed clean indoor air regulations to be enacted in 1996 that did not have exemptions for public places or places of employment. As expected, the tobacco industry coordinated a lawsuit that was heard by the Knox County Common Pleas Court in 1995. Again, the argument against the board of health was that it was legislating and not regulating. The Knox County Board of Health argued, however, that because they had not included exemptions and that the regulations were uniform for all public places it was not legislating. Even so, the judge ruled that the board of health was legislating and again voided the regulations. The judge provided no guidance as to what the specific criteria was for legislating vs. regulating.

Lucas County

In 2000 the confusion and controversy surrounding the county board of health approach to regulating tobacco use culminated in Lucas County. During that year Lucas County health commissioner Dr. David Grossman let it be known that he was in favor of having the Lucas County Board of Health implement clean indoor air regulations that would prohibit smoking in all public places. He had initially expressed a desire to pursue this regulation with a select number of exemptions, including bars, but, based on the Franklin and Knox County cases, he in

the end pushed regulations to prohibit smoking in all public places with no exemptions.¹⁰

The debate regarding the issue was heated, with Grossman the public face for the Lucas County Health Department and other proponents of the regulation including the Tobacco Free Toledo coalition.¹⁰ Grossman tried to frame the issue as one of public health and the negative health effects of second hand smoke.¹⁰ Public opponents of the regulation included Arnie Elzey, owner of Arnie's Eating and Drinking Saloon in Toledo, and representatives of the Northwest Ohio Restaurant Association and the Northwest Ohio Licensed Beverage Association.^{10, 11} Mr. Elzey and other opponents to the proposed regulation focused on the feared negative economic impact to local businesses, the inappropriateness of an appointed board making regulations of this nature, and questioned the negative health effects of second hand smoke. These issues are standard arguments raised by the tobacco industry in opposing clean indoor air efforts everywhere.

Opponents of the proposed board of health regulation claimed that they were not associated with the tobacco industry, but a search of previously confidential tobacco documents revealed that the tobacco industry was clearly involved.¹¹ A memorandum written by Andy Herf, of the Ohio Licensed Beverage Association, to Phil Craig, a consultant to the tobacco industry, dated October 30, 2000, outlines a strategy to fight the proposed regulation utilizing the Ohio Licensed Beverage Association and the Ohio Restaurant Association among others as front groups.¹¹ The use of the hospitality industry as a front for tobacco industry interests is an established strategy utilized by the tobacco industry to overcome their low public credibility.¹²

The issue of the county's Board of Health and its authority and the appropriateness of enacting regulations related to tobacco consumption was a major point of uncertainty, debate and discussion. Grossman and the Board of Health were expecting a legal challenge based on the previous legal actions that had been taken against Franklin and Knox counties.^{10, 13} In anticipation of an eventual lawsuit, the Lucas County Board of Health sought the opinion of the State Attorney General's office as well as the City Law Department on the legality of the proposed regulation. Prior to the regulation being enacted, the Attorney General's office gave the Lucas County Board of Health the non-binding opinion that the Board did have the authority to regulate tobacco smoke.¹⁴ The City Law Department initially gave a similar opinion but later raised concerns about how a regulation issued by the county Board of Health would interact with existing smoking legislation in the city of Toledo, located within Lucas County, passed in 1987 requiring smoking and non-smoking sections, as well as possible future city legislation on the issue.¹⁴ Although confusion and differing opinions remained there was a general consensus that the Board of Health did have the authority to issue regulations on tobacco smoke and that with the proper language, it would supercede city-level legislation.

On May 24, 2001, the Lucas County Board of Health passed a clean indoor air regulation with no exemptions.¹³ The regulation prohibited smoking in all indoor public places including, bars, restaurants, bowling alleys, and bingo halls and was scheduled to go into effect on July 10, 2001.¹³

Tobacco Industry Opposition

Tobacco industry documents from the RJ Reynolds collection related to Lucas County include a memorandum written by Andy Herf, vice president of the Wholesale Beer and Wine Association of Ohio, dated October 30, 2000 to Phil Craig of the Craig Group.¹¹ The Craig Group is a political consulting firm that handles lobbying and campaign management for the Ohio Licensed Beverage Association, a known tobacco industry front group with ties to the tobacco industry going back to Philip Morris's accommodation and atmosphere plus programs.^{10, 15-17} The Craig Group is routinely involved in tobacco related politics in Ohio and it is widely known among health advocates in the state that the Craig Group represents tobacco industry interests.^{18, 19} The memorandum discussed the planned regulation of tobacco smoke by the Lucas County Board of Health and provided a detailed outline of the strategy and actions to be undertaken to combat the planned regulation. This outline included the names of select members of the Ohio State Legislature, Lucas County Commissioners, Toledo City Council, Toledo Department of Law, and the then Mayor of Toledo, Carleton S. Finkbeiner.¹¹ Senator Lynn Watchman (Republican, Policy Score 4.7), who was known to oppose government regulations in general, was one of the legislators listed on the memorandum and he would later on sponsor a bill in the senate to remove boards of health authority to regulate tobacco products.¹¹

The outline went on to state that "The regulation will pass unless we activate the local government officials" and that letters should be sent and calls should be made to "all those involved" to "Ask them to oppose the regulation."¹¹ The outline also listed individuals associated with hospitality and retail industries, including Arnie Elzey, lead plaintiff in the case against the Lucas County, and stated that they needed to be organized to do the following:

- E. Give dates of when we need them to appear before the Health Board
- F. Agree to appear in editorial board meetings for the Toledo Blade and suburban newspapers in the Toledo area.
- G. Agree to appear at meetings with elected officials
- H. Create messages to Toledo City Council and Lucas County Commissioners
- I. Repeat above actions until the regulation is approved
- J. File Lawsuit¹¹

On June 28, 2001 Arnie Elzey and 26 other Lucas County small business owners and northern Ohio trade organizations sued the Lucas County Board of Health in the Lucas County Common Pleas Court.^{11, 20} They alleged that the Lucas County Board of Health (1) did not have the authority to regulate tobacco products and (2) the Board of Health's regulation was actually legislation and the Board did not have the authority to legislate.²¹ Prior to the July 10 implementation of the Board of Health regulation, the Lucas County Common Pleas Court granted an injunction preventing the Lucas County Board of Health from enacting the new regulations until a determination as to the legality of the Board of Health's regulation was made by the courts. The County Court then referred the case to the Federal District Court in Toledo due to the federal constitutional issues involved in the claim.²² The Federal District Court in Toledo then "certified" questions to the Ohio Supreme Court asking specifically if County

Boards of Ohio have authority smoking in places.²²

Health in the to regulate public

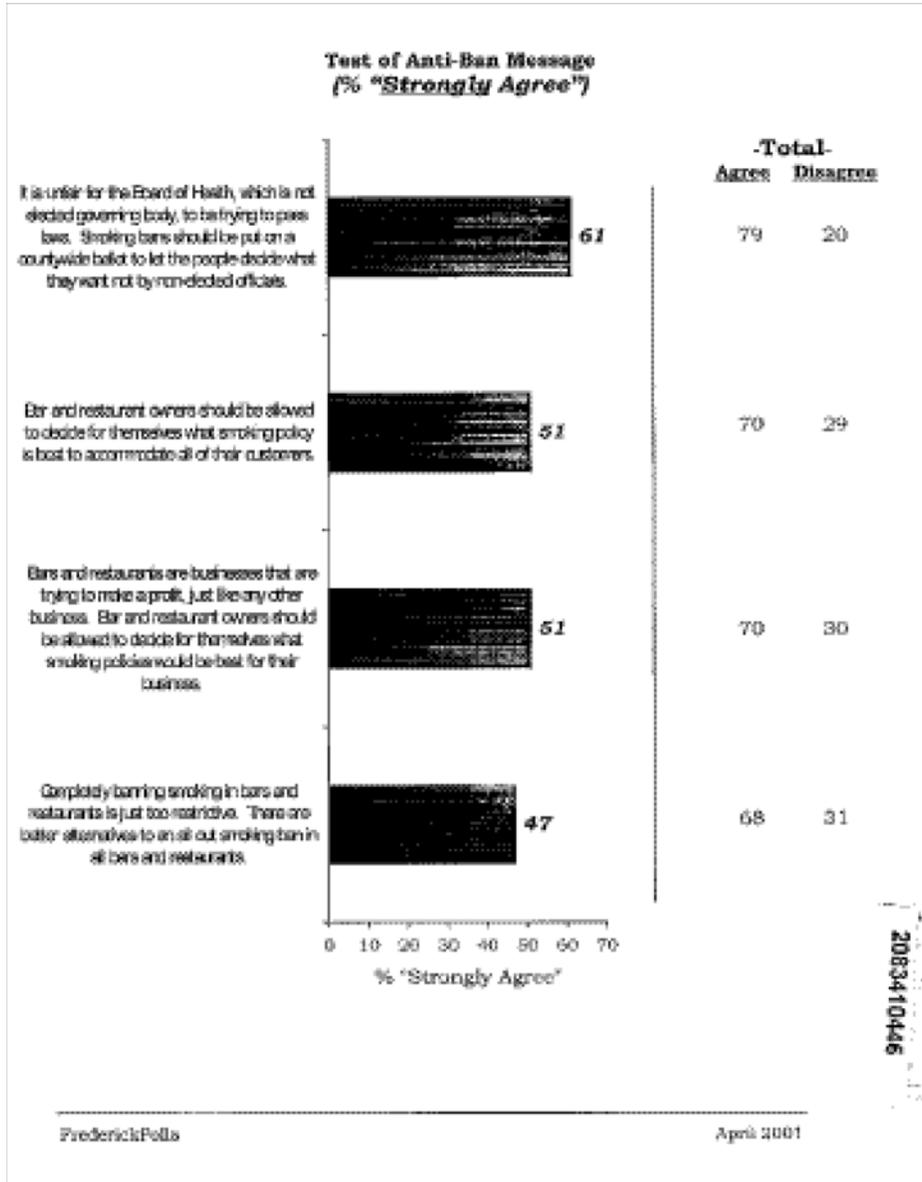


Figure 6: Survey Results regarding Lucas County Smoking Regulation from Fredrick Polls²³

In 2001, Philip Morris hired Frederick Polls to survey the opinion of Ohioans in Lucas County about the board of healths proposed regulation.²³ Frederick sent the results of the poll to

Philip Morris employees Jon Richter and Jill Bilodeau in April of 2001.²³ The polling data showed that the strongest argument against a “smoking ban” enacted by the Lucas County Board of Health was that “It is unfair for the Board of Health, which is not an elected government body, to be trying to pass laws.”²³ (Figures 6 and 7) This information would repeatedly appear as a fundamental argument for opposing Board of Health initiated regulations on tobacco smoke as well as proposed legislation to limit the authority of boards of health discussed later.

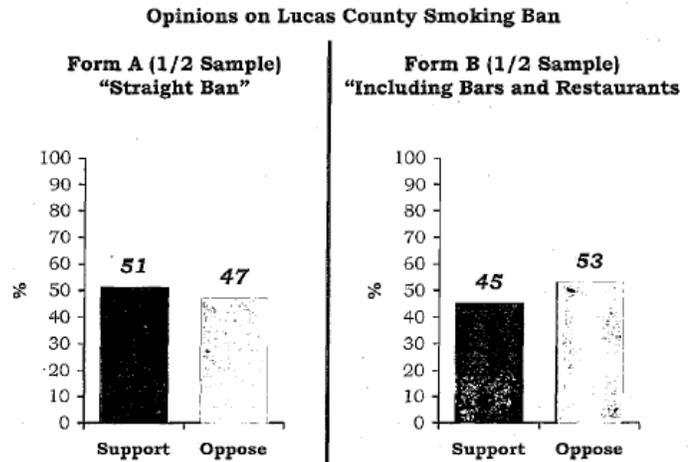


Figure 7: Tobacco Industry Polling data on Lucas County Smoking Regulation²³

In 2002, without ever being enacted, the Lucas County Board of Health’s regulations for tobacco smoke were voided by the Ohio Supreme Court. The Ohio Supreme Court ruled that local boards of health did not have unlimited authority to regulate all public health concerns and that regulatory authority related to tobacco products needed to be delegated to the local boards of health by the state legislature. Since the state legislature had not explicitly delegated this authority, the Lucas County Board of Health could not issue regulations. The Supreme Court ruling effectively ended attempts in Ohio to introduce clean indoor air measures in Ohio through the regulatory authority of county boards of health.

Meigs County

While the legal battle over the Lucas County Board of Health clean indoor air regulation was playing out, health advocates in Meigs County, a tobacco growing county located in rural south east Ohio, were making their own independent effort to use the regulatory authority of the Meigs County Board of Health to provide clean indoor air in all public and work places. In July 2001, Sandy Erb-Wilson, regional policy coordinator for Tobacco Free Ohio, organized a diverse group of advocates in Meigs County to pursue this effort.

The local coalition that was formed in support of a clean indoor air regulation included Tobacco Free Ohio, the local health department, local school leaders, select business owners, and members of the Meigs County Board of Health. As in Lucas County public hearings were required prior to the passage of a new regulation. At the Meigs County Board of Health public hearings, opposition to the proposed regulation came primarily from individual smokers concerned about restrictions on their ability to smoke and from some local business owners concerned about the economic impact of such a regulation.

Local media coverage of the proposed regulation and of the Meigs County Board of Health Public Hearings was generally supportive of the clean indoor air effort but as one of the

local reporters was a smoker and opposed to the regulation, local media coverage tended to be negative when he was reporting.²⁴ Despite the variability in media coverage public support for the proposed regulation was generally positive.²⁴

In Meigs County there did not appear to be any tobacco industry organized opposition to the proposed regulation. Consequently opposition was limited and not organized.²⁴ The primary concern among local health advocates was how the pending legal case regarding the Lucas County Board of Health regulation would effect a regulation in Meigs County. Sandy Erb-Wilson recalled that because Ohio's Attorney General's office had given the opinion that county boards of health did have the authority to regulate tobacco products, the local tobacco control coalition in Meigs County decided to move forward with their efforts.²⁴ In addition, health advocates speculated that even if an unfavorable legal outcome occurred in Lucas County it would not necessarily effect Meigs County.

In September 2001, the Meigs County Board of Health passed a comprehensive clean indoor air regulation covering all public and work places in the county with no exemptions. The regulation went into effect in November 2001.

The local tobacco control coalition in Meigs County effectively utilized a grass roots campaign that was able to generate the support of the County Board of Health as well as the public. The campaign's expenses were limited to printing fees that totaled less than \$300.²⁴ The strength of the campaign was the dedication of the various coalition members who devoted their time and effort to the proposed regulation and to the members of the County Board of Health who supported the regulation despite sometimes vocal opposition.²⁴

Implementation of the County's clean indoor air regulation went smoothly.²⁴ The environmental services division of the local health department was responsible for overseeing the complaint driven enforcement process. The local health department took an educational approach with businesses and through this approach was able to improve compliance in a collaborative way that did not generate conflict with local businesses.²⁴

After approximately six months in effect, the Meigs County Board of Health clean indoor air regulation was voided, along with the Lucas County Board of Health regulation, when the Ohio Supreme Court ruled in 2002 that county boards of health do not have regulatory authority over tobacco products without delegation of that authority from the state legislature. The Ohio Supreme Court ruling was a tremendous emotional blow to many tobacco control advocates who had worked on the Meigs County Board of Health regulation. As local city councils in Meigs County tended to be averse to controversial issues including clean indoor air, the removal of the regulatory authority over tobacco products from county boards of health effectively brought an end to local efforts to pursue clean indoor air in Meigs County.

Meigs County's brief period as a smoke free county served as an example of the potential of county boards of health regulations as an avenue to clean indoor air in Ohio. Implementation had gone so smoothly that after the Ohio Supreme Court ruling only one restaurant immediately

returned to allowing smoking indoors, a local Pizza Hut.²⁴ A growing amount of momentum was building in Ohio in the early 2000's for both clean indoor air and the county board of health regulation route to achieving it. If the Ohio Supreme Court had preserved regulatory authority over tobacco products by county boards of health, it is likely that clean indoor air efforts throughout Ohio would have expanded via this method.

Legislative Efforts by the Tobacco Industry Against Board of Health Regulations

In 2000 through 2002, while the issue of regulating tobacco smoke was being played out in Lucas and Meigs County, tobacco industry interests were being represented in the state legislature through House Bill 298 sponsored by Robert Schuler (Republican, Policy Score 2.3) and Senate Bill 128 sponsored by Lynn Watchman (Republican, Policy Score 4.7).²⁵ These two bills limited the ability of local health boards to regulate tobacco smoke by requiring approval of any board of health tobacco-related regulations by all local city councils in the jurisdiction of the board of health before being enacted. True to the tobacco industry's carefully researched public message, Rep. John Carey (Republican, Policy Score 6.3) was quoted in the *Columbus Dispatch* defending the proposed measure by stating, "The question here is, who should have the power (to enact smoking bans)? An elected body which represents the people, or should an appointed body have the power?"²⁶ Because most counties contain several cities, this bill would have effectively stripped the authority of boards of health to regulate tobacco smoke.

Lobbyists for the American Cancer Society, the American Heart Association, and the American Lung Association represented health advocates in fighting the proposed bill in both the Senate and the House. The health groups did not find sufficient support in either the Republican dominated House and Senate to effectively oppose the bill.^{18, 19} Health Advocates were however successful at securing the support of Governor Bob Taft (Republican) who publically stated that he would veto the bill.²⁷ The bill passed through the House in March 2000 and was expected to pass through the Senate in late 2000, but was temporarily derailed by Governor Taft's public opposition.²⁷ The debate in the legislature was eventually brought to an end when the Ohio Supreme Court ruling took away Boards of Health's authority over tobacco smoke, making further pursuit of the issue in the legislature unnecessary.

Discussion

The tobacco industry utilized a well coordinated two part strategy to fight Board of Health regulations in Ohio involving both litigation and legislative components. These two actions are established tobacco industry strategies against Board of Health regulations.⁹ While issuing regulations through Boards of Health is initially attractive to health advocates and have been utilized successfully in states such as Massachusetts, it is important to understand that efforts to regulate second hand smoke through Boards of Health will be met with strong opposition by the Tobacco industry.⁹ Tobacco industry opposition in these cases frequently results in both legal and legislative battles.⁹

THE MASTER SETTLEMENT AGREEMENT

Background

On November 1998 the Attorneys General of 46 states including the Attorney General of Ohio signed the Master Settlement Agreement (MSA) with the five largest tobacco companies (Brown & Williamson Tobacco Corporation, Lorillard Tobacco Company, Philip Morris Incorporated, R.J. Reynolds Tobacco Company, Commonwealth Tobacco, and Liggett & Myers)²¹. The MSA ended litigation brought by the majority of state Attorney Generals, including Betty Montgomery of Ohio, to recover monies spent by the states to treat tobacco related disease.²¹ The MSA settlement put Ohio in a situation where the state expected to receive approximately \$10.1 billion dollars through the year 2025 beginning with \$121 million in the first part of 2000 and \$323 million later in 2000 (Figures 9 and 10).²¹

Ohio's Tobacco Task Force

In response to the MSA funds, Governor Bob Taft formed a Tobacco Task Force with four members appointed by the Governor, ten legislative members appointed by the Senate President and House Speaker, and one member appointed by Ohio's Attorney General (Table 6). The Tobacco Task Force was formed to create a plan and make recommendations to the Governor and Ohio General Assembly on how to best use the money the MSA made available.

There was initially a great deal of concern from tobacco control advocates regarding the makeup of the Tobacco Task Force and the subsequent recommendations that the group would make.²⁸ Health advocates feared the lack of representation from tobacco control advocates would leave the MSA funds vulnerable to being raided and directed away from tobacco control activities. Despite the lack of representation from tobacco control advocates and organizations on the task force, tobacco control organizations such as the American Cancer Society communicated with and lobbied the Task Force to devote sufficient funding for tobacco control in the state.¹⁹ On October 5, 1999 the Task Force released its recommendations in a report to the Governor and the Ohio Legislature.²⁹ These recommendations were viewed very favorably by the tobacco control community in Ohio.^{19, 28}

Tobacco Use Prevention and Cessation Trust Fund

The Task Force outlined a detailed plan that would create seven trust funds, one of them the Tobacco Use Prevention and Cessation Trust Fund (Figure 8). The seven trust funds are listed below:

- Tobacco Use Prevention and Cessation Trust Fund
- Ohio's Public Health Priorities Trust Fund
- Biomedical Research and Technology Transfer Trust Fund
- Primary and Secondary Education School Facilities Trust Fund
- Education Technology Trust Fund

- Law Enforcement Improvements Trust Fund
- Southern Ohio Agricultural and Community Development Trust Fund

These 7 trust funds were grouped into four general categories; Public Health, Education Facilities and Technology, Law Enforcement, and Agriculture and community development.

The trust fund structure was decided upon for the MSA funding priorities for two reasons. The first was it was a way to build endowments and provide funding for the priorities long-term.³⁰ The second was that the trust fund structure was thought to insulate the funding priorities from future legislative tampering, which was a major concern considering Ohio is a state with term limits.³⁰

Table 1
Estimated Tobacco Settlement Revenue for Ohio

Pmt #	Fiscal Year	MSA Base Payments	Payments from the Strategic Contribution Fund	Total Estimated Payments
1	FY 2000	120,900,234.58		120,900,234.58
2	FY 2000	322,992,532.93		322,992,532.93
3	FY 2001	348,780,049.22		348,780,049.22
4	FY 2002	418,783,038.09		418,783,038.09
5	FY 2003	422,746,366.61		422,746,366.61
6	FY 2004	352,827,184.57		352,827,184.57
7	FY 2005	352,827,184.57		352,827,184.57
8	FY 2006	352,827,184.57		352,827,184.57
9	FY 2007	352,827,184.57		352,827,184.57
10	FY 2008	359,829,323.15	23,950,000.00	383,779,323.15
11	FY 2009	359,829,323.15	23,950,000.00	383,779,323.15
12	FY 2010	359,829,323.15	23,950,000.00	383,779,323.15
13	FY 2011	359,829,323.15	23,950,000.00	383,779,323.15
14	FY 2012	359,829,323.15	23,950,000.00	383,779,323.15
15	FY 2013	359,829,323.15	23,950,000.00	383,779,323.15
16	FY 2014	359,829,323.15	23,950,000.00	383,779,323.15
17	FY 2015	359,829,323.15	23,950,000.00	383,779,323.15
18	FY 2016	359,829,323.15	23,950,000.00	383,779,323.15
19	FY 2017	359,829,323.15	23,950,000.00	383,779,323.15
20	FY 2018	403,202,282.16		403,202,282.16
21	FY 2019	403,202,282.16		403,202,282.16
22	FY 2020	403,202,282.16		403,202,282.16
23	FY 2021	403,202,282.16		403,202,282.16
24	FY 2022	403,202,282.16		403,202,282.16
25	FY 2023	403,202,282.16		403,202,282.16
26	FY 2024	403,202,282.16		403,202,282.16
27	FY 2025	403,202,282.16		403,202,282.16
26-Year Total		9,869,422,448.49	239,500,000.00	10,108,922,448.49

Figure 9: Estimated Tobacco Settlement Revenue for Ohio²⁹

The Task Force also recommended the formation of an independent government funded foundation, the Ohio Tobacco Use Prevention and Control Foundation, later renamed the Ohio Tobacco Prevention Foundation (OTPF). The stated mission of the Tobacco Use Prevention and Control Foundation was to reduce “the use of tobacco products by Ohioans such as youth, minority and regional populations, pregnant women, and others who may be disproportionately affected by tobacco use.”²⁹ The Tobacco Use Prevention and Cessation Trust Fund was structured so that the Ohio

The Tobacco Use Prevention and Cessation Trust Fund was scheduled to receive a total of \$1.5 billion in 11 installments summarized in Figure 10.

In the original Tobacco Task Force recommendations, only Tobacco Control and Education Technologies were to receive guaranteed amounts of money. All of the other funds were to receive a percentage of the total of the remaining MSA payment, which subjected those funds to fluctuations based on the actual payment. This situation would change when the recommendations were operationalized in S.B. 192. In the final version only Education Technologies was to receive a guaranteed amount of money.

Tobacco Prevention Foundation had sole and complete access to money in the Trust Fund. The reason behind the formation of the trust funds and the foundation was to protect and preserve the original intention of the task force for Ohio's MSA funding.³⁰⁻³²

Table 6: Appointees to Tobacco Task Force	
Governor's Appointees	
Appointee	Comment
Thomas W. Johnson, Director of Budget and Management (chair)	Viewed positively by tobacco control Skilled political facilitator
Scott Bergemenke, Chief Policy Advisor to the Governor	Political facilitator
Fred Dailey, Director of Agriculture	Concerned with impact on Ohio's Tobacco Growers
J. Nick Baird, M.D., Director of Health	Represented the interests of the Health Department
Legislative Members Appointed by Senate President Finan and Speaker Davidson	
Appointee	Comment
Senate President Richard Finan	Political influence critical to passing Task Force recommendations through Senate
Senator Robert Cupp	
Senator Roy Ray	
Senator Ben Espy	
Senator Eric Fingerhut	Pro Tobacco Control
House Speaker Jo Ann Davidson	Political influence critical to passing Task Force recommendations through House.
Rep. E. J. Thomas	
Rep. Rose Vesper	
Rep. Jack Ford	Pro Tobacco Control Advocate for Minority Health
Rep. Jerry Krupinski	
Attorney General Betty Montgomery's Appointee	
Appointee	Comment
Attorney General Betty Montgomery	Pro Tobacco Control Involved in MSA litigation

PROPOSED USES OF MSA PAYMENTS -- 7 TRUST FUNDS								
		[1]	[2]	[3]	[4]	[5]	[6]	[7]
		Tobacco Use	Ohio's	Biomedical Research	P & S Education	Education	Law	Southern Ohio
		Prevention and	Public Health	and Technology	School	Technology	Enforcement	Agricultural
		Cessation	Priorities	Transfer	Facilities	Trust Fund	Improvements	and Community
Pmt	Fiscal	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Trust Fund	Development
#	Year							Trust Fund
1	FY 2000	104,855,222.85					10,000,000.00	6,045,011.73
2	FY 2000	130,000,000.00	10,010,574.38	5,005,287.19	138,062,504.95	13,764,539.77	10,000,000.00	16,149,626.65
3	FY 2001	135,000,000.00	14,350,578.51	30,136,214.86	133,938,732.73	12,915,520.66	5,000,000.00	17,439,002.46
4	FY 2002	140,000,000.00	15,470,633.17	30,296,656.63	190,804,475.78	21,272,120.61		20,939,151.90
5	FY 2003	150,000,000.00	16,354,588.14	30,193,085.79	185,561,673.11	19,499,701.24		21,137,318.33
6	FY 2004	150,000,000.00	17,592,653.41	31,018,625.74	127,778,219.49	8,796,326.70		17,641,359.23
7	FY 2005	150,000,000.00	18,518,582.53	32,407,519.43	126,389,325.80	7,870,397.58		17,641,359.23
8	FY 2006	150,000,000.00	19,444,511.66	33,333,448.56	125,463,396.67	6,944,468.45		17,641,359.23
9	FY 2007		20,111,149.52	50,277,873.80	251,389,369.01	13,407,433.01		17,641,359.23
10	FY 2008		21,875,421.42	50,131,174.09	272,531,291.85	20,052,469.63		19,188,966.16
11	FY 2009		22,786,897.31	50,131,174.09	272,531,291.85	19,140,993.74		19,188,966.16
12	FY 2010		23,698,373.20	50,131,174.09	272,531,291.85	18,229,517.85		19,188,966.16
13	FY 2011		24,609,849.10	50,131,174.09	272,531,291.85	17,318,041.96		19,188,966.16
14	FY 2012	150,000,000.00	28,053,518.78	50,262,554.48	115,954,544.28	39,508,705.61		
15	FY 2013	150,000,000.00	29,222,415.39	50,262,554.48	115,954,544.28	38,339,809.00		
16	FY 2014	90,144,777.15	42,870,643.72	76,344,981.96	128,024,662.06	46,394,258.27		
17	FY 2015		60,829,022.72	103,620,417.25	156,965,743.17	62,364,140.01		
18	FY 2016		60,829,022.72	103,620,417.25	156,965,743.17	62,364,140.01		
19	FY 2017		60,829,022.72	103,620,417.25	156,965,743.17	62,364,140.01		
20	FY 2018		63,907,561.72	108,864,616.18	164,909,733.40	65,520,370.85		
21	FY 2019		63,907,561.72	108,864,616.18	164,909,733.40	65,520,370.85		
22	FY 2020		63,907,561.72	108,864,616.18	164,909,733.40	65,520,370.85		
23	FY 2021		63,907,561.72	108,864,616.18	164,909,733.40	65,520,370.85		
24	FY 2022		63,907,561.72	108,864,616.18	164,909,733.40	65,520,370.85		
25	FY 2023		63,907,561.72	108,864,616.18	164,909,733.40	65,520,370.85		
26	FY 2024		63,907,561.72	108,864,616.18	164,909,733.40	65,520,370.85		
27	FY 2025		63,907,561.72	108,864,616.18	164,909,733.40	65,520,370.85		
26-Year Total		1,500,000,000.00	1,018,717,952.17	1,801,841,680.49	4,519,621,712.28	1,014,709,690.93	25,000,000.00	229,031,412.62

Figure 10: Proposed Distribution of MSA Payments²⁹

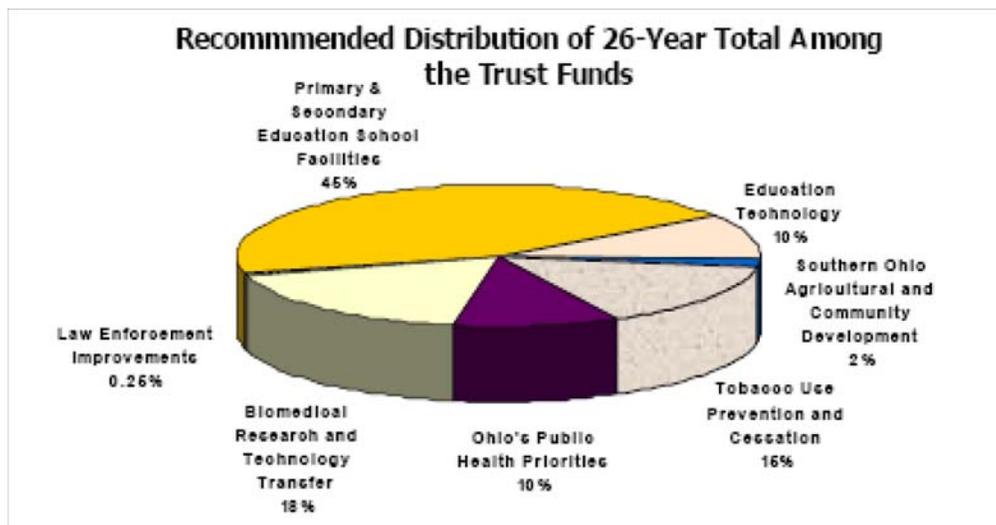


Figure 8: Proposed Distribution of MSA Funding²⁹

The Tobacco Task Force report also specified a management structure for the foundation, which was to be a 19 member volunteer board. The first nine members of the board would consist of 3 members appointed by the Governor, two appointed by the Speaker of the House, two appointed by the Senate President, and one each appointed by the Minority Leader of the House and Senate, all of whom would be health professionals. Two additional members, one with financial and accounting experience and one with media and marketing experience, would be appointed by the governor. Five additional members, representing the American Cancer Society, American Health Association, American Lung Association, Association of Hospitals and Health Systems and the Ohio State Medical Association would also be on the board. The remaining three board seats would go to the Attorney General, the Director of Health, and the Executive Director of the Commission on Minority Health.

Despite the majority of the MSA dollars going to other areas, especially Education School Facilities (45%), the Task Force did outline a plan where by 2008 the budget for the Ohio Tobacco Use Prevention and Control Foundation would surpass the minimum recommended funding by the U.S. Centers of Disease Control for tobacco control activities.²⁹ While some other states were able to designate larger proportions of their MSA dollars to tobacco control, local tobacco control advocates viewed the planned 15% of MSA dollars going to the Ohio Tobacco Use Prevention and Control Foundation as a major victory.^{19, 30}

Betty Montgomery (Attorney General), Joann Davidson (Speaker of the House), and Richard Finan (President of the Senate) were all referenced by advocates as pivotal to the final recommendations of the Task Force and subsequent approval of those recommendations by the state legislature.^{18, 19, 28} It was their commitment to the Tobacco Task Force Recommendations and political power that kept competing interests from completely diverting MSA funding from tobacco prevention.^{28, 30, 31}

Legislation

The recommendations of the Governor's Tobacco Task Force were put into action through Amended Substitute Senate Bill 192 during the 123rd General Assembly on March 3, 2000. S.B. 192 sailed through the state legislature due in large part to Joann Davidson, then speaker of the House and Richard Finan, then President of the Senate. Joann Davidson was instrumental in forming the trust fund and foundation organizational structure as well as the allocation of funds and overcoming objections in the House.²⁸ Richard Finan was key in pushing the legislation through the state senate and overcoming pro-tobacco interests from legislative members such as Doug White (Republican) a tobacco grower from southern Ohio who would become president of the Senate.²⁸

The MSA dollars were seen by many special interests as a potential funding source and these interests actively sought a piece of the MSA funding during the Tobacco Task Force deliberations and legislative implementation of the Task Force's recommendations.^{30, 31} Doug White represented tobacco growers in southern Ohio, a group that had an interest in opposing tobacco control funding. The climate in the legislature and the strong support for from

Assembly Speaker Joann Davidson and Senate President Richard Finan allowed them to push through significant MSA allocations to tobacco control. To help garner Doug White's support the southern Ohio agriculture and development trust fund was set up and was scheduled to receive \$229 million of Ohio's MSA funding from 2000 to 2010.²⁹⁻³¹ The idea was that MSA dollars devoted to tobacco control would decrease tobacco consumption and negatively impact tobacco growers in southern Ohio. MSA money was allocated to the Southern Ohio Trust to help those growers switch to other crops and to secure Doug White's support for the plan developed by the Tobacco Task Force.²⁸

One of the few differences between the recommendation provided by the Tobacco Task Force and S.B. 192 was that the Tobacco Use Prevention and Cessation Trust Fund was no longer receiving a guaranteed amount of money, but instead was receiving a variable percentage of the MSA payments. S.B. 192 guaranteed set amounts of money for only the Education School Facilities Trust Fund and the Education Technology Trust Fund leaving the other funds, including the tobacco control, vulnerable to fluctuations in the MSA payments. This change would eventually have very little impact because the Ohio legislature would later redirect the majority of tobacco prevention's funding to other areas.

In fiscal year 2000, Ohio expected to receive \$444 million in MSA payments, but actually received \$420 million. In fiscal year 2001, Ohio expected to receive \$349 million but actually received \$324 million. This decrease in actual MSA payments translated into payments to the Tobacco Use Prevention and Cessation Trust Fund of \$218 million and \$120 million for FY 2001 and 2002, respectively, instead of the recommended amounts of \$235 million and \$135 million specified by the Tobacco Task Force, resulting in a decrease of \$32 million in the originally planned funding for tobacco control for the first two years.

Pro Tobacco Shift in the Ohio Legislature and Redirection of Funds from Tobacco Control

In 2000, because of Ohio term limits, Joann Davidson left office and her position as Speaker of the House. Her leadership and political influence, along with Richard Finan, had been critical to tobacco control and the recommendations issued by the Tobacco Task Force. With Davidson out of office, tobacco control lost an influential ally in the state legislature which likely contributed to subsequent redirections of funding away from tobacco control.

After Joann Davidson's departure in 2000, Larry Householder (Republican, Policy Score 2) became Speaker of the House. Speaker Householder was from a tobacco growing region in Southeast Ohio and was viewed as pro-tobacco by health advocates in the state.¹⁹ The switch from Davidson to pro-tobacco Householder was the beginning of what would become a complete shift to a pro-tobacco state legislature.

During the Ohio State Legislature's 124th General Assembly, held in 2001, the state ran into significant budgetary problems and shortfalls in the General Revenue Fund for fiscal years 2002 and 2003.³² In response, Governor Taft signed into law Amended Substitute House Bill 405, on December 13, 2001, which allowed \$260 million of Ohio's MSA monies to be diverted

to the State's General fund. \$240 million was taken from the Tobacco Use Prevention and Cessation Trust Fund and the remaining \$20 million would come from a mix of funds from the Public Health Priorities Trust Fund, the Southern Ohio Agricultural and Community Development Trust Fund, and the Tobacco Use Prevention and Cessation Trust Fund.

During the 124th Assembly in 2001 Governor Taft also signed into law Amended Substitute Senate Bill 261, which was also to help bridge the General fund shortfall. The bill did this by allowing for the diversion of \$180 million in FY 2002 and \$165 million in FY 2003 from the Education Facilities Trust Fund to the General fund. Unlike the money that was diverted from the Tobacco Use Prevention and Cessation Trust Fund, an additional \$345 million was appropriated to the School Building Program Assistance Fund in fiscal years 2003 and 2004 to make up for the diversion of MSA funds.

Additional changes that happen during the 124th Assembly related to Ohio's MSA money included the allocation of MSA funds for the Attorney General's office and the Department of Taxation. This funding was to cover increased costs incurred by the two offices associated with the oversight and administration of MSA funding. In fiscal year 2003, the first year these funds were allocated to these two offices, the total for the two areas was \$740,000. The allocation of these monies to the Attorney General's office and the Department of Taxation did not significantly impact the other MSA funding priorities including Tobacco Control.^{19, 32}

What ultimately resulted from the General fund shortfall and H.B. 405 was that for fiscal years 2003 and 2004 the Tobacco Use Prevention and Cessation Trust Fund received no funding despite being originally earmarked for a total of \$290 million during that time. No other MSA funding priority was subject to the complete elimination of funding that was experienced by the Tobacco Use Prevention and Cessation Trust Fund. The Education Facilities Trust Fund also experienced significant cuts but as mentioned above these cuts were compensated by additional appropriations in fiscal years 2003 and 2004.

Completion of Pro-Tobacco Shift in the State Legislature

In 2002, term limits also forced President of the Senate Richard Finan out of office. Senator Finan had played a critical role along with Joann Davidson in the Tobacco Task Force.^{19,}
²⁸ His departure removed the final influential legislator sympathetic to tobacco control from the statehouse and opened the door to continued redirection of funding away from tobacco control.

Richard Finan was succeeded as President of the Senate by Doug White (Republican), a former tobacco grower from southern Ohio. Doug White was seen as extremely pro-tobacco by health advocates in the state and had advocated strongly for southern Ohio tobacco growers during previous debates on how to spend the state's MSA funding.^{19, 28} Doug White's appointment as President of the Senate completed the transition to an extremely pro-tobacco legislature in the state of Ohio.

During the 125th Assembly held in 2003, Ohio's budget problems continued and Governor Taft signed into law Amended Substitute House Bill 95.³² H.B. 95 allowed for the transfer of \$242.8 million from the MSA fund to the General fund. \$120 million of this diversion would come from funds that would have otherwise gone to the Tobacco Use Prevention and Cessation Trust Fund and \$122.8 million could come from funds that would have otherwise been transferred to the Education Facilities Trust Fund. H.B. 95 also specified a mechanism by which both funds would be repaid. For the Tobacco Use Prevention and Cessation Trust Fund the bill stated that the Ohio Office of Budget and Management would transfer in \$120 million in fiscal year 2013. For the Education Facilities Trust Fund an appropriation from the capital fund was made fiscal year 2005 to offset the amount of MSA revenue that was diverted.

The result of actions taken at the 125th Assembly and H.B. 95 was that the Tobacco Use Prevention and Cessation Trust Fund received \$16.85 million in fiscal year 2005 and no funding in fiscal year 2006 despite the original plan from the Tobacco Task Force of \$300 million for fiscal years 2005 and 2006. No other MSA funding priority received cuts in funding close to this level. The Tobacco Use Prevention and Cessation Trust Fund received 5.6% of the originally planned funding during this budget cycle while the rest of the MSA funding priorities received 88% of the originally planned allocation.

During the 126th Assembly held in 2005, the pattern of diverting funds from the Tobacco Use Prevention and Cessation Trust Fund continued. In June 2005, Governor Taft signed into law Amended Substitute House Bill 66, which did three things. The first was the diversion of \$96 million from the Tobacco Use Prevention and Cessation Trust Fund into the state's General fund. The second was the transfer of "amounts determined necessary" from the Tobacco Use Prevention and Cessation Trust Fund to the Children's Hospitals Fund, the Auto Emissions Test Fund, and Ohio's Managed Care Program. If the necessary amounts were larger than the amount allocated to the Tobacco Use Prevention and Cessation Trust Fund then the funding would come from the Education Facilities Trust Fund. The Third action that H.B. 66 allowed was the transfer of \$800,000 in fiscal year 2007 of funds into the general fund that otherwise would have gone to the Ohio Public Health Priorities Trust Fund.

As a result of these actions, for fiscal years 2007 and 2008, the Tobacco Use Prevention and Cessation Trust Fund would again receive no funding. This is also once again in sharp contrast to the other MSA funding priorities that have received significant portions of the funding that was originally planned for by the Tobacco Task Force. Comparing the Tobacco Task Force planned MSA funding allocation with the actual allocation of these funds shows that the Tobacco Use Prevention and Cessation Trust Fund received approximately 32% of the funding that it was scheduled to through 2008 (Table 7). Law Enforcement received 92.4%, Southern Ohio Agriculture received 77.1%, Public Health Priorities received 75%, Biomedical Research received 73.4%, Education Facilities Endowment received 100%, Education Technologies received 76.3%, and Education Facilities Trust, the next lowest, received 72.2% but also benefited from appropriations from other funding sources to compensate the trust for the diversion of MSA funding.

Budget Summary

While Ohio's general fund shortfalls in fiscal years 2002 through 2005 were significant, it is clear that a disproportionate amount of funding was taken from the Tobacco Prevention Foundation to cover these general fund shortfalls. However, the continued diversion of tobacco prevention funding in the subsequent legislative cycle for years 2006 and 2007 lacked clear financial justification. The budget for fiscal years 2006 and 2007 did not have the same shortfalls in the general fund, which is demonstrated by tobacco prevention money in those years being diverted directly to other programs as opposed to the general fund. Governor Taft himself stated in his introductory letter to the Executive Budget for FY 2006 and 2007 that he was "pleased to present to you a budget that is balanced" when in previous years he had alluded to the financial difficulties the state was in. In 2006-2007, the programs that received the diverted tobacco prevention monies demonstrate that the state legislature was not prioritizing tobacco prevention.¹⁹ For 2006-2007 much of the tobacco control funding was diverted to various health programs and \$22.5 million even went to a new state program that subsidized the cost of auto emissions testing for the public.

Health advocates and tobacco control interests were represented in the state legislature

Table 7: Summary of Planned vs. Actual MSA Distributions

Actual Distribution (FY)	2001	2002	2003	2004	2005	2006	2007	2008*	Total
Tobacco Use Prevention	217.94	119.58	0	0	16.85	0	0	0	354.37
Law Enforcement Improvements	18.7	4.4	0	0	0	0	0	0	23.1
Southern Ohio Agriculture	20.26	15.45	21.89	16.3	15.14	15.21	13.15	7.51	124.91
Public Health Priorities	8.7	12.71	11.68	12.6	15.11	15.97	13.71	8.57	99.05
Biomedical Research	4.36	26.7	22.87	23.3	26.62	27.93	24.84	21.42	178.04
Education Facilities Trust	133.06	128.94	5.8	15.6	0	217.37	149.06	246.39	896.22
Education Facilities Endowment	5	5	5	5	5	5	5	5	40
Education Technologies	11.97	11.44	16.06	15	7.55	6.79	5.17	5.71	79.69
Attorney General Oversight	0	0	0.53	0.6	0.56	0.57	0.57	0.62	3.45
Tax Settlement Enforcement	0	0	0.21	0.2	0.22	0.23	0.28	0.28	1.42
Total	202.05	204.64	84.04	88.6	70.2	289.07	211.78	295.5	
Office of Budget and Management Originally Planned MSA Allocation									Total
Tobacco Use Prevention	234.9	135	140	150	150	150	150	0	1109.9
Law Enforcement Improvements	20	5	0	0	0	0	0	0	25
Southern Ohio Agriculture	32.2	17.4	20.9	21.1	17.6	17.6	17.6	17.6	162
Public Health Priorities	10	14.4	15.5	16.4	17.6	18.5	19.5	20.1	132
Biomedical Research	5	30.1	30.3	30.2	31	32.4	33.3	50.3	242.6
Education Facilities Trust	133.1	128.9	185.8	180.6	123.8	121.4	120.5	246.4	1240.5
Education Facilities Endowment	5	5	5	5	5	5	5	5	40
Education Technologies	13.8	12.9	21.3	19.5	8.8	7.9	6.9	13.4	104.5
AGO Oversight and Enforcement	0	0	0	0	0	0	0	0	0
TAX Settlement Enforcement	0	0	0	0	0	0	0	0	0
		Total actual	Total Planned	Percent of Planned					
Tobacco Use Prevention		354.37	1109.9	31.9%					
Law Enforcement Improvements		23.1	25	92.4%					
Southern Ohio Agriculture		124.91	162	77.1%					
Public Health Priorities		99.05	132	75.0%					
Biomedical Research		178.04	242.6	73.4%					
Education Facilities Trust		896.22	1240.5	72.2%					
Education Facilities Endowment		40	40	100.0%					
Education Technologies		79.69	104.5	76.3%					
AGO Oversight and Enforcement		3.45	0	NA					
TAX Settlement Enforcement		1.42	0	NA					

from 1998 to 2006 primarily by lobbyists from the American Lung Association, American Heart Association and American Cancer Society with the American Cancer Society playing the lead role.^{18, 19} During this time the Ohio Tobacco Prevention Foundation came into existence but the Foundation did not see lobbying on behalf of tobacco control in the state legislature as part of its role. Despite focused lobbying efforts on the behalf of tobacco control during the budgeting process, health advocates were not able to prevent the redirection of MSA funding away from tobacco control.

Tobacco control advocates in Ohio reflecting back on the diversion of funding from the tobacco prevention foundation referenced several key factors. The first is that there were legislators who were pro-tobacco and against tobacco control. Most notably Doug White (President of the Senate), Larry Householder (Speaker of the House) and Bill Seitz (Republican).^{19, 30} These individuals have had an impact on the diversion of funding from tobacco control; in addition key members in tobacco control all referenced the issue of there being no legislative champion for tobacco control as the key reason for the diversion of funding.^{18, 19, 33} Tobacco control advocates attempted to develop legislative champions but were ultimately unsuccessful.^{19, 33} Because there were no champions in the legislature for tobacco control when Ohio found itself in a general fund shortfall, tobacco control lost out to other interests that did have strong legislative champions.^{19, 33}

Once funding was taken away from tobacco control in 2003 it set a precedent for not implementing the Tobacco Task Force plan and with no champion in the legislature it left the tobacco control portion of future MSA funding open to diversions.^{19, 33} As of 2007, the legislature continued to be hostile to tobacco control, so the future of funding for tobacco prevention in Ohio remained uncertain.

The diversion of funding from tobacco control left the Ohio Tobacco Prevention Foundation with insufficient funds to follow the endowment strategy outlined by the Tobacco Task Force.³³ It did not however have an immediate effect on tobacco control programs in the state. Ohio had previously devoted no state money to tobacco control and the initial \$350 million that went to the Tobacco Prevention Foundation, while not enough to build the planned endowment, was sufficient to fund the Foundation's initial programs.^{33, 34} Starting in 2005 the Ohio Tobacco Prevention Foundation's programs began to be negatively affected by the redirection of money away from the Foundation's trust fund. As of 2007, the Ohio Tobacco Prevention Foundation's future existence was in jeopardy if additional funding was not secured. Further details related to the Ohio Tobacco Prevention Foundation are discussed later.

CIGARETTE TAX INCREASES

Price increases through additional excise taxes on cigarettes are one of the most effective measures in decreasing smoking prevalence. Tax increases also generate revenue and the direction of that revenue into tobacco control activities is potentially an important funding source to sustain a state's tobacco control activities. From 1998 to 2006, Ohio increased the state's

cigarette excise tax twice. In both cases none of the revenue generated from the tax increases were directed to tobacco control.

2002 Tax Increase

In 2001, during the State's 124th Assembly the Tobacco Free Ohio coalition led by the American Cancer Society identified an opportunity to increase Ohio's cigarette tax.¹⁹ Health advocates generally considered the Republican dominated state legislature pro-tobacco and strongly anti-tax.^{19, 28} However, as discussed earlier, the state was facing a difficult financial situation and a significant shortfall in the general fund during this time. Because of Ohio's financial situation the state legislature was more receptive to taxes than they otherwise would have been.¹⁹ Lobbyists for Tobacco Free Ohio and the American Cancer Society, including Tracy Sabetta, saw this as an opportunity and worked to introduce a bill that would increase the state's cigarette tax. After evaluating the climate in the legislature, Tobacco Free Ohio made a determination not to seek appropriations from the tax increase to tobacco control programs in the state. The feeling was that the state legislature would only accept a cigarette tax increase if all the revenue was directed into Ohio's general fund.¹⁹

As a result of this lobbying effort, in 2002, during the State's 124th Assembly the legislature passed Amended Substitute Bill 261 which increased the tax per pack of cigarettes from \$.24 to \$.55. All of the revenue from this tax increase was directed to Ohio's general fund. During the same Assembly session the legislature also passed Amended Substitute Bill 242 that increased the cigarette minimum mark up for retailers from 6 to 8 percent of cost. This was done in an effort to keep tobacco retailers from decreasing the mark up on cigarettes to compensate for the tax increase.

2005 Tax Increase

In 2005, again in response to financial motivations from the state legislature, the Tobacco Free Ohio coalition and the American Cancer Society identified an additional opportunity to increase Ohio's cigarette excise tax.¹⁹ Unlike in 2002, when health advocates had not pursued cigarette tax revenue for tobacco control or public health purposes, Ohio's health and tobacco control community partnered together in an effort to introduce a cigarette tax that would fund public health and tobacco control priorities.

The Tobacco Free Ohio coalition along with various other health related organizations in Ohio with the support of a \$150,000 grant from the Robert Wood Johnson Foundation formed the Ohio Partnership for Prevention to pursue the 2005 cigarette tax increase effort. The Ohio Partnership for Prevention was a health care, public health, and tobacco control coalition that included 125 health related organizations.

The Ohio Partnership for Prevention organized a detailed proposal that was presented to the state legislature and was also the foundation of public education and media efforts undertaken by the partnership. The proposal specified a \$.75 tax increase on a pack of cigarettes

which would have generated an estimated \$525 million annually.³⁵ The Ohio Partnership for Prevention proposed allocating the estimated \$525 million in the following manner:

PREVENT TOBACCO-CAUSED ILLNESSES \$120 million
Repay the Ohio Tobacco Use Prevention and Control Foundation's endowment to ensure prevention and cessation programming at the Centers for Disease Control and Prevention's recommended level.

IMPROVE PREGNANCY OUTCOMES \$20 million
Invest in the maternal and child health programs through local health departments and increase Medicaid eligibility for pregnant women to 200% of the federal poverty level.

IMPROVE CHILDREN'S DEVELOPMENT \$30 million
Fund the Access to Better Care initiative to provide behavioral health services to children and families.

PROVIDE FAMILY COVERAGE \$75 million
Increase Medicaid coverage for parents to 150% of the federal poverty level and help purchase employer-based health care for parents with incomes between 150% and 200% of the federal poverty level.

IMPROVE HEALTH OUTCOMES \$91 million
Restore funding for programs that will improve Ohio's health outcomes including regional hemophilia treatment centers, poison control centers, the Bureau for Children with Medical Handicaps, the visiting nurses program, regional centers that provide counseling and services to children with newborn genetic, endocrine and metabolic disorders, and the Birth Defects registry, and standardize 12-month Medicaid re-enrollment to increase continuity of care.

CARE FOR THE POOREST UNINSURED \$189 million
Expand Disability Medical Assistance eligibility to cover more people, increase funding for community health centers for primary care, increase access to dental care in underserved areas, and provide support for free clinics.³⁵

The Ohio Partnership for Prevention's message to the legislature as well as the public was that if the tax increase was approved, 133,000 children in the state would be prevented from smoking and a tax increase would also result in 82,000 fewer adult smokers.

Despite the efforts and plan by the Ohio Partnership for Prevention there ultimately was a lack of support in the state legislature that led health advocates to abandon their efforts to direct a portion of the proposed cigarette tax revenue to tobacco control and public health. This decision was made with the understanding and hope, but without an explicit agreement, that if revenue from the new tax went into the general fund then the originally planned MSA funding for the Ohio Tobacco Prevention Foundation would not be redirected as it was the two previous

budget cycles.^{18, 19} The logic being that since the state's financial situation had improved, and the revenue from the new cigarette tax would go into the general fund, there would not be financial justification or need to redirect the Tobacco Prevention Foundation MSA funding.^{18, 19}

As a result of the Ohio Partnership for Prevention's lobbying efforts, in 2005, the state passed Amended Substitute House Bill 66 which increased the cigarette excise tax by \$.70 to a total of \$1.25 per pack of cigarettes. Like the previous tax increase in 2002 all of the revenue was directed to Ohio's general revenue fund. However, to tobacco control advocates' surprise, the state legislature again redirected all of the Ohio Tobacco Prevention Foundation MSA funding.^{18, 19} Since the new cigarette tax revenue was going to the general fund the redirection of MSA funding from tobacco prevention was not redirected into the general fund as it had been the previous two budget cycles. Instead the legislature redirecting the funding directly into other state programs, some of them new (see budget section for more detail).

In both of Ohio's cigarette tax increases Tobacco Free Ohio and the American Cancer Society was at the front of the lobbying effort.¹⁹ Health advocates in both tax increases identified Ohio's financial difficulties as an opportunity to implement new cigarette taxes. The appeal used with the legislature for a cigarette tax as an additional revenue source for Ohio, which eventually eliminated the possibility of earmarking a portion of the revenue to tobacco control as the money was used to fill shortfalls in the general fund and fund new programs. Tobacco control advocates justified the outcome by stating that tax increases in and of themselves decrease smoking prevalence and that one of their objectives was to preserve some of the Ohio Tobacco Prevention Foundation MSA funding.¹⁹ This effort failed and the state legislature continued to redirect all of the Ohio Tobacco Prevention Foundation MSA funding to other state programs

STATE TOBACCO CONTROL PROGRAM: THE DEPARTMENT OF HEALTH AND THE OHIO TOBACCO PREVENTION FOUNDATION

Ohio's state-sponsored tobacco prevention efforts are coordinated primarily by the Ohio Tobacco Prevention Foundation (OTPF) with a small amount of responsibility falling on the Tobacco Risk Reduction Program housed within the Ohio Department of Health. The Ohio Tobacco Prevention Foundation operates independently of the Health Department with its own board of directors and management structure. The Tobacco Risk Reduction Program is housed within the Department of Health and functions as a traditional government body.

The Department of Health Tobacco Risk Reduction Program

As of 2006, Ohio has never directly funded tobacco prevention activities from the state's general revenue fund. The Department of Health receives all of its funding for tobacco control from the Center for Disease Control's National Tobacco Control Program.³⁶ This funding has historically ranged between \$1-2 million per year, which was not enough money for the Tobacco Risk Reduction Program to mount comprehensive statewide tobacco prevention activities.

The Department of Health's Tobacco Risk Reduction Program activities include providing information to the public, training for school personnel in "Life Skills Training" curriculum, the maintenance of a list of smoke-free Ohio restaurants, and the running of the Ohio Youth Tobacco Survey.³⁶ Life Skills Training (LST) is a school-based drug prevention program that was at one time identified as "effective" and recommended by the Centers for Disease Control and promoted by Philip Morris and Brown and Williamson tobacco company.³⁷ The tobacco industry's own research, however, showed no effectiveness of LST in reducing smoking prevalence among youth; it is an example of tobacco industry efforts to generate positive public relations through ineffective tobacco control programs in hopes of displacing more effective programs that directly attack the tobacco industry.³⁷

The activities of the Tobacco Risk Reduction Program have changed little since the introduction of the MSA funded Ohio Tobacco Prevention Foundation. While the Tobacco Risk Reduction Program has served a monitoring function, health advocates in the state do not view the activities as contributing significantly to decreasing the health burden from tobacco in Ohio.

Since the creation of the Ohio Tobacco Prevention Foundation, the primary value in the Tobacco Risk Reduction Program is as a point of integration and communication for the Health Department with the Ohio Tobacco Prevention Foundation and the much broader and comprehensive tobacco control activities of the Ohio Tobacco Prevention Foundation.

The Ohio Tobacco Prevention Foundation

The Ohio Tobacco Prevention Foundation (OTPF) came into existence in 2000 when Governor Bob Taft signed Senate Bill 192 which was the state's enactment of the recommendations from the Tobacco Task Force (see previous sections). The organization, which actually initiated operations and programs in 2001, is an independent foundation with a government appointed Board of Trustees. The Foundation receives funding from Ohio's MSA dollars distributed by the state legislature.² The Foundation is also responsible for providing an annual public report summarizing its activities and financial status as well as an updated strategic plan once every five years.² The Foundation's 2006 annual report showed 18 employees.³⁸

The Foundation creation provided comprehensive tobacco control activities throughout the state for the first time in Ohio's history. The mission of the Ohio Tobacco Prevention Foundation as outlined by the Governor's Tobacco Task Force is to reduce tobacco use among Ohioans, with an emphasis on youth, minorities, pregnant women, and other vulnerable groups.² ²⁹ OTPF has developed its programs to cover eight of the nine CDC-recommended components of a comprehensive tobacco control program.³⁹ These activities include community programs, school-based programs, counter marketing, cessation programs, statewide partnership programs, surveillance and evaluation, and administrative and management. The ninth component, enforcement, is viewed by the Ohio Tobacco Prevention Foundation as the responsibility of state agencies. Based on the CDC guidelines, OTPF initially set seven goals. They are the following:

1. Prevent youth tobacco use initiation
2. Reduce youth tobacco use
3. Reduce tobacco use among diverse and under served populations, including minorities, regional populations and others disproportionately affected by tobacco.
4. Reduce tobacco use among pregnant women
5. Reduce exposure to second hand tobacco smoke
6. Reduce adult tobacco use
7. Reduce use of smokeless tobacco by youth and adults.²

The Foundation pursues these goals through programs that are organized into three areas which are (1) a statewide counter-marketing campaign, (2) cessation services and (3) a grants and contracts effort.

Budgets

The Ohio Tobacco Prevention Foundation is required to report the organization's budgets and expenditures annually. Budgets from fiscal years 2002 and 2007 give a general picture of the Foundation's programmatic focus and intention (Tables 8 and 9).²

During the beginning of fiscal year 2002, the first year of operation, the Foundation organized its Executive Committee, Grants Committee, and Strategic Planning Committee. It also hired a Director of Finance, a Director of Programs and Mike Renner as the Foundation's Executive Director. That same year, \$21 million was budgeted for programs. Half of the program budget was devoted to the Foundation's counter marketing media campaign and the other half of the program budget was devoted to the initial community grants effort discussed in greater detail later.

In fiscal year 2003, \$25 million was budgeted on programs with \$15 million going toward the counter marketing campaign, \$9 million budgeted on community grants, and \$900,000 devoted to the initiation of the Ohio Quite Line Program which, would become the Foundation's principle vehicle for cessation services in Ohio. Fiscal year 2003 also saw the initiation of evaluation efforts with a budgetary allocation of \$350,000.

In fiscal year 2004, \$32.5 million was budgeted on programs with \$3.4 million on evaluation and \$2.4 million on administrative and operating costs. Within the programmatic budget a third was spent on the Foundation's counter marketing campaign with another third going toward community grants and the remaining funds going to pilot programs including the Quit Line.²

Table 8: Flow of MSA and Distributions to the Ohio Tobacco Prevention Foundation⁴⁰

	2000 part1	2000 part2	2001	2002	2003	2004	2005	2006
Total MSA Payment	121	323	349	419	423	353	353	353
Tobacco Task Force Planned Allocation to Tobacco Control	104.9	130	135	140	150	150	150	150
Ohio Tobacco Prevention Foundation Actual MSA Revenues	0	0	330.4	0	0	16.9	0	0
Prior Year Ohio Tobacco Prevention Foundation Balance	0	0	0	350.2	332.8	314.6	334.3	315.8
Interest and Investment Income	NA	NA	19.8	-8.1	3.4	33.9	17.5	20.5
Ohio Tobacco Prevention Foundation Budget	NA	NA	NA	23.3	27	38.2	53.3	47.3
Ohio Tobacco Prevention Foundation Expenditures	0	0	0	9.2	21.5	31.1	36.2	34
Year End Foundation Balance	0	0	350.2	332.8	314.6	334.3	315.8	302.2
<i>Actual MSA Distributed for use are conducted one year after Ohio recieves the Money</i>		2001	2002	2003	2004	2005	2006	2007
Office of Budget and Management Distribution to Ohio Tobacco Prevention Foundation for Available Use		217.9	119.6	0	0	16.9	0	0
	2007	2008	2009	2010	2011	2012	2013	2014
Total MSA Payment	353	384	384	384	384	384	384	384
Tobacco Task Force Planned Allocation to Tobacco Control	0	0	0	0	0	150	150	90
Ohio Tobacco Prevention Foundation Actual MSA Revenues								
Prior Year Ohio Tobacco Prevention Foundation Balance								
Interest and Investment Income								
Ohio Tobacco Prevention Foundation Budget	45	45*	45*	45*	45*	45*	45*	45*
Ohio Tobacco Prevention Foundation Expenditures								
Year End Foundation Balance								
<i>Actual MSA Distributed for use are conducted one year after Ohio recieves the Money</i>	2008*	2009*	2010*	2011*	2012*	2013*	2014*	2015*
Office of Budget and Management Distribution to Ohio Tobacco Prevention Foundation for Available Use	0	0	0	0	0	0	0	0

Table 9: Ohio Tobacco Prevention Foundation Budgets⁴¹

	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07
	Budget	Budget	Budget	Budget	Budget	Budget
Current Programs						
Community Grants, I	\$ 7,050,000	\$ 7,000,000	\$ 8,696,117	\$ 8,696,117	\$ 8,696,117	\$ 2,181,032
High Risk Grants	\$ 2,000,000	\$ 2,000,000	\$ 3,000,000	\$ 3,000,000	\$ 3,000,000	\$ 1,498,270
Ohio Quits	\$ 0	\$ 900,000	\$ 948,000	\$ 10,000,000	\$ 11,000,000	\$ 12,500,000
Counter Marketing	\$ 11,845,000	\$ 14,718,800	\$ 11,274,700	\$ 10,445,165	\$ 10,540,812	\$ 10,500,000
RFP consultants	\$ 176,600	\$ 115,250	\$ 160,000	\$ 160,000	\$ 10,000	\$ 50,000
Community Grants, II	\$ 0	\$ 0	\$ 4,000,000	\$ 4,900,000	\$ 4,500,000	\$ 2,232,657
Community Grants, III	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 6,250,000
TUPCF- Marketing	\$ 0	\$ 0	\$ 950,000	\$ 1,040,000	\$ 647,500	\$ 575,000
TUPCF- Training & Support	\$ 0	\$ 0	\$ 0	\$ 0	\$ 60,000	\$ 235,000
Smokeless	\$ 0	\$ 0	\$ 500,000	\$ 1,000,000	\$ 0	\$ 0
College students & Young Adults	\$ 0	\$ 0	\$ 500,000	\$ 375,000	\$ 0	\$ 0
Pregnant women	\$ 0	\$ 0	\$ 500,000	\$ 333,333	\$ 0	\$ 0
CIA	\$ 0	\$ 0	\$ 1,000,000	\$ 2,500,000	\$ 1,000,000	\$ 207,491
Young adult - pilot program - first year	\$ 0	\$ 0	\$ 500,000	\$ 500,000	\$ 0	\$ 0
Chronic illness - pilot program - first year	\$ 0	\$ 0	\$ 500,000	\$ 500,000	\$ 210,000	\$ 126,000
Special Opportunities Initiatives	\$ 0	\$ 0	\$ 0	\$ 500,000	\$ 0	\$ 0
School based programs	\$ 0	\$ 0	\$ 0	\$ 1,000,000	\$ 312,500	\$ 1,022,500
Mental Health/ Substance Abuse/ MRDD	\$ 0	\$ 0	\$ 0	\$ 500,000	\$ 0	\$ 0
Prisons and Corrections	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
State agencies/partnerships	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 500,000
Public Policy Institute	\$ 0	\$ 0	\$ 0	\$ 350,000	\$ 350,000	\$ 350,000
Training Center	\$ 0	\$ 0	\$ 0	\$ 50,000	\$ 100,000	\$ 0
Total Programs	\$ 21,071,600	\$ 24,734,050	\$ 32,528,817	\$ 45,849,615	\$ 40,426,929	\$ 38,227,950
Program % Increase						
Program Operating Costs-(TUPCF)						
Personnel	\$ 887,075	\$ 542,001	\$ 684,216	\$ 641,784	\$ 881,504	\$ 968,289
Contract Services	\$ 0	\$ 0	\$ 0	\$ 196,248	\$ 78,000	\$ 54,000
Operating expenses	\$ 187,869	\$ 412,760	\$ 467,526	\$ 499,721	\$ 578,598	\$ 601,742
Furniture & equipment	\$ 42,984	\$ 52,500	\$ 29,855	\$ 30,250	\$ 23,121	\$ 23,121
	\$ 1,117,928	\$ 1,007,261	\$ 1,181,597	\$ 1,368,003	\$ 1,561,223	\$ 1,647,152
Total Programs (Excluding Eval, S & R)	\$ 22,189,528	\$ 25,741,311	\$ 33,710,414	\$ 47,217,618	\$ 41,988,152	\$ 39,875,102
Evaluation, Surveillance, & Research-External						
Evaluation, Surveillance, & Research	\$ 0	\$ 350,000	\$ 3,371,041	\$ 4,721,762	\$ 4,198,815	\$ 3,987,148
Total Program Cost-Inclusive	\$ 22,189,528	\$ 26,091,311	\$ 37,081,455	\$ 51,939,380	\$ 46,186,967	\$ 43,862,250
Administrative Costs						
Personnel	\$ 887,075	\$ 542,001	\$ 690,846	\$ 631,176	\$ 643,552	\$ 706,910
Contract Services	\$ 0	\$ 0	\$ 0	\$ 161,772	\$ 0	\$ 0
Operating expenses	\$ 187,869	\$ 412,760	\$ 472,056	\$ 491,462	\$ 442,412	\$ 439,309
Furniture & equipment	\$ 42,984	\$ 52,500	\$ 30,145	\$ 29,750	\$ 16,879	\$ 16,879
	\$ 1,117,928	\$ 1,007,261	\$ 1,193,047	\$ 1,314,160	\$ 1,102,843	\$ 1,163,098
Total Expenditures	\$ 23,307,455	\$ 27,098,571	\$ 38,274,502	\$ 53,253,540	\$ 47,289,810	\$ 45,025,348

In fiscal year 2005, \$45.9 million was budgeted on programs with \$4.7 million on evaluation and \$2.7 million on administrative and operating costs. Within the programmatic budget counter marketing comprised approximately one quarter. Community grants again took approximately one third of the programmatic budget and the Quit Line which in 2004 was a pilot program expanded rapidly taking up one fifth of the program budget in 2005. Unlike the previous year when one third of the budget was spent on new programs, in 2005 the Foundation had a more developed program repertoire which in combination with funding concerns limited new programs to under 10% of the budget.²

For fiscal years 2006 and 2007 the Ohio Tobacco Prevention Foundation maintained the same proportional programmatic allocation as in 2005 while paring back the Foundation's total

annual budget to \$45 million. The decision to decrease and maintain the Foundations annual budget at \$45 million was made by the Foundation's Board in response to the redirection of MSA funding in Ohio away from tobacco control and the corresponding financial considerations that created for the Foundation (discussed earlier). This decision places Ohio's 2007-2015 Tobacco Control budget at roughly 72.5% of the Centers for Disease Control recommended \$61.7 million in annual tobacco control expenditures. The cost of doing so, however, is to reduce the principle available to generate future program revenues.

Budgets vs. Actual Expenditures

For every year that the Foundation has been in operation actual expenditures have come in below budget (Table 9 and Figure 11).⁴⁰ In fiscal year 2004 the difference was \$7.1 million and in fiscal year 2005 the difference was \$17.1 million.⁴⁰ This discrepancy has had a corresponding effect on Ohio's percentage of CDC recommended (\$61.7 million) annual tobacco control expenditure. For example, in 2005 the Foundation's budget of \$53.3 million was 86% of CDC recommended but the actual annual expenditure for that year was \$36.2 million or 59% of CDC recommended. The result of this substantial underspending is a tobacco control program that is substantially smaller, with a correspondingly smaller effect on reducing tobacco use and tobacco-induced disease. Marvin Gutter, Director of Finance for the Ohio Tobacco Prevention

Foundation, responded to the differences in budgeted vs. actual expenditures with the following:

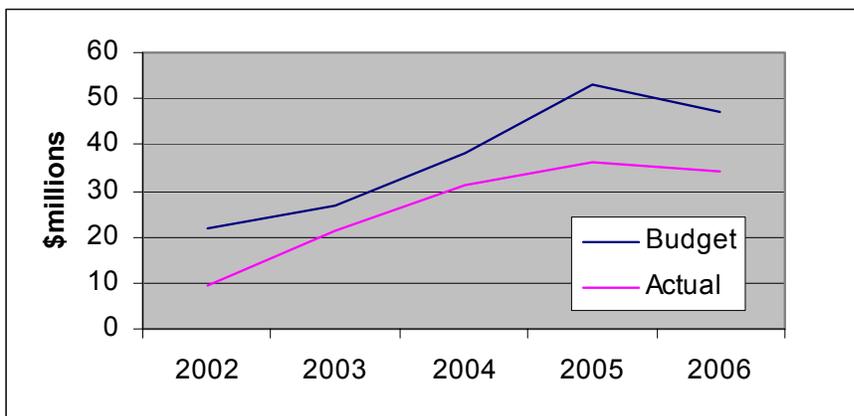


Figure 11: Ohio Tobacco Prevention Foundation Budget vs. Actual Expense

These differences between budgeted and actual expenditures are explained by the use of normal and conservative budgetary estimates and by both the timing and execution of program development and implementation. These items resulted in lower

then expected expenditures, expenditures and programs being suspended or delayed into subsequent reporting periods, and by overall delays in program and contract approvals as a result of the bureaucratic processes of the state. Differences were not the result of any influence or delay introduced from outside the Foundation that would have altered the Foundation's focus and intention.⁴²

A close examination of the Ohio Tobacco Prevention Foundation evaluation expenses vs. budgets revealed even larger differences than those found with the overall program. In 2005 and 2006 the Foundation's evaluation budget was \$4.7 million and \$4.2 million respectively.⁴¹

Actual expenditures in 2005 were \$860,000 or 18% of budgeted and in 2006 actual expenditures were \$1.3 million or 30% of budgeted.⁴³ The CDC recommends that states spend on evaluation and surveillance an amount roughly equal to 10% of the programmatic budget. While Ohio's evaluation budget has fallen in line with this recommendation, the Foundation's actual expenditures on evaluation have fallen well below the recommended proportion. Given the large community grants effort by the Foundation and the fact that all of the Foundation's various programs are in developing stages, it is questionable whether the limited evaluation expenditures allow the Foundation to adequately evaluate those programs.

Diverted MSA Funding and the Effect on Programs

The funding schedule for the Ohio Tobacco Prevention Foundation was determined by Governor Taft's Tobacco Task Force but after receiving the planned funding for the first two years the state legislature redirected subsequent funding away from the Ohio Tobacco Prevention Foundation. The redirection of funding did not initially have a strong impact on the Foundation's programs as during that time the programs were just beginning to build up.^{33, 34}

The budget for the Foundation in 2005 (\$53.3 million) was the highest during the 2002 to 2007 period. The increase in budgets from 2002 to 2005 show the steady build up of the Foundation's programs which would have continued to grow past 2005 levels if it had not been for the redirection of MSA funding away from tobacco control.³³ The fall of the Foundation's annual budgets in 2006 and 2007 to the \$45 million per year level was a carefully considered decision made by the Ohio Tobacco Prevention Foundation's Board to reduce the organization's annual expenditures to a level where the Foundation would have enough funding to sustain itself through 2016 after which, without additional funding, the Foundation would have no money remaining in its trust fund.³³

In 2002, when the Foundation issued its first grant for their counter marketing campaign, up until 2005 the OTPF budget was intentionally below the CDC's recommended minimum expenditure for tobacco control in Ohio of \$61.7 million.³⁴ According to Beth Schieber, Communications Director with the Ohio Tobacco Prevention Foundation, "the board very wisely decided to cautiously and strategically spend money as opposed to going from 0 to 60 million in a year."³⁴ Starting in 2005 the diversion of funding away from the Foundation began to seriously impact tobacco control programs.³³ Instead of allowing the Foundation's programs to continue to grow as well as introducing new programs the board of directors made the decision to limit the Foundation's annual budget to approximately \$45 million annually.^{33, 34} This decision was made in an effort to ensure that the Foundation would be able to operate for at least an additional ten years after which the hope was that the state legislature would honor their intention of paying back previously diverted funding starting in 2013.^{33, 34}

The diversion of funding from the Ohio Tobacco Prevention Foundation has had a tremendous impact on tobacco prevention in Ohio. The Foundation was originally planned to operate off of an endowment but now is in the situation where it is rapidly spending down the principle. According to Michael Renner, Executive Director of the Ohio Tobacco Prevention

Foundation, this has “shaken the Foundation to the core”, impacting the Foundation’s tobacco control activities and creating uncertainty about the Foundation’s future existence.³³

The original intention of creating a foundation supported by an endowment was to insulate Ohio’s tobacco control activities from the state legislature and tobacco interests to conserve funding but in Ohio, as in other states, the foundation and endowment structure has not shielded tobacco control programs from these interests.⁴⁴

Programs

The Foundation has organized its programs into three core areas. They are (1) a statewide counter-marketing campaign, (2) cessation services and (3) a grants and contracts effort.

Statewide Counter-Marketing Campaign

The Ohio Tobacco Prevention Foundation’s Counter-Marketing efforts have been focused on denormalizing tobacco use, especially among youth.² The Foundation has pursued these goals and consolidated its counter marketing efforts within the organization’s “Stand” campaign. Stand is a youth based brand and movement across the state of Ohio that contains the following elements (taken from the Foundation’s strategic plan):

1. Integrating local media advocacy and paid counter advertising in mass marketing venues, and other efforts to reduce or replace tobacco industry sponsorship and promotions; saturating statewide TV, radio, print, web and other types of counter-marketing vehicles.
2. Partnering with local and national Internet service providers and youth-oriented web sites to provide effective tobacco use prevention messages to “twens and teens.”
3. Integrating results-driven, comprehensive web-based strategies, such as those on www.standonline.org into the mass media counter-marketing plan.
4. Increasing awareness of the health danger of tobacco smoke exposure for asthma patients, children and others whose health is affected by secondhand smoke.
5. Targeting specific populations to help them gain an increasing awareness of the effects of tobacco use and opportunities to access tobacco cessation programs through culturally competent marketing.
6. Creating “Stand”, a recognizable brand for Ohio’s tobacco use prevention and cessation activities.²

From the public’s perspective the Ohio Tobacco Prevention Foundation’s Stand campaign has two very visible elements. The first is the counter marketing television and other media commercials. These commercials are produced by a professional media firm, Northlich, in Cincinnati. The OTPF board as well as tobacco control advocates in the state have viewed the commercials positively for their perceived effectiveness and willingness to attack the tobacco industry.^{28, 33}

The second publically visible element of the Stand campaign are the youth (age 11-15) activist groups organized across the entire state. The Stand program aims to influence youth and keep them from using tobacco products. The Stand groups are also meant to help expand the tobacco control infrastructure and build momentum to denormalize tobacco use among all Ohioans.⁴⁵

Stand members have involved themselves in all levels of grassroots tobacco control advocacy and have been viewed positively by tobacco control advocates in the state as has the entire Stand program.^{19, 28, 33} For example, the American Cancer Society has included Stand members in press conferences and media events organized to support the Smoke Free Ohio initiative (discussed below).¹⁹ Stand groups also conduct their own public events with the aim of advancing the tobacco control agenda in Ohio.

Cessation

The Ohio Tobacco Prevention Foundation's cessation efforts are represented by the Ohio Tobacco Quit Line. This is a toll-free number that Ohio residents call in order to get counseling services over the phone as well as information regarding other cessation resources. The Quit Line also provides Ohioans with a Quit Kit that includes information about different tobacco products and how to quit. Long-term phone counseling services are provided through this program as well as a certificate which qualifies individuals for subsidized or free services such as nicotine replacement therapy from some insurers, most notably Medicaid but also some private insurers in the state.

Grants and Contracts

While the counter marketing and cessation programs undertaken by the Ohio Tobacco Prevention Foundation have been important in the fight against tobacco in the state, the Foundations grants and contracts effort has had the largest impact on tobacco control policy in Ohio.¹⁹ The Foundation itself identifies grants and contracts as the organizations "primary vehicle for supporting its core funding areas."² Grants and Contracts are broken into four categories; community grants, high risk populations initiative, special focus initiatives, and supplemental grants.

The focus of the Foundation's community grants section, which released its first round of grants in 2002, has been to establish and expand local tobacco control infrastructure in Ohio.² The Foundation has done this by providing grants for various aspects of tobacco prevention and cessation to both public and private organizations in their local communities. Through this process local tobacco control coalitions formed throughout the state of Ohio and capacity building related to tobacco control expanded rapidly throughout the state.^{2, 18}

The high risk population initiatives, the special focus grants, and the supplemental grants, have all served a similar purpose as community grants in terms of expanding infrastructure and capacity, but with greater emphasis on high risk individuals and specialized or innovative

strategies to fight tobacco in Ohio.² These initiatives have focused on providing services in a culturally and linguistically appropriate ways to populations that are disproportionately effected by tobacco.

The grants and contracts effort by the Ohio Tobacco Prevention Foundation has been successful at expanding the state's tobacco control infrastructure.^{33,34} This expansion played a critical role in greater tobacco education and tobacco control services going to the public.^{18,19} Grants from OTPF greatly increased the number of people and organizations involved in tobacco control and accelerated efforts to pursue local clean indoor air efforts throughout Ohio.^{18,19} Through this expansion of infrastructure and specific grants issued by the Foundation to pursue clean indoor air laws, the state of tobacco control and clean indoor air in particular have advanced considerably.

One of the key grants and partnership arrangements that the Ohio Tobacco Prevention Foundation has entered into is the funding of the Tobacco Public Policy Center at Capital University Law School. The Tobacco Public Policy Center was created as a resource for the Ohio tobacco control community to adopt local policies and laws to decrease the health burden of tobacco in the state.² The Center has been a resource in the pursuit of tobacco control policies on all level in Ohio including the statewide Smoke Free Ohio effort discussed later.^{18,19,20}

Examples of activities conducted by the Tobacco Public Policy Center are the collection and summary of legal cases related to tobacco control in Ohio on the Center's website. A summary of the legal process and the Ohio Supreme court decision regarding boards of health authority to regulate tobacco smoke, discussed earlier, appears on the site. An additional example of the Center's policy and legal support includes the draft of enforcement rules for the statewide clean indoor air pursued by Smoke Free Ohio in 2006.¹⁹

LOCAL CLEAN INDOOR AIR LEGISLATION

Background

Local efforts to pursue clean indoor air laws started in Ohio with efforts to introduce regulations through the county boards of health (see earlier section). When the Ohio Supreme Court ruled that county boards of health did not have the authority to issue such regulations in 2002, health advocates shifted their focus to passing clean indoor air laws through local city councils.

This new tactic required a different approach as city councils were not as receptive to clean indoor air laws as were members of county boards of health. Greater public support and political influence were generally needed in order to secure the support of city councils. Well coordinated and well funded local tobacco control coalitions were better suited then individuals to garner this level of support but prior to 2001, with little money in Ohio going toward tobacco control, local coalitions were underdeveloped and underfunded.

The formation of Tobacco Free Ohio with the support of the Robert Wood Johnson SmokeLess States program and MSA dollars coming to the state of Ohio which led to the formation of the Ohio Tobacco Prevention Foundation signaled a dramatic turnaround in funding for tobacco control in the state of Ohio. The grants issued by Robert Wood Johnson and the Ohio Tobacco Prevention Foundation for various purposes expanded tobacco control infrastructure throughout the state. There was also a series of specific grants issued to pursue clean indoor air ordinances at the local level. These events along with efforts by the American Lung Association, American Heart Association and especially the American Cancer Society led to a rapid expansion of local clean indoor air efforts across the entire state.

Toledo

The ruling by the Ohio Supreme Court taking away county board of health regulatory authority on tobacco products dealt a temporary blow to tobacco control efforts in Toledo. The local tobacco control infrastructure, which had developed with the assistance of Tobacco Free Ohio was however, quick to pursue other avenues to introduce clean indoor to the city. In late 2002, local advocates including Stuart Kerr at Tobacco Free Ohio and the American Health Association met with individual city council members to lobby for a clean indoor air ordinance. Health advocates were originally considering a ballot initiative because the feeling at the time was they would not be able to get clean indoor air legislation through city council because individual city council members were not committed to the effort.¹⁰

That situation changed on January 16, 2003, when Mayor Jack Ford announced during his State of the City address that he would support clean indoor air legislation for the City of Toledo. Jack Ford had been a State Representative and a member of the Governor's Tobacco Task Force which issued the recommendations for Ohio's MSA money in 1999. Health care and public health in general were a priority for him but Mayor Ford and the local tobacco control community in Toledo including the American Cancer Society and the American Heart Association had not agreed to a specific course of action related to tobacco control prior to his State of the City address on January 16, 2003.¹⁰ Consequently the Mayor's announcement came as a surprise to the local tobacco control coalition, Toledo Group Against Smoking Pollution (GASP). Following the announcement the American Heart Association, the American Cancer Society, Tobacco Free Ohio and other members of Toledo GASP worked quickly to mobilize and support the Mayor's effort to introduce a clean air law.¹⁰

In his address, Mayor Ford also stated that he had the support of the City Council. Following the Mayor's announcement, the City Council appointed a task force to study the issue and draft an ordinance. The task force included representatives from the American Cancer Society, American Heart Association, Lucas County Tobacco Prevention Coalition, University of Toledo School of Public Health, the Health Department, and the Mayor's office. In an effort to provide balance and work with business owners, representatives from bars and restaurants were also included on the Task Force. Among the business representatives was Arnie Elzey who had been the lead plaintiff in the legal challenge brought against Lucas County's Board of Health

when it attempted to regulate second hand smoke in 2002 and a known tobacco industry ally (see earlier section for more detail).¹¹

Despite resistance from business owners, the task force, delivered a strong proposed ordinance to the city council that only allowed smoking in bars that created a separate and enclosed area for smoking with separate ventilation. The ordinance was viewed positively by tobacco control advocates and on June 24, 2003, the Toledo City Council introduced it as ordinance 509-03. Two public hearings were held to discuss the proposed ordinance on June 25 and July 2, 2003.

The public hearings served as a forum for health advocates to express their support for the proposed ordinance and for select individuals claiming to represent local business interests to express their opposition to the ordinance. Opposition to the ordinance was again led by Arnie Elzey and a representative from the Ohio Licensed Beverage Association named Andy Herf.¹¹ Opposition to the ordinance again claimed that the clean indoor air law would have negative economic consequences for the hospitality industry nevertheless, with the support of Mayor Ford health advocates were successful at securing support from Toledo's city council members.¹⁰

Toledo Ordinance Passes

On July 8, 2003 the City Council in a unanimous 11-0 vote adopted ordinance 509-03, a comprehensive clean indoor air ordinance that covered all workplaces including restaurants, bars, bingo parlors and bowling alleys. The effective date was to be August 24, 2003 but hospitality businesses that chose to build an enclosed smoking lounge would be given a 120 day extension and the deadline for those businesses would be pushed back until December 22, 2003.

Opposition to the City's Ordinance

A week after the City Council adopted the ordinance local business owners again led by Arnie Elzey, began circulating petitions seeking to repeal the ordinance by referendum in the upcoming November election. This group had originally been organized in 2000 by tobacco industry allies, the Ohio Licensed Beverage Association and the Craig Group, to fight regulations issued by the Lucas County Board of Health.¹¹ They had until August 11, 2003 to gather approximately 9,500 signatures in order to qualify for the ballot. Mayor Ford expressed public disapproval of the referendum effort and Citizens for Clean Air was formed by local health advocates to support the Toledo's clean air ordinance.

Referenda to repeal recently enacted clean indoor air laws are a common tobacco industry strategy that date back to 1983, when the tobacco industry secretly organized an unsuccessful referendum against Proposition P, the San Francisco workplace smoking ordinance.⁴⁶ Since then referenda introduced to repeal local clean air laws, especially the first strong ordinance passed in a given state, have become regular practice for the tobacco industry.⁴⁷ As was the case in Toledo the tobacco industry typically organizes front groups to represent the

industry's interests in the public debates to avoid being saddled with the industry's low public credibility.⁴⁷

On August 11, 2003, opponents to the new ordinance submitted 663 petitions containing 16,097 signatures to the Lucas County Board of Elections. The signatures were collected hastily by local business owners opposed to the ban and after the County Board of Elections reviewed the submitted petitions only 8,508 signatures, 1,000 less than the 9,479 needed, were validated.¹⁰ The referendum did not appear on the November ballot. Local tobacco control advocates were very encouraged by this development but efforts by local businesses aligned with the tobacco industry would continue.

In late August 2003, Arnie Elzey, leading a group of bar, bingo parlor, and bowling alley owners formed a political action committee called Citizens for Common Sense with the intention of organizing a renewed initiative petition to amend Toledo's clean indoor air ordinance to exempt bars, bingo parlors, and bowling alleys. Again, they would need to collect approximately 9,500 valid signatures to qualify for any ballot they attempted to make.

The use of the term "common sense" is part of the tobacco industry's attempts to portray clean indoor air laws as bad for the economy, extreme and unreasonable. The term "common sense" used in the name of the political action committee Citizens for Common Sense in Toledo is frequently utilized by tobacco industry organized front groups across the US, dating back to 1978 when the tobacco industry formed Californians for Common Sense to fight an effort to pass a state smoking restriction by initiative in California.⁴⁶

According to the Stuart Kerr, regional policy coordinator for Tobacco Free Ohio and the American Heart Association, one of the intents of Citizens for Common Sense was to place pressure on the city council members that had voted for the ordinance, three of whom were up for reelection on September 9, 2003. The remaining eight city council members were up for reelection on November 4, 2003.¹⁰ There was the feeling among tobacco control advocates that if any city council member was to lose reelection it would send a very negative message and other local politicians across the state would be hesitant to support clean indoor air efforts.

Despite the efforts of Citizens for Common Sense, on September 9, 2003, the three city council members up for reelection all won.

In late 2003, the Toledo clean indoor air ordinance in effect provided exemptions for bars, restaurants, and bowling alleys that had an enclosed and separately ventilated smoking lounge. Approximately 50 of Toledo businesses that held liquor licenses applied for the 120 day extension granted to businesses that intended to construct compliant smoking lounges.⁴⁸ There were questions as to whether or not businesses were sincere in their intent to construct these smoking lounges or whether they were just trying to allow smoking in their establishments for as long as possible.

Pro-Tobacco Local Media Coverage

During this time the hospitality industry's claims that the ordinance would negatively impact local businesses and the Toledo economy received a significant amount of media coverage. Much of the media coverage that was sympathetic to pro tobacco was television news.⁴⁹ Jim Nowak, with Buckeye Cable, is a local media professional and tobacco control advocate noted and credited Arnie Elzey with a focused media effort that portrayed the tobacco interests well at local television stations:

And every day, every single day, Arnie Elzey -- I was told by reliable sources -- would call Channel 13, the ABC affiliate. Every single day he called them with something about how he's hurting and so on. So he just was beating on their doors constantly. They had a very, very concerted media effort, and again, to help build themselves as the poor victims of these mean, nasty politicians who don't care about local businesses.⁴⁹

The dominant local newspaper in the Toledo area during this time, the *Toledo Blade*, had a history of supporting tobacco control efforts dating back to 2000 when the paper was supportive of the Lucas County Board of Health effort to regulate smoking indoors.^{10,49} During late 2003 the *Toledo Blade* was again very supportive of tobacco control and published many articles including editorials supporting the city council's actions.^{50,51}

Despite support from the *Toledo Blade*, local tobacco control advocates were concerned about the overall negative publicity and the pressure it was putting on the Toledo City Council.¹⁰ Bars, restaurant owners, and others opposed to the ordinance were very active in publically denouncing the ordinance at public hearings including the Health and Community Relations Committee hearings. Due to the pressure there were rumors that the city council might reconsider the ordinance and provide further exemptions for the hospitality industry, but these rumors never materialized.¹⁰

In October 2003, Citizens for Common Sense created a complimentary organization call Citizens and Business for Compromise and stated that the organization would publish 100,000 voter guides and mobilize 100 volunteers to support their efforts against the clean air ordinance and against the city council members that had supported it. Citizens and Business for Compromise's goal was to elect city council members who opposed Toledo's new clean indoor air ordinance.¹⁰ But on November 4, 2003, all eight council members that were up for reelection won their races and returned to office. Tobacco control advocates viewed the reelection of all of the city council members, all of whom had supported the ordinance, as a statement from the public that it, too, supported the new clean indoor air ordinance.¹⁰

In the beginning of November 2003 a group of local business owners opposed to the new clean indoor air ordinance filed a request for an immediate temporary restraining order against enforcement of the law on the grounds that the city's ordinance constituted an unlawful taking of property and that the city was exceeding its home rule authority by passing a law more strict then current state law.²¹ U.S. District Court Judge James Carr heard the request for the immediate temporary restraining order but denied it and set a formal hearing date for November 13, 2003.⁵² At November hearing the plaintiffs request for a temporary injunction was again denied

Toledo Campaign Finance 2003

Campaign finance reports filed by Citizens for Common Sense with the Lucas County Board of Elections revealed that Citizens for Common Sense received \$42,500 in contributions during the year with all of the contributions coming from a wide array of local Toledo hospitality businesses.⁵³ The vast majority of the \$30,000 in expenses reported by Citizens for Common Sense in 2003 went to legal fees (\$27,000) used to support the legal challenges brought by Citizens for Common Sense against Toledo's clean indoor air ordinance in November 2003.⁵³

Tobacco Control Policy Toolbox

Tobacco control advocates in Ohio took notice of the clean indoor air ordinance in Toledo and on December 5, 2003, the Ohio Tobacco Prevention Foundation, awarded grants to Tobacco Free Ohio and the Hospital Council of Northwest Ohio to create resources for future clean indoor air efforts. -These grants issued by OTPF were to develop a "toolbox" of policy resources based on the successful ordinance passed in Toledo

Taverns for Tots

On December 22, 2003, with the exception of a few special wavers issued by Toledo's Mayor, full enforcement of the city's new clean indoor air ordinance went into effect. Shortly thereafter various creative challenges to the ordinance were made. In January 2004, it became apparent that some bars and restaurants had simply enclosed their entire facility and called it a "smoking lounge." While this clearly was not the intent of the new ordinance there was no specific language forbidding this particular action. On January 20, 2004 tobacco control advocates learned of a group of Toledo tavern owners that had formed a private club network called Taverns for Tots in an effort to circumvent the city's new clean indoor air ordinance.

Taverns for Tots was a group of approximately 60 tavern owners that claimed to be a charity for children and private club and therefore exempt from Toledo's clean indoor air ordinance. These tavern owners were organized by a local attorney named Steven Hales who specialized in representing business but did not appear to have a previous connection with the tobacco industry.⁵⁴ Participating taverns charged patrons \$1 for a lifetime membership and stated that only paying members were allowed in their establishments. The City and Mayor challenged the legitimacy of Taverns for Tots as a charity and the conflict escalated to a legal challenge. On March 1, 2004 U.S. District Court Judge James Carr ruled in favor of the City of Toledo.⁵⁵ Despite efforts by Taverns for Tots to legitimize themselves as a charity, the Court found that the organization was created for the sole purpose of circumventing Toledo's new clean indoor air legislation. The city and mayor therefore had the right to enforce the clean indoor air ordinance and none of the participating taverns were exempt.

Publically it was known that Taverns for Tots was not a legitimate charity and that the organization really represented tobacco industry interests.^{10, 56} In an effort to legitimize itself, Taverns for Tots, attempted to donate \$7,000 dollars each to FOCUS homeless services and

Connecting Point, a youth addiction treatment agency.^{10, 56} When the charities learned of the connection between Taverns for Tots and tobacco they both made the decision to decline the donations.⁵⁶ News surrounding the decline of money further deteriorated Taverns for Tots' public image.¹⁰

In early to mid 2004 the Toledo clean indoor air legislation was the focal point of controversy for the smoking issue throughout the state of Ohio. Tobacco control advocates were referencing Toledo as a step forward for public health and held up the City as an example and urged surrounding cities to follow suit with their own clean indoor air ordinances. Despite the unsuccessful legal challenges, opponents of Toledo's ordinance remained active in their public message that small business were feeling a negative economic impact because patrons could no longer smoke in their establishments. Enforcement of the ordinance remained an issue and several bars and restaurants openly defied the ordinance or attempted to construct "private" functions to exempt themselves. In a case that was brought against him by the City and Health Department on June 23, 2004, William Delaney owner of Delaney's Lounge was found guilty, with 11 misdemeanors, of violating Toledo's clean indoor air ordinance.⁵⁷

Delaney, along with Arnie Elzey, was a local business owner active in combating tobacco control efforts.^{10, 49} Delaney was one time president of the Toledo Restaurant Association and had established ties with the tobacco industry and American Smoker's Alliance dating back to 1990.⁵⁸ Delaney's public defiance of Toledo's clean indoor air ordinance is consistent with past tobacco industry strategies to publicly defy clean indoor air laws in an attempt to portray local business as a victim of government over regulation and was public face to overall poor compliance in Toledo.⁵⁹

Amending the Law by Initiative

In mid 2004, the political action committee Citizens for Common Sense continued their fight against Toledo's clean indoor air ordinance by reinitiating efforts to amend the city's ordinance by voter initiative. Again, 9,479 signatures needed to be gathered in order to qualify for the November 2, 2004 election. As in their previous attempt, Citizen's for Common Sense were seeking to include four changes:

1. Allow smoking in establishments that receive less than 35% of their gross revenue from food.
2. Allow smoking in establishments that employ nine or fewer employees
3. Allow smoking in bingo halls, retail tobacco shops, and bowling alleys
4. Allow smoking in smoking lounges or in facilities being used by membership based organizations for private functions.

On August 2, 2004 Citizens for Common sense led by Arnie Elzey submitted 16,038 signatures to the Lucas County Board of Elections to qualify their voter initiative for the November 2004 ballot.⁶⁰ Their signatures were validated and the city council certified the amendment as Issue 4 on the November 2, 2004 ballot.⁶¹ Opponents of the current law again

claimed that there had been a significant economic impact from the city's clean indoor air ordinance as well as questioning the negative health effects of second hand smoke.^{61,62} Toledo, a blue collar town heavily reliant on manufacturing, was in a depressed economic state and the repeated claims of negative economic consequences due to the ordinance resonated with many voters.¹⁰ Additional arguments made by the opposition included claims that there was no conclusive evidence that second hand smoke causes disease and that smokers had a "right" to smoke.

In 2004 the Northwest Ohio Licensed Beverage Association, a long-time ally of the tobacco industry, became publically involved in fighting Toledo's clean indoor air ordinance. The Ohio Licensed Beverage Association has been a long-time ally of the tobacco industry dating back to at least 1994 when they were a major collaborator with Philip Morris' Accommodation program in the state.⁶³ In addition, the National Licensed Beverage Association has been one of the primary front groups utilized by the tobacco industry in their established strategy of using the hospitality industry as a front for pro-tobacco interests.^{64,65}

In August 2004, the Northwest Ohio Licensed Beverage Association filed a civil suite against the city of Toledo in Toledo Municipal Court.⁶⁵ The organization requested that a temporary restraining order be issued against Toledo Environmental Services from enforcing the city's clean indoor air law.⁶⁶ The Northwest Ohio License Beverage Association claimed that agents of Environmental Services receive no formal law enforcement training and were therefore not qualified to enforce the law.⁶⁶ On September 2, 2004, Municipal Court Judge Allen McConnell ruled against the Northwest Ohio License Beverage Association.⁶⁷ Judge McConnell stated that the Northwest Ohio License Beverage Association failed to show that employees of Environmental Services were insufficiently trained to enforce the law.⁶⁷ The Judge's ruling left the long-term fate of Toledo's clean indoor air law to be determined by voters on November 2, 2004.

Economic and Health Studies

Economic impact studies claiming a negative impact from clean indoor air laws are a common strategy utilized by the tobacco industry to convince the public that clean indoor air laws are bad for business.^{65,68} These studies are typically funded by the tobacco industry and use questionable methodology including subjective measures of financial performance to reach the conclusion that clean air laws have a negative economic impact.^{65,68} Economic impact studies that have used tax data as a measure of financial performance have consistently shown either no economic impact from clean indoor air laws or a slight economic benefit from the laws.⁶⁹

Several health and economic studies were referenced by both sides in support of and against Toledo's clean indoor air ordinance. A study commissioned by Citizens for Common Sense was conducted by a certified public accountant, Ronald W. Coon, and determined that bars in Toledo lost \$2 million in gross revenue in the first half of 2004 compared to the same period of time the previous year.⁷⁰ The study was based on self reported financial data that was collected from Toledo bars by mail survey and was heavily criticized by Dr. James Price, a

Public Health professor from the University of Toledo as having “serious flaws” in methodology which led him to state publicly in the Toledo Blade that “The study is worthless.”⁷⁰ The greatest weaknesses Dr. Price highlighted was that since the study asked business owners to self report, the data were not reliable and that business opposed to the clean air law would be more likely to respond and might report false data.

Price was commissioned to conduct a study of his own by the Ohio Tobacco Prevention Foundation in which he determined that the economic performance of Toledo bars was not statistically different from the bars of surrounding suburbs that did not have clean indoor air ordinances.⁷⁰ The economic data which Price based his study on was provided by a financial data consulting firm based in New Jersey called Dun and BradStreet. Price stated that he used the data from Dun and BradStreet because he was not able to find economic data from local sources.⁷¹ Citizens for Common Sense called into question the accuracy of the data provided by Dun and BradStreet and the validity of Price’s study. Despite the best efforts of health advocates the public perception that clean air law are harmful to business remained.¹⁰

Nearby Bowling Green, which in 2001 had passed its own clean indoor air ordinance by voter initiative but exempted bars, was the subject of a study conducted by Sadik Khuder of the Medical College of Ohio, which revealed that the number of heart attacks in Bowling Green decreased by 45% following the implementation of their clean indoor air ordinance.⁷¹ Tobacco control advocates cited the study as a clear indicator of the health benefit of clean indoor air ordinances, but the opposition dismissed the findings and stated that “These studies should be done by neutral people.”⁷¹ Before and after release of this study there was a clear belief among the residents of Toledo that second hand smoke was detrimental to health.¹⁰ While the study reinforced this belief it is unclear how the study influenced public perception of Toledo’s clean indoor air law.

Election

Citizens for Common Sense ran a focused campaign to amend Toledo’s clean indoor air law by initiative and was consistent in their message of saving Toledo jobs.^{10,49} The head of the campaign, Arnie Elzey, was a very charismatic individual that was extremely effective at generating coverage from the local media.⁴⁹ James Nowak, a local media professional and tobacco control advocate, remembers that during this time Arnie was contacting local media on a daily basis and regularly appeared on TV and radio.⁴⁹ Arnie Elzey and Citizens for Common Sense were very consistent in their public claims that the city’s smoking law had harmed the hospitality industry and was costing jobs. Despite a lack of quantifiable evidence to support their claims Elzey and Citizens for Common Sense were successful at convincing the media and public that the local Toledo economy had been harmed as a result of the city’s clean indoor air ordinance.⁴⁹

Tobacco control advocates in Toledo mounted a campaign to save the city’s clean indoor air law spearheaded by the Toledo Group Against Smoking Pollution. The campaign attempted to focus on the evidence generated from the studies that examined the clean indoor air law’s

effect on public health and the local economy. The GASP campaign had the support of the American Lung Association, the American Cancer Society and the *Toledo Blade* financially. The campaign was not, however, effective at countering the numerous claims in the media from Citizens for Common Sense of economic hardship in Toledo as well as other locations across the US allegedly due to clean indoor air laws. This was in part due to indecisiveness in decision making at the local level and at the statewide tobacco control infrastructure level.

Some local tobacco control advocates in Toledo expressed frustration with how communication between the local tobacco control infrastructure, the Mayor's office, and the statewide tobacco control infrastructure. Local members stated that the Mayor's office seemed to only want to deal with the statewide tobacco control infrastructure which effectively marginalized the role played by the local tobacco control infrastructure and created inefficiencies in communication and decision making. As a result the campaign run by Toledo GASP was never able to move beyond operating in a reactive way to Citizens from Common Sense and tobacco interests.

In the time leading up to the November election, Citizens for Common Sense continued to effectively leverage earned media and stayed on point with their one message that amending the city's law would save jobs. As a result, on November 2, 2004 Toledo's clean indoor air law was amended and significantly weakened when Issue 4 passed by a margin of 3,502 votes with 51.4% voting in favor of the issue and 48.6% voting against.⁷² Toledo's amended ordinance exempted bars, restaurants, bowling alleys, and bingo parlors.

Toledo Campaign Finance 2004

Campaign finance reports filed by Citizens for Common Sense showed the organization raised an additional \$20,500 in 2004 and with the exception of \$2,000 contribution from the Ohio Restaurant Association and a \$2,500 contribution from J.B. Monroe Inc., a modeling agency in Florida, all contributions came from local Toledo hospitality businesses.⁵³ This \$20,500 coupled with \$12,000 carried over from contributions in 2003 gave Citizens for Common Sense approximately \$33,000 to spend on its Toledo Campaign.⁵³

Campaign finance reports filed by Citizens for a Healthy Toledo, the political action committee for Toledo GASP, showed that health advocates raised \$79,000 for their campaign to protect Toledo's clean indoor air ordinance from amendment.⁵³ While the Toledo GASP did receive contributions from some local residents the vast majority of money came from health organizations (Table 10).⁵³

Expense reports filed by Citizens for Common Sense in 2004 showed that the organization spent \$2,500 on newspaper advertisements, \$3,500 on television advertisements, and \$3,500 on radio advertisements. In contrast, Toledo GASP, whose expense reports did not distinguish between different types of media, reported approximately \$75,000 in total media expenses and \$10,000 in media related in-kind contributions.⁵³

Table 10: Toledo Campaign Finance Summary 2004⁵³		
	Citizens for Common Sense	Citizens for a Healthy Toledo
Beginning Balance (previous year)	\$12,500	\$0
Contributions	\$20,500	\$79,000
Total Funds Available	\$33,000	\$79,000
Total Expenses	\$25,000	\$79,000
In-Kind	\$0	\$57,500
Balance	\$8,000	\$0
Major Contributors (≥ \$2000)		
	Ohio Restaurant Association - \$2,000	American Cancer Society - \$15,000
	J.B. Monroe, Inc. - \$2,500	American Cancer Society - In-Kind - \$29,000
		American Lung Association - \$40,000
		American Lung Association - In-Kind - \$12,000
		Buckeye Cable Systems - \$10,000
		Buckeye Cable Systems - In-Kind - \$9,500
		Hospital Council - \$10,000
		Tobacco Free Ohio - In-Kind - \$4,000
		Toledo Blade - In-Kind - \$10,000

Discussion

Looking back on the campaign, tobacco control advocates referenced several circumstances that were present in Toledo that possibly contributed to their defeat. The economy in Toledo was very depressed at the time and the public was very sensitive to any issue they perceived as having an effect on the economy and jobs. Citizens for Common Sense leveraged this concern with a very consistent message that they attached to Issue 4 which was “Save Toledo Jobs.” They stayed on point and made this an issue of jobs and economics in the public’s mind.

Local television stations were sympathetic to claims made by local businesses that Toledo’s clean indoor air law was negatively effecting their business. The effective utilization of this earned media by Citizens for Common Sense was key in getting its message to the public. The strong earned media presence allowed Citizens for Common Sense to overcome the significant paid media advantage held by Toledo GASP.

While the amendment of Toledo’s clean indoor air law was very disappointing to tobacco control advocates in Ohio, others pointed out that even after amendment, Toledo’s law still covered restaurants and that the law still represented progress. All health advocates agreed that the lessons learned and the experience in Toledo contributed significantly to ongoing tobacco control efforts throughout Ohio.

Toledo would later play a significant role in the statewide battle over clean indoor air laws. The success of the tobacco industry in amending Toledo’s clean indoor air law would become the basis of their message and strategy in 2006 to counter a proposed clean indoor air law backed by the American Cancer Society.⁷³

Columbus

Along with Toledo, local clean indoor air efforts in Columbus played a prominent role in tobacco control policy throughout the state of Ohio. While Toledo served as the example that was referenced by the tobacco industry, it was in Columbus that local efforts were the most successful and the region was referenced by health advocates as a local example of the success of clean indoor air ordinances in Ohio. Like so many other cities in Ohio, Columbus’s effort gained momentum when the Ohio Tobacco Prevention Foundation issued grants for local tobacco control coalitions to pursue clean indoor air ordinances.

In early 2004 a community grant from the Ohio Tobacco Prevention Foundation of \$390,000 was issued to the newly formed Smoke Free Columbus campaign which was a local coalition lead by the Central Ohio Breathing Association formed for the purpose of pursuing a local clean indoor air law in Columbus and the city’s surrounding suburbs.⁷⁴ Two key people associated with coordinating the Smoke Free Columbus effort were Marie Collart, with the Central Ohio Breathing Association, and Dr. Rob Crane, a physician from Ohio State University. Rob Crane recalls that the approach taken in the Columbus effort was different than the

grassroots focus advocated by organizations such as Americans for Nonsmoker's rights and which proved so successful in California and other states.²⁸

We did not go for a grassroots effort. Certainly we used grassroots and grass-tops to kind of help us, but we decided to work exclusively with political ears. We went to city councils up front and said do you think there's resonance for this kind of ordinance and do you think you could move it through and if they said yes we worked there, if they said no we did not.²⁸

In an effort to fully leverage their political insider approach, the Smoke Free Columbus campaign hired Lisa Griffen, a former city councilperson and someone who had close political ties to the Democratic leadership in Columbus. She was critical in developing and implementing the political insider approach utilized by Smoke Free Columbus.²⁸ In late 2003 the members who would form Smoke Free Columbus had already secured the support of Mayor Michael B. Coleman and Columbus City Council President Matt Habash, both of whom wrote letters to the Ohio Tobacco Prevention Foundation in support of the proposed Smoke Free Columbus community grant application.⁷⁵

While the Smoke Free Columbus campaign did utilize grassroots and public outreach, their political insider strategy included minimizing public debate and knowledge about their legislative effort until they were ready to completely roll it out.²⁸ According to Crane, "So from the time we announced that we were going to go forward with a smoke-free initiative to the time the city council voted was six weeks."²⁸ In addition to Mayor Michael B. Coleman and City Council President Matt Habash, City Council person and Health Committee Chair Charleta Tavares was key to garnering legislative support.^{28, 76}

An additional component of the Smoke Free Columbus strategy was to work with Columbus' surrounding suburbs in an effort to build more widespread support for clean indoor air in central Ohio.²⁸ The idea was again to work with receptive city councils and have as many surrounding suburbs go smoke free immediately following the city of Columbus.²⁸ According to Crane:

...we had lined up half a dozen surrounding suburbs to go simultaneously. Again, by going to city council members and seeing if there was resonance in suburbs there's a lot more resonance actually than there is in the city. We found that our core base of support were typical soccer moms and that our major opposition was libertarian groups and some of the blue-collar groups who smoked.²⁸

Smoke Free Columbus did not initially concern itself with surrounding suburbs in which they gauged there was insufficient support in their city council to pursue a clean indoor ordinance. Instead they focused only on Columbus and the surrounding suburbs with receptive city councils. The idea was that once Columbus and some of the surrounding cities went smoke free momentum would build and shift and the other cities would eventually follow.

First news of Smoke Free Columbus' formal proposal to the City Council was published in the *Columbus Dispatch* on June 8, 2004.⁷⁶ Health Committee Chair Charleta Tavares was referenced as stating that there would be a rapid response to the Smoke Free Columbus proposal to introduce a comprehensive clean indoor air ordinance with two public hearings in the next two weeks and a council vote on the issue as soon as June 28, 2004.⁷⁶ The short time was part of the Smoke Free Columbus' strategy to not give the opposition enough time to mount an effective response.⁷⁶

On June 28, 2004, the Columbus City Council voted 5-1 to enact the clean indoor air ordinance proposed by Smoke Free Columbus. The ordinance was scheduled to go into effect on September 26, 2004.

The Columbus clean indoor air ordinance prohibited smoking in all work and public places including restaurant and bars. The only exemptions were for hotel and motel rooms dedicated as smoking rooms, preexisting tobacco retail stores and family owned and operated business in which all of the employees were related to the owner and the location was not open to the public.²¹ Columbus' ordinance also specified a maximum \$150 fine for violating the ordinance directed at business owners..

As planned, the Columbus suburbs of Bexley, Dublin, Grandview Heights, Grove City, Powell, Upper Arlington and Worthington were all set to consider their own comprehensive smoke free ordinances soon after Columbus approved theirs.⁷⁷ These surrounding cities in the suburbs of Columbus were all part of the Smoke Free Columbus plan to rapidly pass smoke free ordinances and build momentum for clean indoor air in central Ohio. The proposed ordinances in the surrounding suburbs were all patterned after Columbus' comprehensive law.

Immediately after the Columbus City Council passed the Smoke Free Columbus ordinance, members of a group called Can the Ban submitted 14,736 signatures to the Franklin County Board of Elections to force a public vote on Smoke Free Columbus' ordinance on November 2, 2004.⁷⁸ This hospitality based group in opposition to Columbus' clean indoor air ordinance in many ways paralleled the opposition organized in Toledo with an important difference. In Columbus Can the Ban was initially seeking to completely repeal the city's clean indoor air ordinance as opposed to amending it to exempt bars and restaurant as they had done in Toledo. The referendum forced by Can the Ban also delayed implementation of the ordinance until after the public had a chance to decide on the issue.⁷⁹

Can the Ban claimed to be a coalition of local business owners and denied ties to the tobacco industry.⁸⁰ They were, however, backed by the Ohio Licensed Beverage Association, a known tobacco industry ally, and their spokesperson, Jacob Evans, was also known to tobacco control advocates in Ohio for/as representing tobacco interests.^{10, 18, 19, 80} Jacob Evans was also an employee of the Craig Group, a public relations and market research firm, located in Columbus that worked for the Tobacco Institute, Philip Morris, and R.J. Reynolds since at least 1993.⁸¹

On August 7, 2004, the city of Powell approved a comprehensive clean indoor air

ordinance again patterned after Columbus. In September 2004, Grandview Heights, Worthington, Upper Arlington, Bexley all enacted similar comprehensive clean indoor air ordinances. The Smoke Free Columbus suburb strategy was working, but the coalition now had to defend itself against the Can the Ban referendum.

Referendum and Legal Action

The referendum did not come as a surprise to Smoke Free Columbus. The campaign had anticipated that the opposition would force a referendum and planned accordingly.²⁸ Matt Habash, Columbus city council president, among others, helped coordinate support and fundraise.²⁸ The American Cancer Society, Lung Association, and Heart Association all stepped in to lend their support both in name and grassroots base despite not being involved in the initial campaign.^{18, 19, 28} The primary message of the campaign was health based and that second hand smoke in public places was detrimental to the public's health.²⁸ Unlike many other local tobacco control campaigns both inside and outside Ohio, the Smoke Free Columbus campaign did not (1) place great emphasis on tobacco industry involvement and (2) consciously avoided the issue of economics and jobs as their polls showed they did not fare well on the issue.²⁸ Can the Ban focused their message on personal freedom and economic concerns for the hospitality industry.

On November 2, 2004 Columbus voters upheld the city's clean indoor air law with 55.5% voting in favor and 44.5% voting to repeal the law. During the same election, voters in Toledo amended that city's clean indoor air law to exempt restaurants and bars. Opponents of Columbus' law immediately began referencing Toledo as a model for a future approach to weaken Columbus' clean indoor air law.⁸²

On December 7, 2004 the Columbus Bar Owners Political Action Committee filed a lawsuit in Franklin county against the city of Columbus claiming that an existing state law preempted Columbus' law.⁸³ Judge Harland Hale of the Franklin County Municipal Court set a January 20, 2005 trial date, 11 days before the new law was set to go into effect on January 31, 2005. On January 26, 2005, Judge Hale dismissed the suit brought against the city stating that the law was constitutional and was not preempted by any existing state law. On January 31, 2005, Columbus's clean indoor air law went into effect.

Implementation

Unlike in Toledo, implementation of the law in Columbus went relatively well and received widespread public support from the beginning.²⁸ There were some claims of economic downturn from the hospitality industry but compliance among Columbus businesses was very high.^{28, 84} Tobacco control advocates were somewhat surprised by the high compliance from local businesses given the experience with low compliance in Toledo. It appeared that coupled with clean indoor air efforts in the surrounding suburbs, there was growing public support for the law, to which business were responding to.²⁸

Columbus vs. Toledo

The simultaneous fights over clean indoor air laws in Toledo and Columbus were viewed by health advocates as a critical indicator and momentum decider for tobacco control across the entire state.^{19, 28} Clean indoor air was seen as the next major step for tobacco control in Ohio. If Toledo's law was amended and Columbus' law repealed then health advocates would have viewed that as a major setback for tobacco control efforts in the state. The variable outcome with Toledo's law being weakened by amendment and Columbus' law being upheld sent a mixed message in Ohio. The tobacco industry looked to Toledo as an example for the rest of the state while health advocates pointed to Columbus as the future for Ohio.

There was a great deal of speculation among tobacco control advocates in Ohio regarding underlying differences in Toledo and Columbus that led to the different outcomes in the two cities. The consensus being that the economic outlook and types of populations in the two cities were very different. Relative to Columbus, Toledo is more blue collar and the local economy is more dependant on manufacturing. Consequently, the economic outlook in Toledo was not as positive making the residents of the town more receptive to claims by the tobacco industry that clean indoor air laws were bad for the economy and would cost jobs. Columbus, on the other hand had a more white collar population and with a significant portion of the economy supported by state governmental activities, had a more stable and positive economic outlook which made Columbus residents less receptive to claims of an economic downturn because of the clean indoor air law and more receptive to the negative health effects of second hand smoke.

An additional difference between the two cities was how the pro tobacco campaigns were run. In Toledo there was a very strong earned media presence from pro tobacco while in Columbus the majority of the earned media supported the efforts of health advocates to defend the city's clean indoor air law.

In the beginning of January three cities next to Columbus in Licking County, Heath, Newark, and Hilliard all came together to consider clean indoor air laws.⁸⁵ These cities were a continuation of the Smoke Free Columbus strategy to have as many surrounding cities go smoke free as possible.

Attempt to Amend Columbus' Law

In February 2005, Can the Ban, again backed by the Ohio Licensed Beverage Association, submitted 12,150 signatures to the Franklin County Board of Elections to put a proposed amendment to Columbus' clean indoor air law on the May 3, 2005 ballot.⁸⁶ The proposal would exempt bars or any establishment that has greater than 65% of sales from alcohol from Columbus' law.⁸⁷ The amendment proposed by Can the Ban was modeled after the amendment that pro tobacco were able to successfully introduce in Toledo.

Arguments from pro tobacco as well as tobacco control were consistent with the campaigns the two sides ran during the referendum held in 2004.⁸⁷ Can the Ban emphasized alleged negative economic impacts of the city's clean indoor air law while Smoke Free

Columbus focused on the negative health effects of second hand smoke and the unfairness of smoke exposure to the public and hospitality workers.^{28, 87}

Partially due to the successful amendment of Toledo's clean indoor air law, tobacco control advocates in Columbus were very concerned that Can the Ban would succeed at amending Columbus' law.²⁸ Rob Crane recalls that initial polling conducted by Smoke Free Columbus showed that the amendment proposed by Can the Ban had a ten point advantage over Smoke Free Columbus' position of keeping the ordinance unchanged:

The argument was "this is a compromise", we understand you want clean indoor air, but here is the compromise because we're losing our shirts and we just want a small exemption for some bar owners, and I think restaurants, I can't remember exactly what their language was, but bowling allies and bars who had less than thirty percent of the revenue from food and a few other places. They played the economics card and we need a little compromise here was their watchword, we need a compromise.²⁸

Polling also showed that Smoke Free Columbus would lose on the issue of economics so the campaign tried to stay clear of that issue and place all of their focus on health and fairness.²⁸ As in the referendum in 2004, there was strong support from city government in the form of Matt Habash and Charleta Tavares for both public support and fund raising.^{28, 87} There was also strong earned media and editorial support from the *Columbus Dispatch* and in excess of \$100,000 that Smoke Free Columbus had for paid media to communicate their public health message.⁸⁸

On March 3, 2005, another suburb of Columbus, Granville, passed a clean indoor air law and added further credibility and momentum to Smoke Free Columbus' strategy of having surrounding suburbs go smoke free soon after Columbus. Rob Crane recalls that during this time Smoke Free Columbus realized that in the suburbs "there's a lot more resonance actually than there is in the city" for clean indoor air laws.⁷⁵

On May 3, 2005, Columbus voters decided not to amend the city's clean indoor air ordinance, with 55.8% of voters against the amendment and 44.2% in favor.⁸⁹ Despite the initial polling data that showed strong support for the amendment, the Smoke Free Columbus campaign was able to deliver a 10 point margin of victory. Reflecting back on the campaign, Rob Crane credits Smoke Free Columbus' consistent message of health.²⁸ Interestingly, the Smoke Free Columbus campaign appeared to almost completely concede the issue of economics instead of working to refute the misinformation put forth by the Can the Ban campaign. Another potentially contributing factor to Smoke Free Columbus' victory was the significant monetary advantage it held against Can the Ban. The Columbus Bar Owners Political Action Committee raised \$43,107 while Smoke Free Columbus raised \$134,958 in addition to \$35,000 spent by the American Lung Association in support of the campaign.⁸⁹

Shortly after the May election Columbus suburbs Westerville and New Albany both passed clean indoor air ordinances in line with Smoke Free Columbus' suburb strategy.

The successful clean indoor air effort in Columbus and the surrounding area was a resounding success from the tobacco control perspective.^{18, 19, 28} The additional momentum that was gained by so many of the city's suburbs also going smoke free contributed significantly to the state of tobacco control throughout the state of Ohio. The Columbus campaign and ordinance would become the model for the statewide Smoke Free Ohio campaign that was soon to follow.

Cleveland, Cincinnati and Other Local Efforts

While the different outcomes over clean indoor air regulations in Toledo and Columbus best exemplify the battle between health advocates and the tobacco industry, other local efforts were taking place across the state (Table 11) including those in Cleveland and Cincinnati which, shed light on the different perspectives on the economic impact of clean indoor air laws (Cincinnati) and the disconnect between the local and statewide tobacco control infrastructure in some parts of Ohio (Cleveland).

Cincinnati: Economic Concerns Dominate

In early 2004, local tobacco control advocates in Cincinnati formed the Clean Indoor Air Coalition in an effort to introduce a clean indoor air law to the city. The Cincinnati Clean Indoor Air Coalition did receive some guidance and support from the Ohio Tobacco Prevention Foundation and the American Cancer Society, but the Clean Indoor Air Coalition was primarily an independent and locally organized group. The Clean Indoor Air Coalition's goal was to introduce a comprehensive clean indoor air law through the city council.

In April 2004, the Clean Indoor Air Coalition commissioned Fallon Research and Communications Inc. to conduct a poll to evaluate public support for a comprehensive clean indoor air ordinance in Cincinnati.⁹⁰ The poll found that 64% of Cincinnati residents supported a comprehensive clean indoor air ordinance, 84% would be more willing to eat at a smoke-free restaurant, and only 16% would be less likely to go to a smoke-free restaurant.⁹¹

The Clean Indoor Air Coalition approached Cincinnati city government with their proposed clean indoor air ordinance along with the polling data and in response Vice Mayor Alicia Reece requested that the city Health Department form a task force to examine the issue.⁹¹

In June 2004 the Health Department formed a 30 member task force consisting of local citizens, business representatives, and public health advocates to research the proposed ordinance and issue recommendations to the city.⁹¹ The inclusion of local business representatives in the task force was done in an effort to give the economic concerns of the hospitality industry a voice in evaluating the proposed ordinance.

Table 11: Local Clean Indoor Air Ordinances with 100% Smoke Free Provisions as of January 2007¹⁹

Municipality	100% Smoke Free Workplace	100% Smoke Free Restaurants	100% Smoke Free Bars
Bexley	Yes	Yes	Yes
Bowling Green	Yes	Yes	
Centerville	Yes		
Columbus	Yes	Yes	Yes
Dublin	Yes	Yes	Yes
Findlay	Yes		
Gahanna	Yes	Yes	Yes
Grandview Heights	Yes	Yes	Yes
Granville	Yes	Yes	Yes
Grove City	Yes	Yes	Yes
Heath	Yes	Yes	Yes
Hillard	Yes	Yes	Yes
Marble Cliff	Yes	Yes	Yes
New Albany	Yes	Yes	Yes
Newark	Yes		
Powell	Yes	Yes	Yes
Toledo	Yes	Yes	
Upper Arlington	Yes	Yes	Yes
Westerville	Yes	Yes	Yes
Worthington	Yes	Yes	Yes

The economic concerns brought forth by the hospitality industry came to overshadow health concerns put forth by tobacco control advocates in the task force. Economic concerns came to dominate the debate despite efforts by health advocates to emphasize the negative health effects of second hand smoke and the growing amount of research demonstrating that clean

indoor air laws have no effect on business.⁹¹ Business and hospitality industry representatives conceded that second hand smoke is harmful to public health but brushed aside research presented by health advocates showing no economic effect from clean air laws by simply expressing their fear and personal feeling that Cincinnati's economy would be harmed. Despite the presentation of research showing no effect on business, the economic concerns resonated with city government. The mayor of Cincinnati, Charlie Luken, was even referenced in the media as expressing concern over the potential negative economic impact of a clean indoor air law.⁹¹

In December 2004, the Health Department task force released its final report. The report stated that second hand smoke was detrimental to public health but did not make a recommendation as to whether Cincinnati should adapt a clean indoor air ordinance due to the disagreement among task force members surrounding the potential economic implication discussed earlier.⁹¹ While the task force's findings were a setback for the Clean Indoor Air coalition, the group continued to lobby the city council in an effort to introduce a law.

In January 2005, the hospitality industry and business owners came together and formed the Greater Cincinnati Hospitality Coalition to fight continued efforts by health advocates to introduce a comprehensive clean indoor ordinance. Again the focus of the hospitality industry was the alleged negative economic consequences of a comprehensive clean air law. The Greater Cincinnati Hospitality Coalition advocated and lobbied for a "compromise" law that would exempt bars, restaurants, bowling alleys, and bingo parlors.⁹²

Despite recognition from the city council and the task force that second hand smoke is detrimental to public health, the unsubstantiated claims of negative economic impact brought by local business and the hospitality industry resonated with the City Council and eventually prevailed. In April 2005, the Cincinnati City Council adopted the ordinance proposed by the Greater Cincinnati Hospitality Coalition which included workplaces and public places but exempted bars, restaurants, bowling alleys, and bingo parlors.

Like much of Ohio, general economic growth and stability is a major concern for Cincinnati. The city's location on the border of Ohio and Kentucky creates additional concerns about the loss of job and economic prosperity to northern Kentucky. This heightened concern related to any type of alleged negative influence on the local economy likely played a role in the economic concerns that ultimately derailed efforts by the Clean Indoor Air Coalition to introduce a comprehensive clean indoor air law.

Cleveland: Disconnect Between the Local and Statewide Tobacco Control Infrastructure

Cleveland is one of the major metropolitan areas in Ohio and starting in 2002 the city became a focus of tobacco control efforts. Joe Mazzola, one of the Tobacco Free Ohio regional policy coordinators was stationed in Cleveland, and the local tobacco control infrastructure received a large number grants from numerous sources to pursue various aspects of tobacco control summarized in Table 12. From 2002 to 2004 the focus of tobacco control activities in

Cleveland was tobacco control infrastructure and capacity building as well as public education related to tobacco control.

<u>Activity</u>	<u>Year</u>	<u>Location</u>	<u>Organizations</u>	<u>Financial Support</u>
Coalition, Infrastructure Building, and Clean Air	2002	Cleveland and Garfield Heights	TFO and ACS	TFO and ACS
Coalition and Infrastructure Building	2003	Cleveland	TFO and ACS	TFO and ACS
Coalition, Infrastructure, and Clean Air	2004	Cleveland and Lakewood	Center for Community Solutions	TFO, ACS, and OTPF \$380,000 grant
Promote Diversity in Tobacco Policy Activities	2004	Cleveland	Asian Services in Action, Greater Cleveland Health Education and Service Council, Native American Indian Cultural Center, and the Organization Civica Cultural Hispana Americana	Robert Wood Johnson Special Opportunities Grant \$230,252
Public Education and Clean Indoor Air	2005	Cleveland	The Greater Cleveland Health Education and Service Council	Robert Wood Johnson Grant \$150,000
Clean Indoor Air	2006-2007	Cleveland	The Greater Cleveland Health Education and Service Council	Robert Wood Johnson Grant \$150,000
Youth Prevention and Tobacco-Free Schools	2006-2007	Cleveland	The Greater Cleveland Health Education and Service Council	OTPF Grant \$262,975

In April 2004, with financial support from the American Cancer Society and the Ohio Tobacco Prevention Foundation, tobacco control advocates in Cleveland and statewide came

together to pursue a clean indoor air ordinance for work and public places through Cleveland's City Council. This effort was led by a local coalition headed by the Greater Cleveland Health Education and Service Council and by the Tobacco Free Ohio statewide coalition. As part of this effort there was a clear reporting relationship from the Greater Cleveland Health Education and Service Council to Tobacco Free Ohio, the fiscal agent. According to Yvonne Oliver with the Greater Cleveland Health Education and Service Council, one of the lead local organizations in Cleveland, "From the beginning of the campaign it started with some challenges."⁹³

The Greater Cleveland Health Education and Services Council was a minority (African American) organization and felt that as a minority focused organization they best understood how to work in Cleveland's 60% minority population and in the minority dominated city council.⁹³ Members of the Greater Cleveland Health Education and Service Council felt that Tobacco Free Ohio did not understand how to work in the minority community:⁹³

The bottom line is that when it came to dealing with the black community they had no experience, they weren't comfortable with it and it didn't seem like they thought the minority committee could handle it. ⁹³

Despite the tension and poor communication between the local and state infrastructure, the local coalition moved forward in its attempt to introduce a clean indoor air law.

In May 2005, the Cleveland Clean Indoor Air Advisory Committee, an advisory committee organized by the Cleveland Health Department, issued recommendations to the Cleveland City Council to introduce a comprehensive clean indoor air law modeled after the ordinance passed in New York City with no exemptions for bars and restaurants.⁹⁴ The council included public health professionals, Cleveland residents, and the Greater Cleveland Restaurant Association. After reviewing the recommendations, Mayor Jane Campbell publically came out in support of a clean indoor air ordinance.⁹⁵

Despite the recommendations for the advisory committee, including support from the Greater Cleveland Restaurant Association and the Mayor, City Council was still not supportive of the measure. City Council President, Frank Jackson was opposed to the clean indoor air ordinance and was referenced publically as stating that the ordinance was not a priority for City Council considering all of the other pressing matters the City Council had to deal with.⁹⁵ On May 30, 2004, Jackson was quoted in the *Plain Dealer* as saying, "I just don't have the space in my brain or the energy to deal with it. If I'm going to take that little capacity I have left in my brain, it won't be for smoking."⁹⁶ Without the support of Frank Jackson and the rest of the Cleveland City Council tobacco control advocates felt that there was little chance of their proposal becoming law in its current form.

Tobacco control advocates in Cleveland felt that members of the City Council were reluctant to support the proposed clean indoor air ordinance do to fear of political fallout. The Greater Cleveland Health Education and Service Council stated that local politicians knew that the smoking issue was one that would polarize voters and they did not want to risk their political

futures by supporting a controversial issue.⁹³ There was also a feeling that City Council members were being especially politically cautious because all of them would be up for reelection in 2005.

In late 2004 early 2005 the rift between the local tobacco control infrastructure in Cleveland and the statewide Tobacco Free Ohio widened significantly and communications came almost to a complete halt.⁹³ From the Greater Cleveland Health Education and Service Council's perspective the issue was Tobacco Free Ohio's lack of comfort and knowledge of the minority community and their unwillingness to move forward in the process with the Greater Cleveland Health Education and Service Council as one of the lead organizations. From the Tobacco Free Ohio and American Cancer Society perspective the issue was that the local Cleveland group had adopted a new proposal and was now discussing the exemption of bars and restaurants with City Council members to make the proposal less politically controversial.

Tracy Sabetta of the American Cancer Society recalled that the local and statewide groups could not come to an agreement over this issue and that Tobacco Free Ohio and the American Cancer Society felt that a local ordinance with exemptions for bars and restaurants would be damaging to tobacco control efforts in Ohio.¹⁹ What resulted was the uncomfortable and confusing situation where Cleveland's local tobacco control group was lobbying City Council to approve their new ordinance that included alleged exemptions for bars and restaurants while Tobacco Free Ohio and the statewide infrastructure was opposed to the ordinance which Cleveland City Council was aware of.

The issue of a clean indoor air law in Cleveland died out when the American Cancer Society announced in March 2005 that they would be pursuing a statewide law. Once this announcement was made the local politicians and tobacco control infrastructure in Cleveland decided to wait for the results of the statewide effort before continuing the debate locally.

Discussion

Coalition building and a strong tobacco control infrastructure is generally considered a necessary foundation for effective tobacco control advocacy. Cleveland serves as an example for what can happen when a strong tobacco control infrastructure is not in place. Some health advocates at the state level view the experience in Cleveland as the by product of the rapid introduction of money for tobacco control into an infrastructure that is not fully prepared to handle it.

The growing tobacco control infrastructure and increased efforts to pursue local clean indoor air ordinances accelerated the state of tobacco control in Ohio but with some consequences that created challenges on the local and statewide level.¹⁸ New people and new organizations became involved in the pursuit of clean indoor air ordinances, many of whom did not have the same background and history in tobacco control. This progress led to situations such as in Cleveland where certain members of the tobacco control community were advocating for compromise with pro tobacco interests and exemptions in a proposed clean indoor air

ordinance that would have been detrimental to public health and set a bad precedent for the rest of the state.

COMPETING STATE INITIATIVES ON CLEAN INDOOR AIR

The Decision to Pursue a Statewide Law

The creation of the Ohio Tobacco Prevention Foundation, the rapid infusion of money, and the rapid increase in tobacco control activity throughout Ohio eventually led to competing clean indoor air related voter initiatives in 2006. One, backed by the American Cancer Society, called Smoke Free Ohio, which sought to introduce a statewide comprehensive clean indoor air law modeled after Columbus's ordinance. The second, backed by the Ohio Licensed Beverage Association and RJ Reynolds Tobacco, called Smoke Less Ohio, sought to introduce a "clean indoor air law" modeled after Toledo's ordinance which would have exempted bars, restaurants, bingo parlors, and bowling alleys.

The different outcomes from clean indoor air efforts throughout the state in cities such as Toledo and Columbus generated a debate within Ohio over what type of indoor air law was the most appropriate for other cities and for the state as a whole. At the end of 2005 Ohio had 19 clean indoor air ordinances that had passed at the local level.²¹ The American Cancer Society, who had taken a lead role in furthering tobacco control throughout the state, began to hear from some local communities that they would be willing to support a Toledo-like law but not a Columbus-modeled law.¹⁸ Susan Jagers, lobbyist for the American Cancer Society, recalls that in discussions with various city council members throughout the state that many were hesitant to deal with the controversy of enacting a comprehensive clean indoor air ordinance.¹⁸ Some of the reasons cited for their hesitancy was a fear of public outcry, potentially expensive litigation and voter initiatives which city governments wanted to avoid.¹⁸

The debate was also fueled by the increasing number of different clean indoor air laws that were passing. Ohio was becoming a patchwork of cities with different ordinances, cities with no ordinances, and unincorporated areas with no authority to pass ordinances.¹⁸ The inconsistencies across the state were also being referenced by pro tobacco people as a reason to pursue a statewide law and provide consistency across the state.¹⁸

The growing number of local clean indoor air efforts were very concerning to the tobacco industry and those aligned with their interests. Susan Jagers and Tracy Sabetta with the American Cancer Society and the eventual co-directors of the Smoke Free Ohio campaign both referenced this concern from the tobacco industry as one of the primary motivating factors behind an effort by the industry to renew their efforts and pursue a weak and preemptive statewide clean indoor air law in the state legislature starting in late 2004.^{18, 19}

Preemption, which is the introduction of a state law that supercedes local authority is an established tobacco industry strategy to combat local clean indoor air laws.^{97, 98} Dating back to at least 1989 the tobacco industry has been actively exploring opportunities to introduce

preemptive laws related to tobacco control in Ohio.⁹⁹ In 1995 Representative Doug White, who would go on to become President of the Ohio Senate, introduced a bill that would have introduced preemption and prevented cities in Ohio from passing ordinances that were more stringent than state law, but the bill never made it out of committee.⁵

The effort by the tobacco industry to introduce a weak and preemptive law was focused in the state legislature and was discovered by Susan Jagers and Tracy Sabetta when they came across written materials including a summary and key points related to the plan during their visits to state legislators in 2004 and 2005.^{18,19} This legislative effort by the tobacco industry was being conducted by lobbyists for R.J Reynolds (Brooke Cheney, Victor Hipsley and Dayna Baird) and Jacob Evans, spokesperson for the Ohio License Beverage Association and eventual Director of the Smoke Less Ohio campaign.^{18,19} Knowledge of the tobacco industry's intention of pursuing a weak statewide indoor air law was referenced as the primary reason the American Cancer Society decided to pursue their own comprehensive statewide clean indoor air law.^{18,19} Susan Jagers stated that the American Cancer Society wanted the "discussion around our proposal, not trying to make their proposal better or defeat their proposal."¹⁸

The American Cancer Society did not want to give the tobacco industry the opportunity to control the debate and publically frame the issue in a way that would be advantages to pro-tobacco.^{18,19} After much discussion within the American Cancer Society and after consultation with select other members of Ohio's statewide tobacco control community including the American Heart Association, American Lung Association, Campaign for Tobacco-Free Kids and the Ohio Tobacco Prevention Foundation, the determination was made by the American Cancer Society that the best strategy against pro-tobacco interests was for the American Cancer Society to pursue its own statewide effort.^{18,19}

Concerns with the American Cancer Society's Decision

There were, however, tobacco control advocates inside and outside of Ohio that had concerns about a statewide effort to introduce a clean indoor air law. Critics pointed out that local efforts to introduce clean indoor air at the city level had produced variable results. In 2006 cities like Cincinnati and Toledo had ordinances that exempted restaurants and bars. Concerned health advocates also pointed out that there were disagreements and poor communication among some local tobacco control coalitions and the statewide tobacco control infrastructure such as in Cleveland.

The pro-business state legislature in Ohio was also viewed as a major barrier to a statewide clean indoor air effort. In general, because of the tobacco industry's significant financial resources and high level political connections, statewide politics was seen as an arena where the tobacco industry had a significant advantage. When it became apparent that the American Cancer Society was pursuing a statewide law, some health advocates voiced their concern that the American Cancer Society, by pursuing a statewide effort, was ultimately creating an opportunity for the tobacco industry to frame their issue favorably and further their policy agenda in Ohio.

The tobacco industry has tremendous influence in state level politics and their superior financial resources make them a formidable opponent. Running a statewide campaign against the tobacco interests requires tremendous resources and organization and some health advocates were uncertain whether the American Cancer Society had sufficient financial resources secured and really understood what it would take to successfully run a statewide campaign. During the campaign Rob Crane, who had been pivotal to the local success in Columbus, commented:

Well, we are very concerned that everything we've done, three years of my life and all these people's health and all the legislation had passed that people had put their efforts so forward so far will go right down the tubes.

I think it's important to know what money they had to bank on before they (American Cancer Society) went into this election, and if it's true they have three million then I feel comfortable that they'll have a chance to get their word out, if they didn't have that, then they take a risk for the rest of us which I think was probably not justified.²⁸

Crane was generally supportive of the statewide effort, but his statements illustrate two widely felt concerns among tobacco control advocates with the Smoke Free Ohio Campaign. The first was that pursuing a statewide initiative and losing would be highly detrimental to clean indoor air and tobacco control in Ohio. Frieda Glantz with Americans for Nonsmokers' Rights, a national clean indoor air advocacy organization, stated about statewide ballot initiatives and the Smoke Free Ohio Campaign that, "Losing is not an option. You have to be sure that you have the resources to win."¹⁰⁰

The second concern illustrated by Crane's remarks was that few people outside of the American Cancer Society and its campaign had knowledge of the resources available for the campaign or the reasoning behind decisions made by the American Cancer Society. Americans for Nonsmoker's Rights who regularly play an active role in clean indoor air efforts across the United States noted that it had no involvement with the statewide Ohio effort.¹⁰⁰ The American Cancer Society would receive criticism throughout the campaign for operating in an insulated and hierarchical way which created anxiety among tobacco control advocates not directly involved with the statewide effort who were not informed of progress or developments with the Smoke Free Ohio Campaign.

The American Cancer Society's Decision to Move Forward

The American Cancer Society knew of the concerns raised by some health advocates but despite these concerns, ultimately came to the conclusion that the time was right to pursue a statewide effort. While there had been challenges and defeats at the local level, the American Cancer Society's feeling was that a sufficient amount of momentum had been reached at the local level to support a statewide effort.^{18, 19} This local momentum was in the form of public perception surrounding the second hand smoke issue as well as the previously discussed expanded local tobacco control infrastructure in Ohio. Polling data from the American Cancer

Society showed above 60% support amongst Ohioans for a comprehensive statewide clean indoor air law that included bars and restaurants.^{18, 19}

Coalition building and shared decision making is frequently referenced by tobacco control advocates as a critical component in the pursuit of tobacco control policies. But coalition building takes time and energy and while the American Cancer Society did organize a large coalition to support their statewide effort, decision making was consolidated within the American Cancer Society. The American Cancer Society stated that this allowed their organization to react quickly and was the most advantages structure in terms of producing the best results in the political campaign they were engaged in.

Supporters of the statewide effort also referenced the fact that Ohio has a large number of unincorporated townships and other areas that lack an elected government body with the authority to pass legislation on indoor air and second hand smoke.^{10, 18, 19} These unincorporated areas do fall under county jurisdiction but when the Ohio Supreme court ruled that county boards of health did not have the authority to regulate second hand smoke only state law had the ability introduce clean indoor air ordinances to these areas.

Many people questioned why the American Cancer Society was playing the lead role in the statewide effort as opposed to another organization. Beginning in 2004 the American Cancer Society started to emerge as the lead non-government organization on tobacco and clean indoor air in Ohio.¹⁸ The American Heart Association and the American Lung Association, two organization that have a strong presence on the national level and typically do at the state level as well, were becoming less involved in tobacco control. The American Heart Association had decided to make physical fitness their primary priority in Ohio and consequently were not in a position to match the American Cancer Society's financial and personnel contribution to tobacco control in the state. The American Lung Association had financial difficulties which led to a reorganization that also left them unable to contribute at the same level the American Cancer Society was.

The American Cancer Society Organizational Support

Because the American Cancer Society took the lead on tobacco control and clean indoor air in Ohio, the ultimate decision to move forward and pursue a statewide comprehensive clean indoor air law came down to the American Cancer Society's Ohio Division volunteer board.¹⁸ Prior to presenting a proposal to pursue a clean indoor air law via voter initiative to the board, Susan Jagers and Tracy Sabetta, lobbyists with ACS, had explored the various methods of pursuing a statewide clean indoor air law. The three options under consideration were an effort through the state legislature, a voter initiative for state law, and a voter initiative for state constitutional amendment.¹⁸ A legislative effort was ruled out because there was insufficient support in the state legislature.^{18, 19} The constitutional amendment route was rejected for two reasons. The first was that the American Cancer Society felt that "it just wasn't appropriate for the constitution" and what they were after was more consistent with what a state law should be.¹⁸ The second was that a constitutional amendment would need implementing legislation from the

General Assembly, which was considered hostile to tobacco control.^{18, 19} In addition, Ohio voters had historically been cautious about amending the state's constitution.^{18, 19}

In January 2005 a proposal was presented by Sabetta and Jagers to the American Cancer Society Board for the organization to lead an effort to introduce a statewide clean indoor air law by voter initiative and the Board overwhelmingly decided in favor of the proposal.¹⁸

With the American Cancer Society's decision was also a commitment from the organization to play the lead role in the campaign. Following the board's decision to support a statewide clean indoor air law, the American Cancer Society reached out to the Campaign for Tobacco Free Kids, the Ohio Hospital Association, the Ohio State Medical Association, the American Heart Association, the American Lung Association, and the Association of Ohio Health Commissioners. This group formed the steering committee for the campaign which they named Smoke Free Ohio.

While Smoke Free Ohio was comprised of many different organizations and the public perception was that the coalition had involvement from health organizations throughout the state the reality was that Smoke Free Ohio had a clear hierarchy with the American Cancer Society at the top. Sabetta recalls:

...it was clear that we would be playing a strong leadership role. I think part of that had to do with the fact that Susan and I were calling these other partners, and we were the ones making the asks. We were developing the steering committee. And we're both Cancer Society employees. So at that point in time I think we knew that the Cancer Society would be playing a lead role. We also knew from our conversations with the CEO, as well as the board, that the Cancer Society was willing to make this a priority, financially. Not only would they be willing to truly allow an awful lot of staff members to put their full-time commitment into making Ohio smoke free, but also, here at the Ohio division and on the national level, they would be prepared to commit substantial financial resources...¹⁹

Some tobacco control advocates inside and outside of Ohio were critical of this hierarchical structure and felt that the American Cancer Society was isolating itself and not sharing necessary information. Jagers recalls:

...were getting questions or criticisms where people just didn't have all the information and there wasn't the time or the ability to share everything.

I know there were some long-time tobacco control advocates in the state that were hugely critical and still are... it was hard to get those e-mails and not be able to share all the information.¹⁸

Ultimately, the American Cancer Society felt that running the Smoke Free Ohio campaign in the manner in which they did gave the campaign the best chance of successfully passing a statewide clean indoor air law.^{18, 19}

Smoke Free Ohio's Voter Initiative

In Ohio there are two phases of signature gathering for the introduction of a state law through voter initiative. In the first phase Smoke Free Ohio would be required to gather 3% of the total number of votes cast in the last gubernatorial election, 96,870 valid signatures. An additional requirement in Ohio is that the signatures collected for a voter initiative come from at least 44 of the state's 88 counties and that from each represented county the number of signatures equal at least 1.5% of the total votes cast in the last gubernatorial election in that county. Upon successful completion of the first phase of signature gathering, the initiative is then put in front of the General Assembly, which has four months to pass the initiative as proposed, pass an amended version, or do nothing. If the General Assembly passes an amended version or takes no action, a second round of 96,870 valid signatures can be collected to qualify the initiative for the next ballot.

On March 10, 2005 at the Ohio tobacco control conference held by the Ohio Tobacco Prevention Foundation, the Smoke Free Ohio coalition announced that it would be pursuing a statewide clean indoor air law through the voter initiative process. Conference participants who consisted of tobacco control advocates throughout the state of Ohio reportedly received the news positively.^{18, 19} Immediately after the announcement, Smoke Free Ohio "signed people up on the spot to volunteer and collect signatures so it was a really good way to kick off the campaign and get support on that right off the bat".¹⁸

Smoke Free Ohio's round one signature gathering began shortly afterward. Jagers recalls:

We started collecting signatures on May 3, 2005 which was primary day, so we staffed polling locations across the state trying to capture all the registered voters coming to vote and we got a good chunk of signatures in one day which is what we really wanted to jump start our campaign. We spent the next couple months with a total volunteer effort on collecting signatures, seeing how far we could get. We actually didn't pay for any signatures until September and October of '05.¹⁸

As the round one signature gathering November deadline neared, the Smoke Free Ohio Campaign contracted with Arno Political Consultants, a signature gathering firm from California, to ensure that they had the 96,870 required valid signatures.

On November 17, 2005 the Smoke Free Ohio campaign turned in just over 165,000 signatures to the Ohio Secretary of State's office to conclude their round one signature gathering and place the issue in front of the state legislature. Jagers recalls:

So we turn in our signatures on the Great American Smoke Out in '05... It was great because we had our 10 top signature collectors actually turn in the signatures at the Secretary of State's office. So the whole way through, the face of the campaign was our volunteers. So it was great to have those 10 people come in from all parts of the state, and they carried the boxes into the Secretary of State's office. I think we spent a lot of time nurturing and building our grassroots support, which turned out to be the key in the end. So we turned in our signatures on the Great American Smoke Out, we got our first legal challenge on Christmas Eve, December 24.¹⁸

Tobacco Industry Legislative and Legal Efforts

Starting on December 21, 2006, Jacob Evans, spokesperson for the Ohio Licensed Beverage Association, employee of the Craig Group and eventual spokesperson for the Smoke Less Ohio campaign, started filing protest challenges to individual boards of elections. Evans filed protests in 34 of Ohio's 88 counties claiming that Smoke Free Ohio was not following proper protocol in the signature gathering process and that the boards of elections were not validating the petitions correctly. These protests were eventually consolidated in Franklin County court.

In December 2005 the American Cancer Society initiated its grassroots effort to lobby the legislature regarding the voter initiative that would be forwarded to the General Assembly in January 2006 from the Secretary of State's office. This effort consisted of visits to legislative members from American Cancer Society lobbyists Jagers and Sabetta but more importantly from regular communication from the American Cancer Society's and Smoke Free Ohio's volunteer network.^{18, 19} Holiday cards, letters, phone calls and news conferences were all utilized to communicate with legislative members and ask them to not take action on the Smoke Free Ohio initiative during its four months in the legislature.^{18, 19}

This strategy was decided upon by the American Cancer Society and Smoke Free Ohio to prevent the legislature from weakening the initiative in any way.^{18, 19} The American Cancer Society felt that if the legislature took action on the initiative they would want Smoke Free Ohio to make unacceptable compromises. From the grassroots and volunteer effort the message was to let the initiative go to the voters and that this was an issue Ohioans had a right to decide upon directly.^{18, 19} The message to legislative members was that this was a controversial issue that they did not want to take on in an election year and that the American Cancer Society and Smoke Free Ohio was in a position to exert significant political pressure to defend the initiative from hostile legislature if necessary.^{18, 19} Jagers recalls the general lobbying message to legislators as:

...you don't want to deal with in an election year, you are not going to make people happy, we won't make it easy for you. So basically do you want to be on the side of... RJ Reynolds, Licensed Beverage Association, or do you want to be on the side of the American Cancer Society, the Heart Association, doctors, hospitals in an election year?¹⁸

Starting in December, 2005 the tobacco industry represented by lobbyists from RJ Reynolds and Jacob Evans made a focused effort to pass a weak clean indoor air law through the state legislature.¹⁸ The tobacco industry's proposed law was modeled after the recently amended Toledo ordinance and exempted bars, restaurants, bowling alleys, and bingo parlors. The RJ Reynolds' lobbyists and Evans circulated a draft and written summary of their proposal to various legislative members in an attempted to build sufficient support to pass the law through the state legislature.^{18, 19}

Legislative proponents of the tobacco industry back proposed law did attempt to bring Smoke Free Ohio to the table to work out a compromise. Notable in his efforts was representative Bill Seitz (Republican, Tobacco Policy Score 0.3), the legislator who was championing a R.J. Reynolds backed "clean indoor air law."¹⁸ R.J. Reynolds lobbyists and other pro-tobacco lobbyists were very focused in their efforts to introduce a weak law that would exempt bars, restaurants, bowling alleys, and bingo parlors through the legislature.^{18, 19}

This effort by the tobacco industry during the December 2005 lame duck session of the state legislature was an attempt to head off the Smoke Free Ohio voter initiative which the legislature would be reviewing in January 2006. Smoke Free Ohio's lobbying efforts coupled with the short time frame of the December 2005 lame duck session prevented the tobacco industry's proposal from gaining momentum.¹⁸

The pro-tobacco legislative efforts did influence the Smoke Free Ohio campaign, because there was a tremendous amount of concern that the tobacco industry would be able to get their law passed.^{18, 19} Later, Jagers observed, "You think if we do not come to the table and compromise do we get their crappy proposal amended to another bill and no debate about it at all?"¹⁸ This concern led the American Cancer Society and Smoke Free Ohio to internally consider compromising and allowing an exemption for bars in their proposed law. It also caused them to question whether or not they should be willing to go to the negotiating table for talks of any kind. In the end, the American Cancer Society and Smoke Free Ohio decided that having no statewide law would be better then allowing a statewide law with exemptions to be introduced.

Ultimately the tobacco industry was unable to generate enough support to introduce the law in the legislature, let alone pass their law and the Smoke Free Ohio campaign resisted the temptation to compromise. In May 2006, after the state legislature took no action on the proposal, the Smoke Free Ohio initiative moved out of the general assembly unaltered.

The Tobacco Industry's Completing Initiative

The failure of the tobacco industry's efforts in the legislature and the knowledge that Smoke Free Ohio was pursuing an initiative put R.J. Reynolds Tobacco into a defensive position. Possibly due to the tobacco industry's misplaced confidence that they would be able to produce results in the legislature, there had not been substantial preparation to impending the Smoke Free Ohio campaign. Tobacco control advocates speculate that it was the defensive position that RJ Reynolds found itself in that spawned their competing initiative.^{18, 19} Additional

speculation stated that R.J. Reynolds did not want to simply campaign against Smoke Free Ohio as the issue would be framed clearly in voter's minds as tobacco industry vs. health groups. A competing initiative would allow them to frame the issue as two competing smoking "bans" and they could portray their law as more balanced; protecting jobs as well as public health. The tobacco industry's success with framing a exempted clean indoor air law as "common sense" and "reasonable" was likely based on their success in Toledo.

The strategy of sponsoring competing voter initiatives to combat efforts by health advocates to introduce clean indoor air laws was a new tobacco industry strategy not seen prior to the 2006 election cycle. During 2006, in addition to Ohio, health advocates were facing competing clean indoor air initiatives at the state level in Arizona and Nevada. There was concern at the national level that the new competing initiative strategy pursued by the tobacco industry was going to be effective and significantly hinder clean indoor air efforts.

Health advocates in Ohio speculate that RJ Reynolds made the decision to pursue a competing initiative in April 2006. Tracy Sabetta recalls:

In April, our opposition was going to release poll results showing that Ohioans were ready for a common-sense, reasonable approach to a smoking ban. Yes, I know, go figure. We hadn't heard them say that before. So what they had to say had a billboard on wheels that was circling the state house, that said just that, "Ready for a common-sense, reasonable smoking ban for Ohio," that would protect Ohio jobs. But we got a call from a TV reporter saying, "At one o'clock today your opposition is releasing poll results that are going to say Ohioans want to see exemptions. What's your reaction?"¹⁹

Once R.J. Reynolds made the decision to run a competing initiative they had no choice but to pursue a constitutional amendment. Pursuing a state law requires two signature gathering phases, a four month period for the General Assembly to review the proposal, and would take a minimum of one and a half years. A constitutional amendment only requires one signature gathering phase and never needs to go in front of the General Assembly. The total number of signatures required is equal to or greater than 10% of the total number of votes cast in the last gubernatorial election or 322,899 total signatures (verses 193,740 total signatures for the initiated statute route) coming from at least 44 counties (Ohio has 88 counties) with the number of votes in each represented county equal to at least 5% of the total votes cast in the last gubernatorial election in that county. One benefit from R.J. Reynolds point of view of a constitutional amendment is that if both a state law and a constitutional amendment were to pass, the constitutional amendment would supercede the state law. This fact created a great deal of concern for tobacco control advocates and would influence how the American Cancer Society and Smoke Free Ohio would run their campaign.

R.J. Reynolds' Smoke Less Ohio

In order to pursue a competing initiative RJ Reynolds officially formed Smoke Less Ohio on May 2, 2006, soon after the Smoke Free Ohio proposal passed out of the General Assembly

but before Smoke Free Ohio official started their second round of signature collecting. The Smoke Less Ohio campaign began collecting signatures for their proposed constitutional amendment with a massive paid signature collecting effort. The proposed constitutional amendment was modeled after the amended clean indoor air ordinance in Toledo with exemptions for restaurants, bars, bowling alleys, and bingo parlors (Table 13). The coalition members for Smoke Less Ohio included:

- Bowling Centers Association of Ohio
- Cigar Association of American
- Lorillard Tobacco Company
- National Association of Tobacco Outlets
- Ohio Academy of Nursing Homes
- Ohio Coin Machine Association
- Ohio Council of Retail Merchants
- Ohio Grocers Association
- The Ohio License Beverage Association
- Ohio Petroleum Council
- Ohio Restaurant Association
- Ohio Wholesale Marketers Association
- Retail Tobacco Dealers Association
- R.J. Reynolds Tobacco Company
- Swedish Match
- Swisher International¹⁰¹

Table 13: Smoke Free Ohio vs. Smoke Less Ohio Comparison		
	Smoke Free Ohio Issue 4	<u>Smoke Less Ohio</u> <u>Issue 5</u>
Proposal	Constitutional Amendment	State Law
Primary Financial Sponsor	RJ Reynolds	American Cancer Society
Would Preempt Local Laws	Yes	No
Restaurants Smoke Free	No	Yes
Bars Smoke Free	No	Yes
Bingo Parlors Smoke Free	No	Yes
Bowling Alleys Smoke Free	No	Yes
Race Tracks Smoke Free	No	Yes
Enforcement	No Provisions	Health Department with fines of up to \$2500

Smoke Less Ohio publically presented its constitutional amendment as an alternative or “common sense smoking ban” that allowed for certain exemptions in the interest of preserving jobs and the economy. Health advocates felt that Smoke Less Ohio was trying to accomplish two goals in portraying its initiative as an alternative “smoking ban”. The first was appeal to Ohioans’ sense of compromise and portray the American Cancer Society and Smoke Free Ohio as extreme. Smoke Less Ohio wanted to be seen as the proposal which provided the vast majority of the benefit (clean indoor air), while minimizing the negatives (alleged negative economic impact). The second goal that was apparent to health advocates in Ohio was the element of confusion that R.J. Reynolds introduced with the Smoke Less Ohio campaign. Both proposals claimed to be public health motivated and even their names were very similar. Health advocates feared that confusion between the competing initiatives would result in people voting for both initiatives or more Ohioans voting for R.J. Reynolds’s Smoke Less Ohio thinking that it represented a comprehensive clean indoor air law.

A very interesting element of the Smoke Less Ohio campaign and coalition was the open involvement of several tobacco companies, led by R.J Reynolds. The tobacco industry has historically used front groups to fight the industry’s political battles. Tobacco control advocates in Ohio felt that there were two potential reasons for the tobacco industry’s open involvement in the Smoke Less Ohio Campaign. The first was that corporate and campaign finance regulations had become so strict that the industry could no longer realistically hide its involvement.^{18,19} The second theory was that the tobacco industry had done polling on the issue and determined that their open involvement was viewed more positively than if it later became apparent that they were secretly involved.²⁸ Regardless of the underlying reasons for RJ Reynolds and the other tobacco companies being openly involved, tobacco control advocates universally felt that R.J. Reynolds’ open involvement in the Smoke Less Ohio campaign helped Ohioans clearly identify their campaign as pro-tobacco and was correspondingly beneficial for the Smoke Free Ohio campaign.^{18,19}

Signature Gathering and Litigation

On May 3, 2006, a day after the Smoke Less Ohio campaign began collecting signatures, the Smoke Free Ohio campaign kicked off its second round of signature gathering, to be completed within 90 days. Since they only had 90 days to collect 96,870 valid signatures, Smoke Free Ohio choose to use some additional paid signature gatherings to ensure they collected enough signatures during that time period. While the approximately 45% of submitted signatures during the first phase were collected by paid signature gathers approximately 50% were collected by paid gathers during the second phase.¹⁸

On May 5, 2006, in response to the protests and lawsuits filed by Smoke Less Ohio, Judge David Cain of the Franklin County Common Pleas Court invalidated many Smoke Free Ohio petitions collected during the first round of signature gathering. The issue in question was that paid petitioners for Smoke Free Ohio listed the American Cancer Society as their employer, when they should have listed the actually signature gathering firm that hired them as their employer. There was confusion regarding the issue because Ohio had just passed new

regulations that affected how voter initiatives and signature gathering was to be conducted. Smoke Free Ohio responded to Judge Cain's decision by stating that they followed the advice given to them by the Secretary of State's office and that they would appeal the decision, which they did.

On July 28, 2006 the Smoke Free Ohio Campaign submitted in excess of 185,000 signatures to the office of the Ohio Secretary of State to conclude their second round of signature gathering. Once certified by the Secretary of State's office, the Smoke Free Ohio initiative would be placed on the November 2006 ballot.

After the second round signature submission, Smoke Free Ohio publicly stated that their signature gathering was done and urged voters not to sign any "anti-smoking" petition. In a July 28, 2006 news release, Smoke Free Ohio co-chair Tracy Sabetta said "If you are asked to sign a smoke-free petition, keep your pen in your pocket. No matter what you are told, it will not be a petition for Smoke Free Ohio. Our petition work is done."⁴ At this time Smoke Less Ohio was still collecting signatures and Smoke Free Ohio chose to make this announcement in an effort clarify for voters which initiative they would be signing and supporting.

Despite efforts by Smoke Free Ohio to discourage people from signing the Smoke Less Ohio petition, on August 9, 2006, the Smoke Less Ohio campaign submitted 552,023 signatures to the Secretary of State's office to qualify for the November ballot. On the same day Smoke Free Ohio filed a formal election complaint to the Secretary of State alleging that Smoke Less Ohio signature gathers were misrepresenting the Smoke Less Ohio petition. *On August 9, 2006 Smoke Free Ohio filed a formal elections complaint and asked the Ohio Secretary of State to investigate multiple reports of voters who say they were tricked into signing a Smoke Less Ohio petition:*

Smoke Less Ohio, including RJ Reynolds and other tobacco companies, has the audacity to try to amend Ohio's Constitution to keep smoking in restaurants and other public places. They want to overturn smoke-free laws in Columbus and 20 other Ohio cities. They want to take away the right of more than 500,000 hospitality workers and their customers to breathe clean indoor air," Tracy Sabetta, co-chair of SmokeFreeOhio. "The sad part is, many Ohio voters who signed a Smoke Less Ohio petition support smoke-free public places, and were actually led to believe they were signing the SmokeFreeOhio petition."⁴

On Labor Day, September 4, 2006, Smoke Free Ohio went into full campaign mode. Jagers recalls:

...as soon as Labor Day came and that was just our grassroots mobilization and that was what we focused on, that was what our regional people focused on. From being at events with visibility, we shrink-wrapped a van that drove around the state. We did earned media event, tons of them. The other thing I think we did really well with our volunteers was consistent letter to the editor campaign. We always have letters to the editor going in to respond to a negative article, to respond to a positive article. We were able to have a volunteer in a city wherever that article ran and this was what Wendy and Shelly were

great at, we responded to everything so hardly any article went unnoticed by us and if there was anything negative or incorrect, you know a lot of it was just incorrect information, not negative but incorrect information.¹⁸

Key elements of the Smoke Free Ohio grassroots throughout the campaign also included one-on-one communication and e-mails. Requests from Smoke Free Ohio for support and volunteers to send out e-mails educating the public and advocating for the Smoke Free Ohio campaign were referenced numerous times for both its pervasiveness and effectiveness.^{10, 18, 19}

On September 8, 2006 the Ohio Secretary of State announced that Smoke Free Ohio had qualified their initiative for the November ballot with 114,517 valid signatures from 73 counties, qualifying at the county level standard during their second round of signature gathering. The Smoke Free Ohio initiative would appear as Issue 5 on the November 7, 2006 ballot. But just, three days later, on September 11, the Smoke Free Ohio campaign was dealt a blow when the 10th District Court of Appeals upheld the decision made by the Franklin County Common Pleas Court that some Smoke Free Ohio signature gathers incorrectly identified the American Cancer Society as their employer on their first round of signatures. Smoke Free Ohio stated that they would appeal to the Ohio Supreme Court.

On September 13, 2006 James Lee, spokesperson for the Ohio Secretary of State publicly stated that Smoke Free Ohio needed approximately 23,000 additional signatures to “cure” those signatures found to be invalid from the first round.¹⁰² Ohio law allowed Smoke Free Ohio 10 days to collect the necessary signatures and the campaign was officially notified by the Secretary of State’s Office on September 19 of their 23,000 signature shortfall and of the fact that they would have 10 days to submit the required signatures.¹⁰²

While this new development created concern among tobacco control advocates in Ohio, Susan Jagers later stated that the Smoke Free Ohio Campaign “had collected those signatures a long time ago” to ensure that their initiative would get on the ballot.¹⁸ Smoke Free Ohio had collected additional signatures as the tobacco industry’s legal challenge was playing out in court. Smoke Free Ohio was initially confident that they would win the legal challenge, which they lost, but choose to collect additional signature to insure its initiative would make it to the ballot. Susan Jagers recalls:

Yes we were holding them, in an undisclosed location, locked up, fireproof. So yes, we had them so when the court of appeals made their decision even though we were appealing to the Supreme Court we just wanted the question off the table so we turned in our signatures and made us whole. That is when they filed the suit to say, well your first round wasn’t finished before your second round so you are not on the ballot so that was just another hurdle to get over, but we won that challenge.¹⁸

Smoke Less Ohio also ran into problems with signatures. The Secretary of State’s office informed the Smoke Less Ohio campaign on September 11 that they were approximately 50,000 signatures short of the required 322,899 valid signatures necessary to get their proposed

constitutional amendment on the November ballot.¹⁰³ In a press release dated September 12, 2006, Smoke Less Ohio spokesperson Jacob Evans stated that the Smoke Less Ohio campaign has already collected over 120,000 signatures to make up for the deficiency.¹⁰¹ Tobacco control advocates in Ohio claim that the Smoke Less Ohio campaign was well aware that it would be short of signatures and reference the fact that after Smoke Less Ohio turned in their signatures they never stopped collecting, presumably to continue to collect signatures to make up for the deficiency they knew the Secretary of State's office would find.¹⁸

Both Smoke Less Ohio and Smoke Free Ohio were allowed additional time to collect signatures at various stages during the campaigns because Ohio law allows for a "cure" period of ten days from the time of notice from the Secretary of State's office if (1) the total number of signatures submitted exceeds the number of valid signatures required and (2) the number of signatures found to be valid is below the required number.

Throughout the signature gathering process there was a tremendous amount of confusion from the Ohio public regarding the specifics of the Smoke Free Ohio campaign vs. the Smoke Less Ohio campaign. During the signature gathering periods and the time leading up to the election there was a large amount of local media coverage that attempted to clarify the differences between the two. In the media the issue was generally portrayed favorably for Smoke Free Ohio. In a national *NBC Nightly News* story the tobacco industry and pro-tobacco campaigns including Smoke Less Ohio and a similar campaign in Arizona called the Nonsmoker protection Act were criticized for misleading and sometimes outright lying to voters about the nature of their campaigns.²⁸ The news story included secretly recorded conversations with petition gathers for Smoke Less Ohio during which petition gathers attempted to mislead voters into signing the Smoke Less Ohio petition by stating that it was a total smoking ban.

Further fueling confusion of voters were multiple reports that many paid petition gatherers in Ohio had both Smoke Free Ohio and Smoke Less Ohio petitions and were trying to get voters to sign both of them. These reports alleged that petition gatherers used gross misrepresentations to try and get voters to sign both petitions. An August 9, 2006 press release from Smoke Free Ohio included the following:

Michelle Hermann of Kettering was taking her two young children to the library yesterday when a Smoke Less Ohio petition circulator said his petition would end smoking in restaurants. He also denied that Smoke Less Ohio was backed by tobacco companies.

Court Witschey was asked to sign a petition to prevent flag desecration outside a store in Marietta. The circulator said he had to sign in two places – and the second page was the Smoke Less Ohio petition.

Carol Haas said a petition circulator at a church in Tallmadge had the SmokeFreeOhio and Smoke Less Ohio petitions – and told church members both were supported by the American Cancer Society, an outright lie.

Susan Zabo ran into a petition circulator outside Whetstone Library in Columbus when a petition circulator who claimed to work for the American Lung Association asked her to sign a petition for a “smoking ban,” when it actually was the pro-smoking constitutional amendment. Other voters say they were told the petition was to stop police brutality, when it was the Smoke Less Ohio petition.⁴

These reports, as well as others, also provided evidence that the same petition gathering firms were working both sides of the issue.

Fraudulent signatures were also a major issue during the petition-gathering phase of the campaigns. Initiated by complaints from Smoke Free Ohio, the Smoke Less Ohio campaign was investigated by county board of elections in at least 11 counties for suspected fraudulent signatures. Suspected irregularities included forged signatures of individuals that did not live in the county and signatures of deceased residents. There were also several claims of petitions in various counties having large numbers of signatures that appeared to be in the same handwriting.⁴

On September 14, 2006, Smoke Free Ohio announced a formal complaint with the Ohio Secretary of State’s Office claiming that Smoke Less Ohio signature gatherers were putting Smoke Less Ohio as the employer on their petitions when it was “likely” that the signature gatherers were employed by a paid signature gathering firm.⁴ In a press release issued by Smoke Less Ohio on the same day, spokesperson Jacob Evan stated that Smoke Less Ohio directly hired, trained, and managed their petition gatherers and the complaint filed by Smoke Free Ohio was without merit.¹⁰¹ The Secretary of State’s office eventually determined that because Smoke Less Ohio had paid signature gatherers directly the organization had followed proper protocol.

Public Perception and the Media

Additional criticism and uncertainties surrounding the Smoke Less Ohio campaign included the non disclosure of which organizations or persons contributed the \$1.5 million that was spent to gather signatures for the Smoke Less Ohio campaign.¹⁰⁴ The spokesperson for Smoke Less Ohio, Jacob Evans, did state publically that a major source of the funding came from R.J. Reynolds but he refused to give specifics.¹⁰⁴ Ohio state law requires that political campaigns provide detail of contributions to the Secretary of State. Smoke Less Ohio claimed that because the campaign received in-kind contributions they were not required to disclose who made those contributions. In comparison, Smoke Free Ohio reported \$272,737 in payments and \$24,000 in in-kind contributions to gather the necessary signatures, almost all coming from the American Cancer Society.¹⁰⁴

The issue of clear campaign contribution information was important to Smoke Free Ohio as a strategy to help the public distinguish between the two competing initiatives. During this period there was confusion amongst Ohioans about the difference between the Smoke Free Ohio and Smoke Less Ohio initiatives. Smoke Free Ohio was trying to draw a clear distinction

between the two campaigns by associating Smoke Free Ohio with the American Cancer Society and other health groups and Smoke Less Ohio with RJ Reynolds and other tobacco companies.

In a conference held by the Association of Ohio Health Commissioners September 20, 2006, Governor Bob Taft, who was viewed by health advocates as pro-tobacco control, publicly came out in support of Smoke Free Ohio in a move that was widely covered in the media.¹⁰⁵ The Governor stated that he not only supported the total smoking ban championed by Smoke Free Ohio but that he felt that the constitutional amendment proposed by Smoke Less Ohio was deceptive and would preempt or repeal beneficial and progressive local smoking restrictions. He also pointed out publicly that Smoke Less Ohio was backed by RJ Reynolds. Governor Taft at the time of his statements was experiencing the record low approval rating of 14% following his guilty pleas the previous year on ethics charges related to the acceptance of free golf outings and other gifts. Smoke Free Ohio did not actively seek out the Governor's support but accepted and referenced it as further proof the Smoke Free Ohio's clean indoor air initiative had statewide support. Given how low Taft's approval rating was it is unclear if his endorsement was beneficial.

On September 23, 2006, the *Toledo Blade* reported that Jacob Evans, spokesperson for Smoke Less Ohio, had asked the Ohio Supreme Court on September 22 to take the Smoke Free Ohio initiative off the November 7 ballot based on the claim that Smoke Free Ohio did not successfully complete their round one signature collection. Evans was quoted as saying, "SmokeFreeOhio never had the necessary signatures and shouldn't be given a spot on the November ballot."¹⁰⁶

On September 27, 2006, the Ohio Secretary of State's office announced that the Smoke Less Ohio campaign had been certified and would appear on the November 7, 2006 ballot as Issue 4. Both Smoke Less and Smoke Free Ohio released statements regarding the certification.

In its statement Smoke Free Ohio again attacked the Smoke Less Ohio campaign as deceptive and told voters, "don't be fooled. If Issue 4 wins, you lose your right to breathe smoke-free air."¹⁰⁴ The press release also pointed out once again that Smoke Less Ohio was backed by the RJ Reynolds and other tobacco companies and asked voters to "Vote NO on 4 and YES on 5."¹⁰⁴

Smoke Less Ohio's press release was positive and did not mention Smoke Free Ohio. Smoke Less Ohio thanked people for signing and supporting their measure and expressed optimism that "Ohioans will have the opportunity to support [their] common sense smoking ban."¹⁰¹ Local media reported the debate between the dueling smoking initiatives favorably for Smoke Free Ohio. On September 28, 2006, the *Toledo Blade* exemplified the majority of media throughout the state when it published an article on the certification of Smoke Less Ohio titled, "Looser ban on smoking makes Ohio ballot; competing, stricter plan also to go before voters."¹⁰⁷

On the last day of Smoke Free Ohio's 10 day cure period, September 29, 2006, the campaign submitted 42,295 signatures to compensate for the approximately 23,000 signature

shortfall that resulted from the invalidation of round one signatures. At this point the appeal pending in the Ohio Supreme Court had not been resolved, but Smoke Free Ohio having already collected the signatures and decided to submit them to reassure supporters that the issue would make it to the ballot and to guard against an unfavorable ruling by the Supreme Court.¹⁸

On October 3, 2006, the Ohio Secretary of State's office dismissed the formal complaint filed by Smoke Free Ohio against Smoke Less Ohio which claimed that Smoke Less also incorrectly put Smoke Less Ohio as the employer for signature gatherers instead of a signature gathering firm. The Secretary of State's office determined that Smoke Less Ohio had directly recruited, trained and managed the signature gatherers working on the campaign and therefore Smoke Less Ohio was correctly indicated as their employer. On October 5, 2006 the Ohio Secretary of State's office announced that Smoke Free Ohio had submitted 25,486 valid signatures to "cure" the approximately 23,000 that were invalidated due to signature gatherers incorrectly putting down the American Cancer Society as their employer during round one signature gathering. These findings by the Ohio Secretary of State's office brought an end to the battles between Smoke Free Ohio and Smoke Less Ohio related to signature gathering.

The public debate battle between Smoke Free Ohio and Smoke Less Ohio related to signature gathering did create confusion amongst the public regarding whether or not either initiative would actually make it to the ballot. Many newspaper articles referenced claims and speculation from both Smoke Free Ohio and Smoke Less Ohio that their opposition would not qualify for the November ballot although both eventually did. This confusion acted to increase media coverage and public interest in the debate between the two campaigns and from Smoke Free Ohio's perspective benefitted its campaign. The increased media and public attention served to provide more information and decrease the confusion amongst the public between the Smoke Free Ohio and Smoke Less Ohio campaigns. And as clean indoor air "...was an issue that Ohioans supported" the increased clarity was seen as a benefit by Smoke Free Ohio.¹⁹

Media and Polling

In early October there was a large amount of media coverage that attempted to clarify the differences between the Smoke Free and Smoke Less initiatives. This media coverage was positive for Smoke Free Ohio and helped introduce Smoke Free's new marketing line, "No on 4, Yes on 5," to help voters avoid confusion over which issue was sponsored by Smoke Free Ohio. Because Smoke Less Ohio's initiative was a constitutional amendment that would Smoke Free Ohio's law if both passed, Smoke Free Ohio had to ensure that Ohioans voted against Smoke Less Ohio's Issue 4 in addition to voting for Smoke Free Ohio's own Issue 5. This need spawned the "No on 4, Yes on 5" message.

On October 1, 2006 the *Toledo Blade* published an editorial that was strongly in support of Smoke Free Ohio (table14).¹⁰⁸ The next day, on October 2, 2006, the *Columbus Dispatch* also published an editorial strongly in support of and encouraging the public to vote for Smoke Free Ohio's Issue 5.¹⁰⁹ Both of these editorials pointed out that in addition to Smoke Less Ohio's Issue 4 being a "weaker smoking ban" it was also a constitutional amendment that would

preempt local laws, be difficult to change in the future and that if both were to pass Issue 4 would go into effect because it is a constitutional amendment. A minority of papers presented a different opinion. While the Cleveland Plain Dealer’s official editorial published in November opposed Issue 4 and supported Issue 5, one of the papers associate editors wrote an article which encouraged voters to vote down both issues.¹¹⁰ The *Cincinnati Enquirer* published an editorial on October 16, 2006, with some editorial board members in support of Smoke Free Ohio’s Issue 5 and some against it.¹¹¹ The paper did, however, publish a separate editorial during the same period urging voters to vote against Smoke Less Ohio’s issue 4. The net effect of all the newspaper coverage in Ohio was a negative portrayal of Smoke Less Ohio’s Issue 4 and a recommendation to vote against it and a positive portrayal of Smoke Free Ohio’s Issue 5 accompanied with the recommendation to vote for the initiative (Table 14).

Table 14: Editorial Opinion Among Major Ohio Newspapers		
<u>Newspaper</u>	<u>Smoke Less Ohio Issue 4</u>	<u>Smoke Free Ohio Issue 5</u>
The Akron Beacon Journal ¹¹²	Oppose	Support
The Cincinnati Enquirer ¹¹¹	Oppose	No Position
The Cincinnati Post ¹¹³	Oppose	Support
The Columbus Dispatch ¹⁰⁹	Oppose	Support
The Cleveland Plain Dealer ¹¹⁴	Oppose	Support
The Toledo Blade ¹⁰⁸	Oppose	Support

On October 11, 2006, polling data (summarized in Table 15 and Figure 12) became a source of public conflict and confusion between the Smoke Free Ohio and Smoke Less Ohio campaigns. On this day both Smoke Free Ohio and Smoke Less Ohio issued press releases. Smoke Less Ohio referenced a poll conducted by University of Akron’s Ray C. Bliss Institute which reported that 51.4% of people polled supported Smoke Less Ohio and Issue 4, while 42.6% supported Smoke Free Ohio and issue 5.¹⁰¹ In their press release, Smoke Free Ohio refuted the validity of the poll conducted by the Bliss Institute by claiming the poll was “flawed” because the results were based on outdated information and did not reflect current sentiment.¹¹⁵ Smoke Free Ohio instead referred polls conducted with more recent information by the *Cleveland Plain Dealer* (mentioned previously) and the *Columbus Dispatch* in which both indicated that 58% of voters were in favor of the Smoke Free Ohio initiative and that 30% and 34% respectively were against the measure. While both Smoke Free Ohio and Smoke Less Ohio attempted to portray the polling data favorably for their respective campaigns the polling data was concerning for health advocates.

Table 15: Polling Data							
		<u>Smoke Less Ohio, Issue 4</u>			<u>Smoke Free Ohio, Issue 5</u>		
Source	Date (2006)	Yes	No	Undecided	Yes	No	Undecided
<i>Columbus Dispatch</i> ¹¹⁶	Sept. 24	55%	38%	7%	58%	34%	8%
<i>Cleveland Plain Dealer</i> ¹¹⁷	Oct. 1	45%	40%	15%	58%	30%	12%
University of Akron, Ray C. Bliss Institute ¹⁰¹	Oct. 11	51.4 %	NA	NA	42.6 %	NA	NA
<i>Columbus Dispatch</i> ¹¹⁸	Nov. 5	37%	63%	0%	59%	41%	0%
Mason-Dixon & Research Inc. ¹¹⁹	Nov. 5	32%	59%	9%	53%	38%	9%

What the press release neglected to mention was that the *Columbus Dispatch* September 24, 2006, poll also showed Smoke Less Ohio's Issue 4 supported by 55% of respondents with 38% against. The concern among health advocates was that if the Bliss Institute Poll and the *Columbus Dispatch* poll, both showing majority support for Issue 4 and 5, were correct and both issues passed then Smoke Less Ohio's constitutional amendment would supercede and undo years of progress made by tobacco control advocates for clean indoor air in Ohio.

In October, during the weeks lead up to the November 7 vote, media coverage regarding Smoke Free Ohio and Smoke Less Ohio, while positive for Smoke Free Ohio, was frequently framed as two competing smoking bans.¹²⁰ Media coverage also regularly listed areas where smoking would be allowed and restricted for each initiative. The framing of the issues as two competing smoking bans and the long lists of restricted areas and exceptions provided further confusion and in the perception of voters brought the two issues closer together. During this time, to Smoke Less Ohio's benefit, a small minority of articles came out against both initiatives.¹¹⁰ In these articles Smoke Free Ohio and Smoke Less Ohio were grouped together as smoking bans and the merits of smoking bans in general were debated and decided against.

Smoke Free Ohio attempted to combat this confusion during its campaign by emphasizing and being consistent with its "No on 4, Yes on 5" message and providing clear explanation of the two competing initiatives in the media. They also identified Issue 4 with RJ Reynolds and the tobacco industry. A key aspect of the message they were trying to communicate included the fact that if Issue 4 were to pass it would go into law even if Issue 5

also passed. Another aspect of the issue that Smoke Free Ohio attempted to clarify was that from a tobacco control perspective passing Issue 4 was worse than passing nothing at all. The fear amongst tobacco control advocates was that confusion would prevail and both issues would pass.

In October 2006, both Smoke Free and Smoke Less released television advertisements. Smoke Less initially released two advertisements and stayed true to the campaign's focused message that issue 4 is "The common sense smoking ban." The Smoke Less Ohio Campaign's public communication focus was on paid advertisements, especially television advertisements. According to campaign finance information filed with the Secretary of State's office, Smoke Less Ohio spent \$3.1 million on media purchases, with the vast majority of that going toward television.⁶

The first TV ad released by Smoke Less Ohio simply stated that Issue 4 was the "common sense smoking ban" and proceeded to list off a large number of places where smoking would be banned if the issue passed. This continuous and "never ending" list featured in the advertisement was used in an apparent attempt to portray Issue 4 as a comprehensive clean indoor air law.

The second advertisement showed two individuals, one an older woman and one a young man, discussing the smoking issue. The woman in the ad holds a sign that reads "No Smoking Anywhere" and is very aggressive in her statements that Ohio needs to get rid of smoking and that "smoking should be a crime." The young man on the other hand projects a calm demeanor and concedes that Ohio needs a smoking ban but that banning smoking everywhere is too extreme. The ad concludes with the young man encouraging listeners to vote for issue 4, "the common sense smoking ban."

Two weeks before the November election Smoke Less Ohio released a third advertisement. This ad featured the same older woman and young man that one of their previous advertisements used and maintained a similar theme. The commercial begins with the older woman blowing a whistle and aggressively stating that there should be \$2,500 fines for lawbreakers who smoke which the Smoke Free Ohio law does specify. The young man in the advertisement again calmly stated that Ohio needs a "common sense" smoking ban and "not government going too far, taking our money and our freedom." The ad then makes the claim that Smoke Free Ohio's Issue 5 represents bossy government. The commercial concludes with the statement that Ohioans should vote for Issue 4 and also vote against Issue 5. Voting against Issue 5 had not been part of Smoke Less Ohio's previous messages and could possibly have been introduced because of fear of Issue 5 passing and Issue 4 being defeated.

Smoke Free Ohio also initially released two TV advertisements in October. Unlike the Smoke Less Ohio campaign, Smoke Free Ohio's communication focus was on grassroots efforts. Word of mouth, personal e-mails, endorsements from a large number of health organizations were all elements of the grassroots effort. Earned media which had been confusing earlier in the campaign became more focused and supportive of the Smoke Free Ohio campaign with numerous articles and republished editorials being put out by Ohio newspapers. Campaign

finance information filed with the Secretary of State's office showed that Smoke Free Ohio spent approximately \$1.2 million on media purchases, significantly less than the \$3.1 spent by Smoke Less Ohio.⁶

The TV ads that were run by Smoke Free Ohio were run primarily in October 2006, early in the campaign, in an attempt to come in before the "clutter" of other political advertisements for other state issues.¹⁸ The first ad stated Issue 4 would allow smoking in restaurants and other public places and is backed by the tobacco industry. It also stated clearly that Issue 5 would eliminate smoking in restaurants and other public places and is backed by the American Cancer Society, the American Lung Association, the American Heart Association, and other health groups. The ad concludes by urging voters to "Vote no on Issue 4; Vote yes on Issue 5." The second commercial, which ran simultaneously, focused on Smoke Less Ohio's Issue 4. The ad featured Tracy Sabetta, Smoke Free Ohio's co-chair, and focused on the negative aspects of Issue 4; that it would allow smoking in restaurants and other public places, overturn existing local clean indoor air regulation, and was a constitutional amendment that would preempt Issue 5 if both were to pass. Again, the ad concluded by urging voters to vote no on Issue 4 and yes on Issue 5. Later in the campaign as internal polling showed decreasing support for Issue 4 and increasing support for Issue 5, Smoke Free Ohio released a third commercial which focused on the benefits of Issue 5 and encouraging Ohioans to vote for the measure.

The week of October 23, 2006, Patrick Reynolds, tobacco control advocate and grandson of the founder of R.J. Reynolds tobacco company, went to Ohio to publicly support Issue 5 and Smoke Free Ohio. The majority of media coverage focused on Mr. Reynolds's public statements denouncing the action of R.J. Reynolds and their support of the Smoke Less Ohio campaign. He urged Ohio voters to support Smoke Free Ohio's Issue 5 and to vote against Smoke Less Ohio's Issue 4. Jacob Evans, spokesperson for Smoke Less Ohio, publicly responded to Mr. Reynolds by saying, "In all due respect to Mr. Reynolds, this is an Ohio issue that will be decided by Ohio voters, of whom Mr. Reynolds is not."¹²¹ The added media attention provided by Patrick Reynolds and the clear association he made between Smoke Less Ohio and R.J. Reynolds helped decrease confusion and clarify the issue for Ohio voters.

On October 27, 2006, Smoke Less Ohio revealed that R.J. Reynolds had given \$5.4 million dollars to support Issue 4, virtually all of the money raised by the Smoke Less Ohio campaign to that point.¹²² In comparison, as of October 20, 2006, Smoke Free Ohio reported raising \$889,441 of which \$811,845 was contributed by the American Cancer Society.¹²² The release of this campaign finance information to the media and public further reinforced with Ohioans that the American Cancer Society was behind the Smoke Free Ohio initiative and that R.J. Reynolds was behind the Smoke Less Ohio initiative.

At the end of October and beginning of November several new polls were published (Table 15). A poll conducted by Mason-Dixon & Research Inc. and released November 5, 2006, showed 32% in favor of issue 4 and 59% against.¹¹⁹ The same poll showed 53% in favor of issue 5 and 38% against.¹¹⁹ A poll conducted by The Columbus Dispatch between October 25 and November 3 gave similar results with 37% in favor and 63% against issue 4 and 59% in

favor and 41% against issue 5.^{118, 119} Health advocates were encouraged by the sustained support that Smoke Free Ohio's Issue 5 received and were happily shocked and cautiously optimistic at the steep decline in support for Smoke Less Ohio's Issue 4. While tobacco control advocates viewed the polling results positively some had trouble understanding how Smoke Less Ohio's support had eroded so quickly and were concerned that the polls might not be accurate.

In the beginning of November, just a week before the election, Smoke Less Ohio released a fourth commercial that was completely focused on Smoke Free Ohio's Issue 5. The commercial stated that Issue 5 would ban smoking in bars, create an unneeded government bureaucracy, and cost Ohio jobs in the hospitality industry. The ad concluded by urging Ohioans to vote no on Issue 5. The commercial never mentioned Smoke Less Ohio's own Issue 4. It is likely that the change in strategy was in reaction to the new polling data that was unfavorable to Issue 4 but

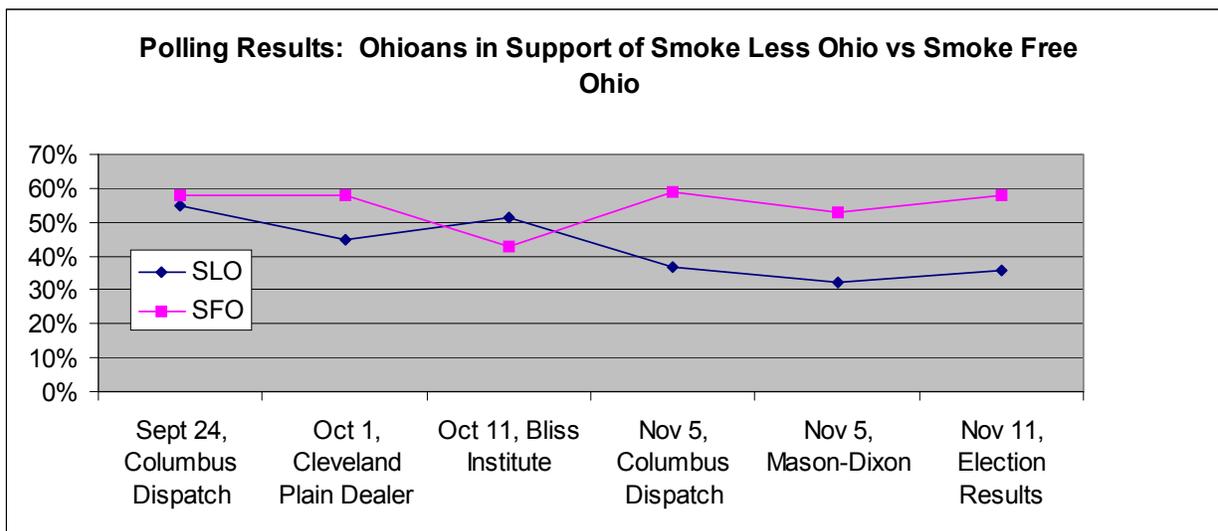


Figure 12: Polling and Election Results

showed Smoke Free Ohio's Issue 5 passing by a substantial margin.^{18, 19}

November Election

In the final week leading up to the November 7, 2006 election both the Smoke Less Ohio and Smoke Free Ohio campaigns were in high gear. The Smoke Less Ohio campaign was primarily based on paid advertisements. Their new commercial which focused exclusively on attacking Smoke Free Ohio's Issue 5 was running constantly on local TV channels. Their earned media which had been weak during the entire campaign remained weak as the last minute election related news stories, editorials, and articles were published. Smoke Less Ohio had virtually no grassroots effort and tobacco control advocates across the state reported that yard signs and other visible forms of grassroots support were very sparse. Only tobacco retailers and related establishments had signs up supporting Smoke Less Ohio and in a way they might have

helped clarify the issue in the public's mind as one of the tobacco industry vs. public health.

Smoke Free Ohio's final week of the campaign had a very different focus. Paid advertisements were a component of the communication strategy but the volunteer infrastructure and grassroots communication was the primary focus of the American Cancer Society's communication approach. Smoke Free Ohio Communications Director and American Cancer Society Employee Wendy Simpkins recalls:

...we had thousands of volunteers across the state that were talking to their friends and neighbors that were handing out yard signs, that were doing speeches at local candidate sites. Wherever people were talking about this we probably had somebody there that was starting the conversation and education their friends and neighbors. Smoke Less Ohio basically had Jacob Evans, he was sort of a solo guy, and in general he was really the only base for the campaign. They certainly didn't have folks that were willing to go out and dedicate themselves to the campaign in the way that we did in terms of the way we did.¹²⁰

On November 7, 2006, Ohio voters passed Smoke Free Ohio's Issue 5 with 58% voting in favor. Equally important, Ohioans defeated Smoke Less Ohio's Issue 4, with only 36% voting in favor of the tobacco industry-backed initiative. The large margin of victory predicted by several polls was tremendously encouraging to tobacco control advocates in the state and seen as a huge victory for clean indoor air and tobacco control. Smoke Free Ohio's Issue 5 was the first state law to pass in Ohio via the voter initiative route since 1949.

Final campaign finance records filed with the Secretary of State's office showed that Smoke Free Ohio reported a total of \$2.7 million in contributions with 80% coming from the American Cancer Society (Table 16).⁶ Smoke Less Ohio reported \$6.7 million in total contributions with 99.5% coming from R.J. Reynolds and Smoke Less Ohio Inc.(Table 17).⁶ In comparison campaign finance records for Governor Ted Strickland reported approximately \$16 million in contributions for the 2005-2006 election cycle.⁶

Implementation

Tobacco Control advocates celebrated the victory but quickly moved their focus to implementation of Ohio's new clean indoor air law. The Ohio constitution requires that all laws introduced by voter initiative go into effect 30 days following the election but that the government body responsible for enforcing the law has an additional 6 months to finalize the enforcement rules. Therefore Ohio's new clean indoor air law nominally went into effect on December 7, 2006 but the Ohio Department of Health had an additional six months to finalize the rules for implementation necessary to actually enforce the law.

Immediately following the passage of the new law there was a consensus among tobacco control advocates in Ohio that proper implementation and enforcement from the beginning was critical for the long-term success of the state's new clean indoor air law. If the initial

implementation did not go well, there was concern that public support for the law might erode, opening the door for amendment and weakening of the law by the state legislature or by voter initiative. Based on experience elsewhere, following the passage of clean indoor air laws, the tobacco industry normally mounts a major public relation effort to convince the public, media, policy makers, and business owners that the law is unpopular and being widely ignored.^{59, 123, 124}

Table 16: Smoke Free Ohio Campaign Contributions⁶		
<u>Organization</u>	<u>Contribution</u>	<u>Percentage</u>
AMERICAN CANCER SOCIETY INC.	\$1,086,662	80.79%
AMERICAN CANCER SOCIETY CANCER ACTION NETWORK	\$1,083,907	
AMERICAN HEART ASSOCIATION OHIO VALLEY AFFILIATE	\$104,750	3.90%
TOBACCO-FREE KIDS ACTION FUND	\$82,491	3.07%
CLEVELAND CLINIC	\$48,800	1.82%
UNIVERSITY HOSPITALS HEALTH SYSTEM	\$25,000	0.93%
OH STATE MEDICAL ASSOCIATION	\$20,000	0.74%
ASSOCIATION OF OHIO HEALTH COMMISIONERS INC.	\$13,254	0.49%
THE SCOTTS COMPANY	\$10,000	0.37%
PFIZER INC.	\$10,000	0.37%
NATIONWIDE	\$10,000	0.37%
CRANE GROUP CO.	\$10,000	0.37%
AMERICAN LUNG ASSOCIATION OF OHIO	\$6,723	0.25%
THE 316 GROUP LLC.	\$5,000	0.19%
ST. LUKE'S HOSPITAL	\$5,000	0.19%
CINCINNATI CHILDREN'S HOSPITAL MEDICAL CTR	\$5,000	0.19%
OHIO DENTAL ASSOCIATION PAC	\$3,000	0.11%
OHIO HOSPITAL ASSOCIATION	\$2,239	0.08%
ST. RITA'S MEDICAL CENTER	\$1,020	0.04%
MERCY HEALTH PARTNERS	\$1,000	0.04%
HOLZER MEDICAL CENTER	\$1,000	0.04%
SYLVANIA FRANCISCAN ACADEMY MIDDLE SCHOOL	\$600	0.02%
HOTEL & LEISURE ADVISORS LLC	\$500	0.02%
TA RANKIN & COMPANY	\$250	0.01%
MARIETTA MEMORIAL HOSPITAL	\$219	0.01%
JOINT TOWNSHIP DISTRICT MEMORIAL HOSPITAL	\$214	0.01%
ONE PHARMACY	\$100	0.00%
CITY OF COLUMBUS	\$24	0.00%
1003 Individual Contributors	\$150,006	5.58%
Total	\$2,686,757	100.00%

Leading up to December 7, 2006 there was a tremendous amount of public confusion regarding the discrepancy between implementation and enforcement. Fueling this confusion were two lawsuits filed by the Buckeye Liquor Permit Holders Association in Hamilton and Franklin Counties claiming that the state’s new clean indoor air law represented an

Table 17: Smoke Less Ohio Campaign Contributions⁶		
<u>Organization</u>	<u>Amount</u>	<u>Percentage</u>
RJ REYNOLDS TOBACCO CO & SMOKE LESS OHIO INC	\$6,705,689	99.45%
PEERLESS PRINTING COMPANY	\$23,857	0.35%
AMERICAN EAGLE FULFILLMENT INC	\$5,972	0.09%
YOUNGSTOWN LETTER SHOP	\$4,458	0.07%
OHIO RESTAURANT ASSOCIATION	\$2,000	0.03%
MAILWORKS	\$663	0.01%
Individual Contributions	\$0	0%
Total	\$6,742,639	100.00%

unconstitutional taking and asking for a temporary restraining order.¹²⁵ Litigation, which the tobacco industry typically loses, is a common strategy employed by pro-tobacco interests to deter clean indoor air ordinances.⁹⁷ In response to the lawsuits the Attorney General’s office entered into a consent decree with the Buckeye Liquor Permit Holders Association stating the Ohio Department of Health would not take any enforcement action until they issued formal rules.

The lawsuits and consent decree did not change how implementation and enforcement was being handled by the Department of Health. The Ohio State constitution states that enforcement can not take place until the government body responsible for rule making completes that process. However, because of the confusion and lack of public education by the Health Department, the perception by the public and media was that pro-tobacco had successfully managed to delay implementation of the law. Following the news of the consent decree some pro-tobacco individuals and businesses stated that they would “carry on as usual” and allow smoking in their establishment.¹²⁷ The confusion and misperception likely eroded some public support for Ohio’s new clean indoor air law that could have been avoided if proactive public education efforts had been undertaken.

Concerns were raised among tobacco control advocates that the local health departments do not have the resources available for proper enforcement of the law, particularly that the additional responsibility of enforcement would not be accompanied by additional funding for the required personnel. Immediately following the passage of the law, the Ohio Tobacco Prevention Foundation committed \$2 million to be used for the purpose of covering some of the initial implementation expenses and the hope was that these funds would help alleviate the short-run funding problems for government and non profit agencies. In addition, there were concerns

expressed that some local health departments lack the experience and expertise to handle enforcement in the appropriate manner and that consistent handling of the law between local health departments could be a problem.

In early 2007 there was tremendous frustration in the health community with the Ohio Department of Health because (1) the Department of Health took five months, almost the entire six month period, to complete the rules for enforcement and (2) the Department of Health wrote enforcement rules that were not consistent with the law. The long period of time between enactment of the law in December 2006 and enforcement of the law in May 2007 contributed to a great deal of public confusion, non-compliant, and eroding public support.

In the final rules submitted by the Department of Health an exemption was included for private clubs that had paid employees as long as those employees were also members of the club. Health groups including the American Cancer Society felt that this created a dangerous loophole that could be exploited and more importantly deviated from one of the core objectives of the law which was to protect all employees from second hand smoke. Efforts between the American Cancer Society and the Department of Health to resolve the issue were unsuccessful and on April 18, 2007 the American Cancer Society filed a lawsuit in Franklin County Common Pleas Court against the Department of Health regarding the inclusion of the additional exemption.

Tobacco control advocates can expect to face ongoing challenges to the successful implementation of Ohio's new clean indoor air law. In passing Smoke Free Ohio's Issue 5 by such a convincing margin, the health groups in Ohio have generated a tremendous amount of political credibility which coupled with the underlying public support for clean indoor air they should leverage to the fullest extent to support the Ohio's new law and tobacco control efforts in the State.

CONCLUSIONS

The close examination of tobacco control policy in Ohio provides many examples and lessons. Tobacco control is in the unusual situation where from a purely public health perspective the actions, interventions, and policies necessary to advance the state of tobacco control are well known. The barrier to the implementation of these interventions and policies are not from lack of knowledge but from industries, organizations, and people who have real (tobacco industry) or perceived (hospitality industry) interests that are in opposition to advancing the state of tobacco control.

The tobacco industry is the primary barrier to the advancement of effective tobacco control policies both domestically and internationally. At every step in the advancement of tobacco control policy in Ohio the tobacco industry used its considerable resources and abilities to work against health advocates. Lessons learned from Ohio deal primarily with overcoming tobacco industry opposition and include the following:

1. In states that have county boards of health, using the regulatory authority of those boards of health to introduce clean indoor air laws will be met with strong opposition in the form of legal and legislative challenges coordinated by the tobacco industry. Attempts by boards of health to introduce clean indoor air regulations should carefully guard against the inevitable legal challenge that the given board of health is going beyond its regulatory authority and in effect attempting to issue legislation. Boards of health can help guard against this challenge by issuing regulations that do not have exemptions or other additional elements that would make a regulation susceptible to claims of it being legislation. Board of health efforts to issue regulations also need to guard against legal and legislative efforts to take the regulatory authority over tobacco products away from boards of health.

2. Legislative support for tobacco control is critical to preserving effective state supported tobacco control programs and the funding for those programs. Underlying public support for public health and tobacco control and effective lobbying can be leveraged to generate this legislative support. With the support of the Speaker of the House and President of the Senate the state of tobacco control advanced significantly in Ohio. But once those legislative members left due to term limits and were replaced by individuals not supportive of tobacco control, the Ohio legislature was left without effective tobacco control representation. As a result, state funding for tobacco was redirected to the general revenue fund and other programs.

3. Government funded foundations can be a very effective organizational structure for a state's tobacco control program. Foundations with an independent board of directors do insulate a state's tobacco control program from political pressure to a certain degree. However, foundations with funding mechanisms that are approved by state legislature or remain a part of a state's normal budgetary process are vulnerable to having funding taken away. In Ohio, influential pro-tobacco legislative members were able to effectively completely strip the Ohio Tobacco Prevention Foundation of previously scheduled funding.

4. Comprehensive clean indoor air laws are one of the most effective policies at decreasing the prevalence of smoking and the health burden from tobacco use. Underlying public support for a clean indoor air law and effectively leveraging that support with grassroots forms of communication and earned media are critical to the pursuit of clean indoor air laws via various methods. Local and statewide clean indoor air efforts in Ohio such as the Smoke Free Ohio campaign and the Smoke Free Columbus campaign used very different methods but were ultimately successful because (1) there was underlying public support for a clean indoor air law and (2) the campaigns were successful at tapping the public's underlying support with effective grassroots communication and earned media support. In Toledo, where the tobacco industry was successful at generating sympathetic earned media and had significant local and grassroots support, pro-tobacco industry interests were able to amend the City's law.

5. A focused and streamlined organization for a public health political campaign can be an effective structure for delivering results in a voter based political campaign. The American Cancer Society received criticism for not being more inclusive in the decision making and not sharing sufficient information during the Smoke Free Ohio campaign. But the structure of the

American Cancer Society lead campaign resulted in quick decision making and decisive action which, allowed the campaign to react and adapt quickly to the opposition and various changes in the political environment. The result was an impressive margin of victory over the tobacco industry led counter initiative (58% to 36%), the first state law via voter initiative in Ohio since 1949, and Ohio becoming the 15th state in the US to pass a comprehensive statewide clean indoor air law.

Appendix A: All State Office Candidates, Tobacco Industry Political Contributions, and Policy Scores

<u>ID</u>	<u>Last</u>	<u>First</u>	<u>Party</u>	<u>Division</u>	<u>Altria</u>	<u>RJR</u>	<u>Lorillard</u>	<u>BCT</u>	<u>SmkLess</u>	<u>T&C</u>	<u>1997-1998</u>	<u>1999-2000</u>	<u>2001-2002</u>	<u>2003-2004</u>	<u>2005-2006</u>	<u>Total</u>	<u>Policy Score</u>
<u>1</u>	<u>Adams</u>	<u>John</u>	<u>R</u>	<u>House</u>												<u>0</u>	
<u>2</u>	<u>Adams</u>	<u>Susan</u>	<u>D</u>	<u>House</u>												<u>0</u>	
<u>3</u>	<u>Aiken</u>	<u>Nancy</u>	<u>D</u>	<u>House</u>												<u>0</u>	
<u>4</u>	<u>Alberty</u>	<u>Paul</u>	<u>R</u>	<u>House</u>												<u>0</u>	
<u>5</u>	<u>Allen</u>	<u>Dixie</u>	<u>D</u>	<u>House</u>		<u>150</u>								<u>150</u>		<u>150</u>	<u>5</u>
<u>6</u>	<u>Allen</u>	<u>Nancy</u>	<u>D</u>	<u>House</u>												<u>0</u>	
<u>7</u>	<u>Amstutz</u>	<u>Ron</u>	<u>R</u>	<u>Senate</u>	<u>800</u>	<u>1500</u>				<u>500</u>		<u>1000</u>	<u>750</u>	<u>750</u>	<u>300</u>	<u>2800</u>	<u>5</u>
<u>8</u>	<u>Amstutz</u>	<u>Benjamin</u>	<u>D</u>	<u>House</u>												<u>0</u>	
<u>9</u>	<u>Anderson</u>	<u>Ken</u>	<u>O</u>	<u>House</u>												<u>0</u>	
<u>10</u>	<u>Anderson</u>	<u>Terry</u>	<u>D</u>	<u>Senate</u>												<u>0</u>	
<u>11</u>	<u>Arbagi</u>	<u>Martin</u>	<u>R</u>	<u>House</u>												<u>0</u>	
<u>12</u>	<u>Armbruster</u>	<u>Jeffrey</u>	<u>R</u>	<u>Senate</u>	<u>2550</u>	<u>1650</u>				<u>300</u>	<u>500</u>	<u>950</u>	<u>2050</u>	<u>500</u>	<u>500</u>	<u>4500</u>	<u>2</u>
<u>13</u>	<u>Armstutz</u>	<u>Alan</u>	<u>O</u>	<u>House</u>												<u>0</u>	
<u>14</u>	<u>Aslanides</u>	<u>Jim</u>	<u>R</u>	<u>House</u>	<u>1750</u>	<u>600</u>				<u>200</u>		<u>900</u>	<u>700</u>	<u>650</u>	<u>300</u>	<u>2550</u>	<u>5</u>
<u>15</u>	<u>Augustajtis</u>	<u>Edward</u>	<u>R</u>	<u>House</u>												<u>0</u>	
<u>16</u>	<u>Austria</u>	<u>Steve</u>	<u>R</u>	<u>Senate</u>	<u>1600</u>	<u>750</u>					<u>100</u>	<u>150</u>		<u>750</u>	<u>1350</u>	<u>2350</u>	<u>5</u>
<u>17</u>	<u>Bach</u>	<u>Jason</u>	<u>O</u>	<u>House</u>												<u>0</u>	
<u>18</u>	<u>Bacon</u>	<u>Kevin</u>	<u>R</u>	<u>House</u>	<u>250</u>										<u>250</u>	<u>250</u>	
<u>19</u>	<u>Baer</u>	<u>Harold</u>	<u>O</u>	<u>House</u>												<u>0</u>	
<u>20</u>	<u>Bailey</u>	<u>Kenneth</u>	<u>D</u>	<u>House</u>												<u>0</u>	
<u>21</u>	<u>Barbosa</u>	<u>Phillip</u>	<u>R</u>	<u>Senate</u>												<u>0</u>	
<u>22</u>	<u>Barnes</u>	<u>John</u>	<u>D</u>	<u>House</u>	<u>250</u>	<u>150</u>						<u>400</u>				<u>400</u>	
<u>23</u>	<u>Barrett</u>	<u>Catherine</u>	<u>D</u>	<u>House</u>	<u>150</u>	<u>300</u>							<u>300</u>	<u>150</u>		<u>450</u>	<u>6</u>
<u>24</u>	<u>Barrett</u>	<u>Matthew</u>	<u>D</u>	<u>House</u>												<u>0</u>	

<u>25</u>	<u>Batchelder</u>	<u>William</u>	<u>R</u>	<u>House</u>	<u>1500</u>	<u>500</u>		<u>500</u>		<u>1500</u>	<u>2000</u>				
<u>26</u>	<u>Bateman</u>	<u>Sam</u>	<u>R</u>	<u>House</u>	<u>450</u>	<u>100</u>		<u>300</u>	<u>250</u>		<u>550</u>				
<u>27</u>	<u>Beatty</u>	<u>Joyce</u>	<u>D</u>	<u>House</u>	<u>900</u>	<u>800</u>			<u>400</u>	<u>450</u>	<u>500</u>	<u>350</u>	<u>1700</u>	<u>9</u>	
<u>28</u>	<u>Beatty</u>	<u>Otto</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>29</u>	<u>Becker</u>	<u>Katherine</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>30</u>	<u>Bender</u>	<u>John</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>31</u>	<u>Benjamin</u>	<u>Ann Womer</u>	<u>R</u>	<u>House</u>		<u>500</u>		<u>250</u>	<u>250</u>				<u>500</u>		
<u>32</u>	<u>Bentkowski</u>	<u>David</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>33</u>	<u>Betti</u>	<u>Tom</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>34</u>	<u>Bevan</u>	<u>Tom</u>	<u>D</u>	<u>Senate</u>									<u>0</u>		
<u>35</u>	<u>Biller</u>	<u>Brian</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>36</u>	<u>Bills</u>	<u>John</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>37</u>	<u>Black</u>	<u>Guy</u>	<u>O</u>	<u>House</u>									<u>0</u>		
				<u>Secretary</u>											
<u>38</u>	<u>Blackwell</u>	<u>Kenneth</u>	<u>R</u>	<u>of State</u>	<u>5000</u>	<u>5350</u>		<u>100</u>	<u>950</u>			<u>9500</u>	<u>10450</u>	<u>2</u>	
<u>39</u>	<u>Blake</u>	<u>Maxine</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>40</u>	<u>Blakely</u>	<u>Patricia</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>41</u>	<u>Bland</u>	<u>Bobby</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>42</u>	<u>Blasdel</u>	<u>Charles</u>	<u>R</u>	<u>House</u>	<u>750</u>	<u>1250</u>				<u>750</u>	<u>1000</u>	<u>250</u>	<u>2000</u>	<u>3</u>	
<u>43</u>	<u>Blessing</u>	<u>Louis</u>	<u>R</u>	<u>Senate</u>	<u>1000</u>	<u>1250</u>		<u>500</u>	<u>500</u>	<u>1000</u>	<u>500</u>	<u>250</u>	<u>500</u>	<u>2750</u>	<u>3</u>
<u>44</u>	<u>Blessing</u>	<u>Thomas</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>45</u>	<u>Bocchieri</u>	<u>John</u>	<u>D</u>	<u>House</u>	<u>650</u>	<u>275</u>				<u>425</u>		<u>500</u>	<u>925</u>	<u>5</u>	
<u>46</u>	<u>Boggs</u>	<u>Ross</u>	<u>D</u>	<u>House</u>	<u>1450</u>	<u>750</u>		<u>650</u>	<u>2850</u>				<u>2850</u>		
<u>47</u>	<u>Bonar</u>	<u>Todd</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>48</u>	<u>Book</u>	<u>Todd</u>	<u>D</u>	<u>House</u>	<u>250</u>	<u>650</u>					<u>150</u>	<u>750</u>	<u>900</u>	<u>5</u>	
<u>49</u>	<u>Bower</u>	<u>Donald</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>50</u>	<u>Bowers</u>	<u>Andy</u>	<u>R</u>	<u>House</u>									<u>0</u>		

<u>51 Boyd</u>	<u>Barbara</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>52 Boyd</u>	<u>June</u>	<u>O</u>	<u>House</u>							<u>0</u>
<u>53 Boyle</u>	<u>Ed</u>	<u>D</u>	<u>Senate</u>							<u>0</u>
<u>54 Boyle</u>	<u>Mary</u>	<u>D</u>	<u>Treasurer</u>							<u>0</u>
<u>55 Bozzelli</u>	<u>Libert</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>56 Brading</u>	<u>Charles</u>	<u>R</u>	<u>House</u>	<u>150</u>		<u>150</u>				<u>150</u>
<u>57 Bradley</u>	<u>Joan</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>58 Bradley</u>	<u>Tim</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>59 Brady</u>	<u>Dan</u>	<u>D</u>	<u>Senate</u>	<u>250</u>			<u>250</u>			<u>250</u>
<u>60 Braiman</u>	<u>Eva</u>	<u>O</u>	<u>Governor</u>							<u>0</u>
<u>61 Branstool</u>	<u>David</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>62 Branstool</u>	<u>Eugene</u>	<u>D</u>	<u>Senate</u>							<u>0</u>
<u>63 Brewer</u>	<u>David</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>64 Brinkman</u>	<u>Tom</u>	<u>R</u>	<u>House</u>	<u>500</u>	<u>150</u>		<u>150</u>	<u>500</u>	<u>650</u>	<u>5</u>
<u>65 Britton</u>	<u>Samuel</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>66 Brown</u>	<u>Edna</u>	<u>D</u>	<u>House</u>	<u>100</u>			<u>100</u>		<u>100</u>	<u>5</u>
<u>67 Brown</u>	<u>Gene</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>68 Brown</u>	<u>Jonathan</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>69 Brown</u>	<u>Ronald</u>	<u>O</u>	<u>House</u>							<u>0</u>
<u>70 Brown</u>	<u>Tom</u>	<u>O</u>	<u>Senate</u>							<u>0</u>
<u>71 Bruening</u>	<u>David</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>72 Brunner</u>	<u>Jennifer</u>	<u>D</u>	<u>Secretary of State</u>							<u>0</u>
<u>73 Bryan</u>	<u>Tim</u>	<u>D</u>	<u>House</u>							<u>0</u>
<u>74 Bubp</u>	<u>Danny</u>	<u>R</u>	<u>House</u>	<u>900</u>			<u>250</u>	<u>650</u>	<u>900</u>	<u>5</u>
<u>75 Buchy</u>	<u>James</u>	<u>R</u>	<u>House</u>	<u>850</u>	<u>1100</u>	<u>850</u>	<u>1050</u>	<u>1750</u>		<u>2800</u>
<u>76 Budish</u>	<u>Armond</u>	<u>D</u>	<u>House</u>							<u>0</u>

<u>77</u>	<u>Buehrer</u>	<u>Stephen</u>	<u>R</u>	<u>House</u>	<u>3000</u>	<u>2900</u>		<u>450</u>	<u>1050</u>	<u>1500</u>	<u>1000</u>	<u>2800</u>	<u>6350</u>	<u>4</u>
<u>78</u>	<u>Burger</u>	<u>Charles</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>79</u>	<u>Burner</u>	<u>Cathy</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>80</u>	<u>Burns</u>	<u>Robert</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>81</u>	<u>Busch</u>	<u>Keith</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>82</u>	<u>Butka</u>	<u>Jeffrey</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>83</u>	<u>Byrne</u>	<u>Patrick</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>84</u>	<u>Cacciaccarro</u>	<u>Meg</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>85</u>	<u>Cain</u>	<u>Mary</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>86</u>	<u>Caldwell</u>	<u>George</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>87</u>	<u>Calko</u>	<u>James</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>88</u>	<u>Callahan</u>	<u>Sherrill</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>89</u>	<u>Callender</u>	<u>Jamie</u>	<u>R</u>	<u>House</u>		<u>300</u>		<u>150</u>	<u>150</u>				<u>300</u>	
<u>90</u>	<u>Calvert</u>	<u>Charles</u>	<u>R</u>	<u>House</u>	<u>2250</u>	<u>1150</u>	<u>500</u>	<u>250</u>	<u>150</u>	<u>1500</u>	<u>2000</u>	<u>500</u>	<u>4150</u>	<u>5</u>
<u>91</u>	<u>Campbell</u>	<u>Jack</u>	<u>D</u>	<u>Senate</u>									<u>0</u>	
<u>92</u>	<u>Carano</u>	<u>Ken</u>	<u>D</u>	<u>House</u>		<u>400</u>				<u>150</u>	<u>250</u>		<u>400</u>	<u>5</u>
<u>93</u>	<u>Carey</u>	<u>John</u>	<u>R</u>	<u>Senate</u>	<u>2750</u>	<u>2350</u>	<u>775</u>	<u>575</u>	<u>750</u>	<u>2300</u>	<u>1750</u>	<u>500</u>	<u>5875</u>	<u>6</u>
<u>94</u>	<u>Carey</u>	<u>Bryan</u>	<u>O</u>	<u>House</u>									<u>0</u>	
<u>95</u>	<u>Carey</u>	<u>Mike</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>96</u>	<u>Carmichael</u>	<u>Jim</u>	<u>R</u>	<u>House</u>	<u>1000</u>	<u>1400</u>	<u>150</u>			<u>300</u>	<u>750</u>	<u>1500</u>	<u>2550</u>	<u>5</u>
<u>97</u>	<u>Carnes</u>	<u>James</u>	<u>R</u>	<u>Senate</u>	<u>1000</u>	<u>450</u>	<u>200</u>	<u>750</u>	<u>700</u>	<u>200</u>			<u>1650</u>	
<u>98</u>	<u>Cassell</u>	<u>Tim</u>	<u>D</u>	<u>House</u>	<u>250</u>	<u>500</u>						<u>750</u>	<u>750</u>	<u>2.3</u>
<u>99</u>	<u>Cates</u>	<u>Gary</u>	<u>R</u>	<u>House</u>	<u>1500</u>	<u>1900</u>	<u>800</u>	<u>800</u>	<u>1150</u>	<u>1000</u>	<u>750</u>	<u>500</u>	<u>4200</u>	<u>5</u>
<u>100</u>	<u>Cefaratti</u>	<u>Anthony</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>101</u>	<u>Chaffin</u>	<u>Steven</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>102</u>	<u>Chandler</u>	<u>Kathleen</u>	<u>D</u>	<u>House</u>		<u>150</u>					<u>150</u>		<u>150</u>	<u>9</u>
<u>103</u>	<u>Church</u>	<u>Dick</u>	<u>D</u>	<u>House</u>									<u>0</u>	

<u>104 Church</u>	<u>Richard</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>105 Cirelli</u>	<u>Mary</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>106 Clancy</u>	<u>Patricia</u>	<u>R</u>	<u>House</u>	<u>1525</u>	<u>2150</u>		<u>400</u>	<u>1100</u>	<u>1025</u>	<u>1250</u>		<u>3775</u>	<u>4</u>	
<u>107 Clarke</u>	<u>Dean</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>108 Coates</u>	<u>Wayne</u>	<u>D</u>	<u>House</u>		<u>150</u>				<u>150</u>			<u>150</u>		
<u>109 Colavecchio</u>	<u>Diana</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>110 Coley</u>	<u>Bill</u>	<u>R</u>	<u>House</u>	<u>500</u>	<u>1150</u>							<u>1650</u>	<u>1650</u>	<u>5</u>
<u>111 Collier</u>	<u>Thom</u>	<u>R</u>	<u>House</u>		<u>950</u>				<u>200</u>	<u>250</u>		<u>500</u>	<u>950</u>	<u>5</u>
<u>112 Combs</u>	<u>Courtney</u>	<u>R</u>	<u>House</u>		<u>150</u>					<u>150</u>		<u>150</u>	<u>5</u>	
<u>113 Combs</u>	<u>David</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>114 Condia</u>	<u>Tony</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>115 Cook</u>	<u>Del</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>116 Cook</u>	<u>Lawrence</u>	<u>D</u>	<u>Senate</u>									<u>0</u>		
<u>117 Coppock</u>	<u>AL</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>118 Corbin</u>	<u>Robert</u>	<u>R</u>	<u>House</u>		<u>2750</u>		<u>350</u>	<u>2850</u>	<u>250</u>			<u>3100</u>		
			<u>Attorney</u>											
<u>119 Cordray</u>	<u>Richard</u>	<u>D</u>	<u>General</u>									<u>0</u>		
<u>120 Core</u>	<u>Anthony</u>	<u>R</u>	<u>House</u>		<u>600</u>		<u>200</u>		<u>400</u>	<u>150</u>	<u>250</u>	<u>800</u>	<u>5</u>	
<u>121 Core</u>	<u>Edward</u>	<u>R</u>	<u>House</u>		<u>150</u>			<u>150</u>				<u>150</u>		
<u>122 Corner</u>	<u>Beverly</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>123 Cottrell</u>	<u>Carol</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>124 Coughlin</u>	<u>Kevin</u>	<u>R</u>	<u>House</u>	<u>550</u>	<u>2350</u>		<u>450</u>	<u>550</u>	<u>1350</u>	<u>650</u>	<u>500</u>	<u>300</u>	<u>3350</u>	<u>5</u>
<u>125 Crislip</u>	<u>Jeanette</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>126 Culver</u>	<u>Kathryn</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>127 Cumston</u>	<u>Ralph</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>128 Cunningham</u>	<u>Chad</u>	<u>D</u>	<u>House</u>									<u>0</u>		

<u>129</u>	<u>Cupp</u>	<u>Robert</u>	<u>R</u>	<u>Supreme Court Justice</u>	<u>250</u>	<u>350</u>	<u>350</u>	<u>700</u>	<u>250</u>		<u>950</u>			
<u>130</u>	<u>Dale</u>	<u>Doug</u>	<u>D</u>	<u>Senate</u>							<u>0</u>			
<u>131</u>	<u>Damschroder</u>	<u>Rex</u>	<u>R</u>	<u>House</u>		<u>100</u>		<u>100</u>			<u>100</u>			
<u>132</u>	<u>Daniels</u>	<u>David</u>	<u>R</u>	<u>House</u>		<u>1400</u>				<u>300</u>	<u>1100</u>	<u>1400</u>	<u>5</u>	
<u>133</u>	<u>Dann</u>	<u>Marc</u>	<u>D</u>	<u>Senate</u>	<u>1250</u>	<u>500</u>				<u>1000</u>	<u>750</u>	<u>1750</u>	<u>10</u>	
<u>134</u>	<u>Davidson</u>	<u>Joann</u>	<u>R</u>	<u>House</u>	<u>5250</u>	<u>2000</u>	<u>650</u>	<u>5000</u>	<u>2900</u>			<u>7900</u>		
<u>135</u>	<u>DeBose</u>	<u>Michael</u>	<u>D</u>	<u>House</u>		<u>450</u>				<u>300</u>	<u>150</u>	<u>450</u>	<u>5</u>	
<u>136</u>	<u>Debrosse</u>	<u>Bob</u>	<u>O</u>	<u>House</u>								<u>0</u>		
<u>137</u>	<u>Deel</u>	<u>Fred</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>138</u>	<u>Degeeter</u>	<u>Timothy</u>	<u>D</u>	<u>House</u>		<u>400</u>				<u>150</u>	<u>250</u>	<u>400</u>	<u>5</u>	
<u>139</u>	<u>DeGreeter</u>	<u>Timothy</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>140</u>	<u>Dejager</u>	<u>Everette</u>	<u>O</u>	<u>House</u>								<u>0</u>		
<u>141</u>	<u>Demmler</u>	<u>John</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>142</u>	<u>Dempsey</u>	<u>Kenneth</u>	<u>O</u>	<u>House</u>								<u>0</u>		
<u>143</u>	<u>Dennis</u>	<u>Fran</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>144</u>	<u>Depiero</u>	<u>Dean</u>	<u>D</u>	<u>House</u>	<u>750</u>	<u>300</u>		<u>300</u>	<u>750</u>			<u>1050</u>		
<u>145</u>	<u>Deters</u>	<u>Joseph</u>	<u>R</u>	<u>Treasurer</u>								<u>0</u>		
<u>146</u>	<u>DeWine</u>	<u>Kevin</u>	<u>R</u>	<u>House</u>	<u>2700</u>	<u>2000</u>	<u>150</u>		<u>250</u>	<u>1350</u>	<u>2000</u>	<u>1250</u>	<u>4850</u>	<u>5</u>
<u>147</u>	<u>Dewine</u>	<u>Kevine</u>	<u>R</u>	<u>House</u>								<u>0</u>		
<u>148</u>	<u>DiDonato</u>	<u>Greg</u>	<u>D</u>	<u>Senate</u>	<u>2750</u>	<u>1300</u>	<u>500</u>	<u>550</u>	<u>1250</u>	<u>2750</u>		<u>4550</u>		
<u>149</u>	<u>Dine</u>	<u>Rob</u>	<u>R</u>	<u>House</u>								<u>0</u>		
<u>150</u>	<u>Distel</u>	<u>George</u>	<u>D</u>	<u>House</u>		<u>850</u>				<u>350</u>	<u>250</u>	<u>250</u>	<u>850</u>	<u>5</u>
<u>151</u>	<u>Distel</u>	<u>L</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>152</u>	<u>Dix</u>	<u>Nancy</u>	<u>R</u>	<u>Senate</u>		<u>300</u>		<u>300</u>				<u>300</u>		
<u>153</u>	<u>Dobos</u>	<u>David</u>	<u>R</u>	<u>House</u>								<u>0</u>		
<u>154</u>	<u>Dodd</u>	<u>Dan</u>	<u>D</u>	<u>House</u>								<u>0</u>		

<u>155</u>	<u>Dolan</u>	<u>Matthew</u>	<u>R</u>	<u>House</u>	<u>650</u>	<u>500</u>			<u>1150</u>	<u>1150</u>	<u>4</u>	
<u>156</u>	<u>Doll</u>	<u>John</u>	<u>D</u>	<u>House</u>						<u>0</u>		
<u>157</u>	<u>Dombek</u>	<u>Dan</u>	<u>D</u>	<u>House</u>						<u>0</u>		
<u>158</u>	<u>Domenick</u>	<u>John</u>	<u>D</u>	<u>House</u>		<u>150</u>		<u>150</u>		<u>150</u>	<u>5</u>	
<u>159</u>	<u>Donaldson</u>	<u>Jim</u>	<u>O</u>	<u>House</u>						<u>0</u>		
<u>160</u>	<u>Donofrio</u>	<u>John</u>	<u>D</u>	<u>Treasurer</u>						<u>0</u>		
<u>161</u>	<u>Downing</u>	<u>Dan</u>	<u>D</u>	<u>House</u>						<u>0</u>		
<u>162</u>	<u>Drabick</u>	<u>Thomas</u>	<u>D</u>	<u>House</u>						<u>0</u>		
<u>163</u>	<u>Drake</u>	<u>Grace</u>	<u>R</u>	<u>Senate</u>	<u>300</u>	<u>200</u>		<u>500</u>		<u>500</u>		
<u>164</u>	<u>Dreyer</u>	<u>John</u>	<u>R</u>	<u>House</u>						<u>0</u>		
<u>165</u>	<u>Driehaus</u>	<u>Steve</u>	<u>D</u>	<u>House</u>	<u>450</u>	<u>150</u>	<u>150</u>	<u>350</u>	<u>150</u>	<u>250</u>	<u>750</u>	<u>5</u>
<u>166</u>	<u>Dro</u>	<u>Michael</u>	<u>R</u>	<u>House</u>						<u>0</u>		
<u>167</u>	<u>Dunley</u>	<u>Cynthia</u>	<u>D</u>	<u>House</u>						<u>0</u>		
<u>168</u>	<u>Eastman</u>	<u>John</u>	<u>O</u>	<u>Governor</u>						<u>0</u>		
<u>169</u>	<u>Eby</u>	<u>William</u>	<u>D</u>	<u>House</u>						<u>0</u>		
<u>170</u>	<u>Eckhart</u>	<u>Don</u>	<u>O</u>	<u>Senate</u>						<u>0</u>		
<u>171</u>	<u>Ekstrum</u>	<u>Dave</u>	<u>O</u>	<u>House</u>						<u>0</u>		
<u>172</u>	<u>Eliason</u>	<u>Lisa</u>	<u>D</u>	<u>House</u>						<u>0</u>		
<u>173</u>	<u>Engel</u>	<u>Arnold</u>	<u>D</u>	<u>House</u>						<u>0</u>		
<u>174</u>	<u>Erb</u>	<u>Greg</u>	<u>R</u>	<u>House</u>						<u>0</u>		
<u>175</u>	<u>Espy</u>	<u>Ben</u>	<u>D</u>	<u>Senate</u>	<u>1250</u>	<u>550</u>		<u>1300</u>	<u>500</u>	<u>1800</u>		
<u>176</u>	<u>Evan</u>	<u>Frank</u>	<u>O</u>	<u>House</u>						<u>0</u>		
<u>177</u>	<u>Evans</u>	<u>Clyde</u>	<u>R</u>	<u>House</u>		<u>500</u>			<u>500</u>	<u>500</u>	<u>5</u>	
<u>178</u>	<u>Evans</u>	<u>Bob</u>	<u>R</u>	<u>House</u>						<u>0</u>		
<u>179</u>	<u>Evans</u>	<u>David</u>	<u>R</u>	<u>House</u>			<u>150</u>	<u>150</u>		<u>150</u>	<u>5</u>	
<u>180</u>	<u>Evans</u>	<u>Roger</u>	<u>R</u>	<u>House</u>						<u>0</u>		
<u>181</u>	<u>Faber</u>	<u>Keith</u>	<u>R</u>	<u>House</u>	<u>200</u>	<u>1550</u>		<u>700</u>	<u>550</u>	<u>500</u>	<u>1750</u>	<u>5</u>

<u>182 Fagin</u>	<u>Marc</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>183 Fanger</u>	<u>Jeffery</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>184 Farrel</u>	<u>Williams</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>185 Federico</u>	<u>Valerie</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>186 Fedor</u>	<u>Teresa</u>	<u>D</u>	<u>House</u>	<u>3000</u>	<u>500</u>			<u>1000</u>	<u>400</u>	<u>2100</u>	<u>3500</u>	<u>7</u>
<u>187 Feierabend</u>	<u>Bruce</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>188 Feitler</u>	<u>Zanna</u>	<u>O</u>	<u>Governor</u>								<u>0</u>	
<u>189 Fende</u>	<u>Lorraine</u>	<u>D</u>	<u>House</u>								<u>0</u>	<u>5</u>
<u>190 Fessler</u>	<u>Diana</u>	<u>R</u>	<u>House</u>		<u>300</u>				<u>300</u>		<u>300</u>	<u>5</u>
<u>191 Finan</u>	<u>Richard</u>	<u>R</u>	<u>Senate</u>	<u>5500</u>	<u>2200</u>		<u>2000</u>	<u>5700</u>	<u>4000</u>		<u>9700</u>	
<u>192 Fingerhut</u>	<u>Eric</u>	<u>D</u>	<u>Senate</u>		<u>250</u>				<u>250</u>		<u>250</u>	<u>8</u>
<u>193 Fischer</u>	<u>Tony</u>	<u>D</u>	<u>Senate</u>								<u>0</u>	
<u>194 Fisher</u>	<u>Dave</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>195 Fisher</u>	<u>Lee</u>	<u>D</u>	<u>Governor</u>								<u>0</u>	
<u>196 Fitch</u>	<u>John</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>197 Flanary</u>	<u>William</u>	<u>D</u>	<u>Senate</u>								<u>0</u>	
<u>198 Flannery</u>	<u>Bryan</u>	<u>D</u>	<u>House</u>			<u>425</u>		<u>275</u>	<u>150</u>		<u>425</u>	
<u>199 Fleure</u>	<u>Mary</u>	<u>D</u>	<u>Senate</u>								<u>0</u>	
<u>200 Flowers</u>	<u>Larry</u>	<u>R</u>	<u>House</u>	<u>700</u>	<u>800</u>			<u>400</u>	<u>350</u>	<u>750</u>	<u>1500</u>	<u>6</u>
<u>201 Fockler</u>	<u>John</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>202 Ford</u>	<u>Jack</u>	<u>D</u>	<u>House</u>	<u>1000</u>	<u>250</u>			<u>1250</u>			<u>1250</u>	
<u>203 Fowler</u>	<u>Kevin</u>	<u>R</u>	<u>Senate</u>								<u>0</u>	
<u>204 Fox</u>	<u>Michael</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>205 Francis</u>	<u>Matthew</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>206 Frank</u>	<u>Iiona</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>207 French</u>	<u>Gary</u>	<u>D</u>	<u>House</u>								<u>0</u>	

<u>208 Fulimeni</u>	<u>Yvonne</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>209 Furney</u>	<u>Linda</u>	<u>D</u>	<u>Senate</u>		<u>375</u>		<u>125</u>	<u>250</u>				<u>375</u>		
<u>210 Galloway</u>	<u>Christopher</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>211 Garcia</u>	<u>John</u>	<u>R</u>	<u>House</u>		<u>150</u>		<u>150</u>					<u>150</u>		
<u>212 Gardner</u>	<u>Randall</u>	<u>R</u>	<u>House</u>	<u>2500</u>	<u>1750</u>		<u>650</u>	<u>900</u>	<u>1750</u>	<u>250</u>	<u>1000</u>	<u>1000</u>	<u>4900</u>	<u>7</u>
<u>213 Gardner</u>	<u>Randy</u>	<u>R</u>	<u>Senate</u>									<u>0</u>		
<u>214 Gardner</u>	<u>Robert</u>	<u>R</u>	<u>Senate</u>	<u>500</u>	<u>1450</u>		<u>500</u>	<u>200</u>	<u>1500</u>	<u>750</u>		<u>2450</u>		
<u>215 Garrison</u>	<u>Jennifer</u>	<u>D</u>	<u>House</u>									<u>0</u>	<u>5</u>	
<u>216 Gerber</u>	<u>Tom</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>217 Gerberry</u>	<u>Ron</u>	<u>D</u>	<u>House</u>		<u>150</u>		<u>225</u>	<u>375</u>				<u>375</u>		
<u>218 Gerberry</u>	<u>Ronald</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>219 Gerren</u>	<u>Nick</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>220 Gibbs</u>	<u>Bob</u>	<u>R</u>	<u>House</u>		<u>650</u>					<u>150</u>	<u>500</u>	<u>650</u>	<u>4</u>	
<u>221 Gieringer</u>	<u>Daniel</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>222 Gilb</u>	<u>Michael</u>	<u>R</u>	<u>House</u>	<u>200</u>	<u>450</u>				<u>450</u>	<u>200</u>		<u>650</u>	<u>4</u>	
<u>223 Gilb</u>	<u>Mike</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>224 Gioitta</u>	<u>Caroline</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>225 Glassburn</u>	<u>Chris</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>226 Glenn</u>	<u>David</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>227 Gooding</u>	<u>Robert</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>228 Goodman</u>	<u>David</u>	<u>R</u>	<u>House</u>		<u>1600</u>		<u>150</u>	<u>250</u>	<u>500</u>	<u>500</u>		<u>500</u>	<u>1750</u>	<u>4</u>
<u>229 Goodwin</u>	<u>Bruce</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>230 Gordon</u>	<u>Lawrence</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>231 Gothard</u>	<u>Brad</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>232 Goulding</u>	<u>Michael</u>	<u>R</u>	<u>House</u>									<u>0</u>		

<u>233</u>	<u>Grassbaugh</u>	<u>Duane</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>234</u>	<u>Greeley</u>	<u>Nancy</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>235</u>	<u>Grendell</u>	<u>Timothy</u>	<u>R</u>	<u>House</u>	<u>1300</u>	<u>750</u>		<u>250</u>		<u>1000</u>	<u>800</u>	<u>2050</u>	<u>1</u>		
<u>236</u>	<u>Grendell</u>	<u>Diane</u>	<u>R</u>	<u>House</u>	<u>150</u>	<u>100</u>		<u>250</u>				<u>250</u>			
<u>237</u>	<u>Grimm</u>	<u>Jane</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>238</u>	<u>Grimm</u>	<u>Michael</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>239</u>	<u>Grimm</u>	<u>Mike</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>240</u>	<u>Guerry</u>	<u>Theodore</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>241</u>	<u>Hacker</u>	<u>Bart</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>242</u>	<u>Hagan</u>	<u>Robert</u>	<u>D</u>	<u>Senate</u>	<u>250</u>	<u>1250</u>	<u>250</u>	<u>250</u>	<u>1000</u>	<u>250</u>	<u>250</u>	<u>1750</u>	<u>5</u>		
<u>243</u>	<u>Hagan</u>	<u>John</u>	<u>R</u>	<u>House</u>		<u>300</u>			<u>150</u>	<u>150</u>		<u>300</u>	<u>5</u>		
<u>244</u>	<u>Hagan</u>	<u>Timothy</u>	<u>D</u>	<u>Governor</u>									<u>0</u>		
<u>245</u>	<u>Haines</u>	<u>Joseph</u>	<u>R</u>	<u>House</u>		<u>300</u>		<u>300</u>				<u>300</u>			
<u>246</u>	<u>Hall</u>	<u>Sandra</u>	<u>R</u>	<u>House</u>									<u>0</u>		
<u>247</u>	<u>Hallmark</u>	<u>Jason</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>248</u>	<u>Hanni</u>	<u>Holly</u>	<u>R</u>	<u>Senate</u>									<u>0</u>		
<u>249</u>	<u>Harnett</u>	<u>Bill</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>250</u>	<u>Harpel</u>	<u>Gregory</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>251</u>	<u>Harris</u>	<u>Bill</u>	<u>R</u>	<u>Senate</u>	<u>7500</u>	<u>2200</u>	<u>500</u>	<u>1400</u>	<u>600</u>	<u>3000</u>	<u>2000</u>	<u>4500</u>	<u>1500</u>	<u>11600</u>	<u>5</u>
<u>252</u>	<u>Harrison</u>	<u>Jeanette</u>	<u>D</u>	<u>House</u>									<u>0</u>		
<u>253</u>	<u>Harrison</u>	<u>Jeannette</u>	<u>D</u>	<u>Senate</u>									<u>0</u>		
<u>254</u>	<u>Hart</u>	<u>Bob</u>	<u>O</u>	<u>House</u>									<u>0</u>		
<u>255</u>	<u>Hart</u>	<u>Charles</u>	<u>D</u>	<u>Senate</u>									<u>0</u>		
<u>256</u>	<u>Hartley</u>	<u>David</u>	<u>D</u>	<u>House</u>		<u>150</u>		<u>150</u>				<u>150</u>			
<u>257</u>	<u>Hartman</u>	<u>John</u>	<u>O</u>	<u>House</u>									<u>0</u>		

<u>258</u>	<u>Hartmann</u>	<u>Greg</u>	<u>R</u>	<u>Secretary of State</u>							<u>0</u>	
<u>259</u>	<u>Hartmann</u>	<u>Richard</u>	<u>O</u>	<u>House</u>							<u>0</u>	
<u>260</u>	<u>Hartnet</u>	<u>William</u>	<u>D</u>	<u>House</u>	<u>1100</u>	<u>875</u>		<u>175</u>	<u>850</u>	<u>950</u>	<u>1975</u>	<u>5</u>
<u>261</u>	<u>Harwood</u>	<u>Sandra</u>	<u>D</u>	<u>House</u>							<u>0</u>	<u>5</u>
<u>262</u>	<u>Hatch</u>	<u>Mark</u>	<u>D</u>	<u>House</u>							<u>0</u>	
<u>263</u>	<u>Hatton</u>	<u>Keith</u>	<u>O</u>	<u>House</u>							<u>0</u>	
<u>264</u>	<u>Hauenstein</u>	<u>Terri</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>265</u>	<u>Hawk</u>	<u>Fred</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>266</u>	<u>Hawkins</u>	<u>John</u>	<u>D</u>	<u>Senate</u>							<u>0</u>	
<u>267</u>	<u>Hazlett</u>	<u>Charles</u>	<u>O</u>	<u>House</u>							<u>0</u>	
<u>268</u>	<u>Headen</u>	<u>Wilbur</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>269</u>	<u>Healy</u>	<u>William</u>	<u>D</u>	<u>House</u>	<u>250</u>	<u>100</u>		<u>350</u>			<u>350</u>	<u>5</u>
<u>270</u>	<u>Hendricks</u>	<u>Linda</u>	<u>R</u>	<u>Senate</u>							<u>0</u>	
<u>271</u>	<u>Hensley</u>	<u>Jack</u>	<u>R</u>	<u>Senate</u>							<u>0</u>	
<u>272</u>	<u>Herington</u>	<u>Leigh</u>	<u>D</u>	<u>Senate</u>	<u>1250</u>	<u>750</u>	<u>500</u>	<u>250</u>	<u>500</u>	<u>1500</u>	<u>250</u>	<u>2500</u>
<u>273</u>	<u>Hildebrant</u>	<u>Bart</u>	<u>O</u>	<u>Senate</u>							<u>0</u>	
<u>274</u>	<u>Hill</u>	<u>Deanna</u>	<u>D</u>	<u>House</u>							<u>0</u>	
<u>275</u>	<u>Hoag</u>	<u>Michael</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>276</u>	<u>Hodges</u>	<u>Richard</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>277</u>	<u>Hoffman</u>	<u>Howard</u>	<u>D</u>	<u>House</u>							<u>0</u>	
<u>278</u>	<u>Hollister</u>	<u>Nancy</u>	<u>R</u>	<u>House</u>	<u>250</u>	<u>750</u>		<u>500</u>		<u>500</u>	<u>1000</u>	
<u>279</u>	<u>Holloway</u>	<u>R</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>280</u>	<u>Holt</u>	<u>Richardson</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>281</u>	<u>Holtsberry</u>	<u>Timothy</u>	<u>D</u>	<u>Senate</u>							<u>0</u>	
<u>282</u>	<u>Hood</u>	<u>Ron</u>	<u>R</u>	<u>House</u>		<u>650</u>		<u>150</u>			<u>500</u>	<u>650</u>

<u>283</u>	<u>Hoops</u>	<u>James</u>	<u>R</u>	<u>House</u>	<u>500</u>	<u>1200</u>		<u>100</u>		<u>750</u>	<u>300</u>	<u>750</u>		<u>1800</u>	<u>5</u>
<u>284</u>	<u>Hoppel</u>	<u>James</u>	<u>R</u>	<u>House</u>										<u>0</u>	
<u>285</u>	<u>Horn</u>	<u>Charles</u>	<u>R</u>	<u>Senate</u>										<u>0</u>	
<u>286</u>	<u>Horne</u>	<u>Bill</u>	<u>O</u>	<u>House</u>										<u>0</u>	
<u>287</u>	<u>Hottinger</u>	<u>Jay</u>	<u>R</u>	<u>Senate</u>	<u>1500</u>	<u>750</u>		<u>750</u>	<u>500</u>	<u>1000</u>	<u>250</u>	<u>1000</u>	<u>250</u>	<u>3000</u>	<u>5</u>
<u>288</u>	<u>Houk</u>	<u>Sally</u>	<u>R</u>	<u>House</u>										<u>0</u>	
<u>289</u>	<u>Householder</u>	<u>Larry</u>	<u>R</u>	<u>House</u>	<u>7000</u>	<u>9900</u>		<u>1500</u>	<u>650</u>	<u>6250</u>	<u>9000</u>	<u>2500</u>		<u>18400</u>	<u>2</u>
<u>290</u>	<u>Howard</u>	<u>Janet</u>	<u>R</u>	<u>Senate</u>										<u>0</u>	
<u>291</u>	<u>Huffman</u>	<u>Matt</u>	<u>R</u>	<u>House</u>										<u>0</u>	
<u>292</u>	<u>Huggins</u>	<u>Jackie</u>	<u>R</u>	<u>Senate</u>										<u>0</u>	
<u>293</u>	<u>Hughes</u>	<u>Jim</u>	<u>R</u>	<u>House</u>		<u>1250</u>		<u>250</u>		<u>250</u>	<u>250</u>	<u>500</u>	<u>500</u>	<u>1500</u>	<u>5</u>
<u>294</u>	<u>Hull</u>	<u>Nancy</u>	<u>R</u>	<u>House</u>										<u>0</u>	
<u>295</u>	<u>Hunter</u>	<u>Charles</u>	<u>O</u>	<u>House</u>										<u>0</u>	
<u>296</u>	<u>Husted</u>	<u>Jon</u>	<u>R</u>	<u>House</u>	<u>7650</u>	<u>3750</u>		<u>400</u>		<u>250</u>	<u>550</u>	<u>7000</u>	<u>4000</u>	<u>11800</u>	<u>4</u>
<u>297</u>	<u>Insana</u>	<u>Karen</u>	<u>D</u>	<u>House</u>										<u>0</u>	
<u>298</u>	<u>Inskeep</u>	<u>Richard</u>	<u>D</u>	<u>House</u>										<u>0</u>	
<u>299</u>	<u>Jackson</u>	<u>Synthia</u>	<u>O</u>	<u>House</u>										<u>0</u>	
<u>300</u>	<u>Jacobson</u>	<u>Jeff</u>	<u>R</u>	<u>Senate</u>	<u>4050</u>	<u>2250</u>					<u>1500</u>	<u>4000</u>	<u>800</u>	<u>6300</u>	<u>5</u>
<u>301</u>	<u>James</u>	<u>Troy</u>	<u>D</u>	<u>House</u>										<u>0</u>	
<u>302</u>	<u>Jerse</u>	<u>Ed</u>	<u>D</u>	<u>House</u>	<u>250</u>			<u>150</u>			<u>150</u>	<u>250</u>		<u>400</u>	
<u>303</u>	<u>Johnson</u>	<u>Archie</u>	<u>D</u>	<u>House</u>										<u>0</u>	
<u>304</u>	<u>Johnson</u>	<u>Bruce</u>	<u>R</u>	<u>Senate</u>	<u>1250</u>			<u>500</u>	<u>750</u>	<u>1000</u>				<u>1750</u>	
<u>305</u>	<u>Johnson</u>	<u>Don</u>	<u>R</u>	<u>House</u>										<u>0</u>	
<u>306</u>	<u>Johnson</u>	<u>Kathleen</u>	<u>D</u>	<u>House</u>										<u>0</u>	
<u>307</u>	<u>Johnson</u>	<u>Tom</u>	<u>R</u>	<u>House</u>	<u>500</u>	<u>1000</u>		<u>200</u>	<u>1700</u>					<u>1700</u>	

<u>308 Jolivet</u>	<u>Gregory</u>	<u>R</u>	<u>House</u>	<u>1000</u>	<u>375</u>		<u>475</u>	<u>500</u>	<u>850</u>	<u>250</u>	<u>250</u>	<u>1850</u>	
<u>309 Jones</u>	<u>Shannon</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>310 Jones</u>	<u>Glenn</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>311 Jones</u>	<u>Judy</u>	<u>R</u>	<u>Senate</u>									<u>0</u>	
<u>312 Jones</u>	<u>Lionel</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>313 Jones</u>	<u>Peter</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>314 Jones</u>	<u>Ronnie</u>	<u>O</u>	<u>House</u>									<u>0</u>	
<u>315 Jones</u>	<u>Tom</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>316 Jordan</u>	<u>Jim</u>	<u>R</u>	<u>Senate</u>									<u>0</u>	
<u>317 Jordon</u>	<u>Jim</u>	<u>R</u>	<u>House</u>	<u>250</u>	<u>1500</u>		<u>125</u>	<u>125</u>	<u>250</u>	<u>500</u>	<u>500</u>	<u>500</u>	<u>1875</u>
<u>318 Jotte</u>	<u>Randy</u>	<u>O</u>	<u>Senate</u>									<u>0</u>	
<u>319 Judge</u>	<u>Geoffrey</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>320 Kaffenberger</u>	<u>Jack</u>	<u>O</u>	<u>Senate</u>									<u>0</u>	
<u>321 Kahlig</u>	<u>Tonya</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>322 Kaloger</u>	<u>Tony</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>323 Kammerer</u>	<u>William</u>	<u>O</u>	<u>Senate</u>									<u>0</u>	
<u>324 Kasputis</u>	<u>Edward</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>325 Kearney</u>	<u>Eric</u>	<u>D</u>	<u>Senate</u>	<u>1000</u>							<u>1000</u>	<u>1000</u>	<u>5</u>
<u>326 Kearns</u>	<u>Merle</u>	<u>R</u>	<u>House</u>	<u>750</u>	<u>1000</u>		<u>250</u>	<u>250</u>	<u>750</u>	<u>500</u>	<u>500</u>	<u>2000</u>	
<u>327 keith</u>	<u>Karl</u>	<u>D</u>	<u>Senate</u>									<u>0</u>	
<u>328 Keller</u>	<u>Frank</u>	<u>O</u>	<u>House</u>									<u>0</u>	
<u>329 Keller</u>	<u>Inell</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>330 Keller</u>	<u>Nicolas</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>331 Kelley</u>	<u>Elizabeth</u>	<u>D</u>	<u>Senate</u>									<u>0</u>	
<u>332 Kemmerer</u>	<u>Joanne</u>	<u>R</u>	<u>House</u>									<u>0</u>	

<u>333 Kennedy</u>	<u>Kevin</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>334 Kenneweg</u>	<u>Danny</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>335 Key</u>	<u>Annie</u>	<u>D</u>	<u>House</u>	<u>300</u>			<u>150</u>	<u>150</u>		<u>300</u>	<u>5</u>	
<u>336 Kidd</u>	<u>David</u>	<u>O</u>	<u>House</u>							<u>0</u>		
<u>337 Kilbane</u>	<u>Sally</u>	<u>R</u>	<u>House</u>	<u>750</u>	<u>1050</u>		<u>150</u>	<u>150</u>	<u>1000</u>	<u>500</u>	<u>1800</u>	<u>2</u>
<u>338 Kirby</u>	<u>Anthony</u>	<u>R</u>	<u>House</u>							<u>0</u>		
<u>339 Klepacz</u>	<u>George</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>340 Klug</u>	<u>Bob</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>341 Kobvika</u>	<u>Michael</u>	<u>R</u>	<u>House</u>							<u>0</u>		
<u>342 Koziura</u>	<u>Joe</u>	<u>D</u>	<u>House</u>	<u>200</u>	<u>450</u>			<u>400</u>	<u>250</u>	<u>650</u>	<u>5</u>	
<u>343 Koziura</u>	<u>Joseph</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>344 Krebs</u>	<u>Gene</u>	<u>R</u>	<u>House</u>	<u>250</u>			<u>250</u>			<u>250</u>		
<u>345 Kreinbihi</u>	<u>Dean</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>346 Kresnye</u>	<u>BJ</u>	<u>R</u>	<u>House</u>							<u>0</u>		
<u>347 Krupinski</u>	<u>Jerry</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>348 Krupinski</u>	<u>K</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>349 Kumler</u>	<u>Jean</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>350 Lacey</u>	<u>Joe</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>351 Lacey</u>	<u>Lorena</u>	<u>R</u>	<u>Senate</u>							<u>0</u>		
<u>352 Lanaghan</u>	<u>Patrick</u>	<u>R</u>	<u>House</u>							<u>0</u>		
<u>353 Landefeld</u>	<u>Kurt</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>354 Lane</u>	<u>Geoff</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>355 Lang</u>	<u>Pat</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>356 Lange</u>	<u>Werner</u>	<u>O</u>	<u>House</u>							<u>0</u>		

<u>357</u>	<u>Lanzinger</u>	<u>Judith</u>	<u>R</u>	<u>Supreme Court Justice</u>		<u>1000</u>			<u>1000</u>	<u>1000</u>		
<u>358</u>	<u>Latell</u>	<u>Anthony</u>	<u>D</u>	<u>House</u>	<u>500</u>	<u>600</u>		<u>500</u>	<u>450</u>	<u>150</u>	<u>1100</u>	
<u>359</u>	<u>Latta</u>	<u>Robert</u>	<u>R</u>	<u>House</u>							<u>0</u>	<u>7</u>
<u>360</u>	<u>Law</u>	<u>Randy</u>	<u>R</u>	<u>Senate</u>							<u>0</u>	<u>5</u>
<u>361</u>	<u>Lawrance</u>	<u>Joan</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>362</u>	<u>Lawrence</u>	<u>Joan</u>	<u>R</u>	<u>House</u>		<u>400</u>		<u>400</u>			<u>400</u>	
<u>363</u>	<u>Leech</u>	<u>Margaret</u>	<u>O</u>	<u>Senate</u>							<u>0</u>	
<u>364</u>	<u>Leirer</u>	<u>Richard</u>	<u>O</u>	<u>Senate</u>							<u>0</u>	
<u>365</u>	<u>Lendrum</u>	<u>J</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>366</u>	<u>Lendrum</u>	<u>Tom</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>367</u>	<u>Lesniak</u>	<u>Ted</u>	<u>O</u>	<u>House</u>							<u>0</u>	
<u>368</u>	<u>Lipinski</u>	<u>Joe</u>	<u>O</u>	<u>House</u>							<u>0</u>	
<u>369</u>	<u>Lipinski</u>	<u>Joseph</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>370</u>	<u>Lisy</u>	<u>Ronald</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>371</u>	<u>Logan</u>	<u>Sean</u>	<u>D</u>	<u>House</u>		<u>150</u>	<u>275</u>	<u>425</u>			<u>425</u>	
<u>372</u>	<u>Long</u>	<u>Chris</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>373</u>	<u>Longshore</u>	<u>Don</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>374</u>	<u>Lorms</u>	<u>Mary</u>	<u>D</u>	<u>House</u>							<u>0</u>	
<u>375</u>	<u>Lucas</u>	<u>David</u>	<u>R</u>	<u>House</u>							<u>0</u>	
<u>376</u>	<u>Lucas</u>	<u>June</u>	<u>D</u>	<u>House</u>							<u>0</u>	
<u>377</u>	<u>Ludwig</u>	<u>Kenneth</u>	<u>D</u>	<u>House</u>							<u>0</u>	
<u>378</u>	<u>Luebbers</u>	<u>Jerome</u>	<u>D</u>	<u>House</u>		<u>150</u>	<u>150</u>	<u>300</u>			<u>300</u>	
<u>379</u>	<u>Lupher</u>	<u>Dennis</u>	<u>D</u>	<u>House</u>							<u>0</u>	
<u>380</u>	<u>Mackey</u>	<u>Andrew</u>	<u>D</u>	<u>House</u>							<u>0</u>	

<u>381</u>	<u>Magee</u>	<u>Arthur</u>	<u>O</u>	<u>Senate</u>								<u>0</u>	
<u>382</u>	<u>Maier</u>	<u>Johnnie</u>	<u>D</u>	<u>House</u>	<u>200</u>	<u>550</u>			<u>750</u>			<u>750</u>	
<u>383</u>	<u>Maini</u>	<u>Alan</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>384</u>	<u>Maleski</u>	<u>Michael</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>385</u>	<u>Mallory</u>	<u>Mark</u>	<u>D</u>	<u>Senate</u>	<u>1000</u>	<u>250</u>		<u>500</u>	<u>500</u>	<u>250</u>		<u>1250</u>	
<u>386</u>	<u>Mandel</u>	<u>Josh</u>	<u>R</u>	<u>House</u>	<u>250</u>		<u>150</u>				<u>400</u>	<u>400</u>	
<u>387</u>	<u>Mann</u>	<u>Les</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>388</u>	<u>Mann</u>	<u>Milton</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>389</u>	<u>Manning</u>	<u>Andrew</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>390</u>	<u>Manning</u>	<u>Jeff</u>	<u>R</u>	<u>House</u>			<u>150</u>		<u>150</u>			<u>150</u>	
<u>391</u>	<u>Manning</u>	<u>Stuart</u>	<u>D</u>	<u>Senate</u>								<u>0</u>	
<u>392</u>	<u>Marconi</u>	<u>Anthony</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>393</u>	<u>Marcus</u>	<u>Eric</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>394</u>	<u>Marshall</u>	<u>Betsy</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>395</u>	<u>Martin</u>	<u>Earl</u>	<u>R</u>	<u>House</u>	<u>500</u>	<u>1150</u>				<u>400</u>	<u>1250</u>	<u>1650</u>	<u>5</u>
<u>396</u>	<u>Martin</u>	<u>Gerald</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>397</u>	<u>Martin</u>	<u>Robert</u>	<u>O</u>	<u>Treasurer</u>								<u>0</u>	
<u>398</u>	<u>Martinez</u>	<u>Logan</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>399</u>	<u>Mason</u>	<u>James</u>	<u>R</u>	<u>House</u>		<u>150</u>		<u>150</u>				<u>150</u>	
<u>400</u>	<u>Mason</u>	<u>Lance</u>	<u>D</u>	<u>House</u>								<u>0</u>	<u>5</u>
<u>401</u>	<u>Mason</u>	<u>Thomas</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>402</u>	<u>Matheny</u>	<u>Sam</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>403</u>	<u>Matius</u>	<u>Robert</u>	<u>D</u>	<u>Senate</u>								<u>0</u>	
<u>404</u>	<u>McCann</u>	<u>Brian</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>405</u>	<u>McCarty</u>	<u>Scott</u>	<u>D</u>	<u>House</u>								<u>0</u>	

<u>406</u>	<u>McCoy</u>	<u>Carol</u>	<u>O</u>	<u>House</u>								<u>0</u>		
<u>407</u>	<u>McGregor</u>	<u>James</u>	<u>R</u>	<u>House</u>	<u>700</u>				<u>300</u>	<u>150</u>	<u>250</u>	<u>700</u>	<u>6.3</u>	
<u>408</u>	<u>McGregor</u>	<u>Ross</u>	<u>R</u>	<u>House</u>	<u>250</u>						<u>250</u>	<u>250</u>	<u>5</u>	
<u>409</u>	<u>McKeever</u>	<u>Carol</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>410</u>	<u>McLin</u>	<u>Rhine</u>	<u>D</u>	<u>Senate</u>								<u>0</u>		
<u>411</u>	<u>McNamee</u>	<u>Monna</u>	<u>D</u>	<u>Senate</u>								<u>0</u>		
<u>412</u>	<u>McNeil</u>	<u>Timothy</u>	<u>O</u>	<u>House</u>								<u>0</u>		
<u>413</u>	<u>Mead</u>	<u>Priscilla</u>	<u>R</u>	<u>Senate</u>	<u>500</u>	<u>800</u>		<u>250</u>	<u>800</u>	<u>1000</u>		<u>1800</u>		
<u>414</u>	<u>Melle</u>	<u>James</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>415</u>	<u>Melling</u>	<u>Blair</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>416</u>	<u>Metelsky</u>	<u>Daniel</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>417</u>	<u>Metelsky</u>	<u>George</u>	<u>D</u>	<u>House</u>	<u>450</u>	<u>900</u>		<u>150</u>	<u>300</u>	<u>1200</u>		<u>1500</u>		
<u>418</u>	<u>Mettler</u>	<u>Jim</u>	<u>R</u>	<u>House</u>						<u>150</u>		<u>150</u>		
<u>419</u>	<u>Metzger</u>	<u>Kerry</u>	<u>R</u>	<u>House</u>	<u>500</u>	<u>800</u>		<u>550</u>	<u>350</u>	<u>1300</u>	<u>200</u>	<u>1850</u>		
<u>420</u>	<u>Miller</u>	<u>Rav</u>	<u>D</u>	<u>House</u>					<u>150</u>	<u>150</u>		<u>300</u>	<u>9</u>	
<u>421</u>	<u>Miller</u>	<u>Dale</u>	<u>D</u>	<u>House</u>								<u>0</u>	<u>10</u>	
<u>422</u>	<u>Miller</u>	<u>Glen</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>423</u>	<u>Miller</u>	<u>Kathy</u>	<u>R</u>	<u>House</u>								<u>0</u>		
<u>424</u>	<u>Miller</u>	<u>Pamela</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>425</u>	<u>Mitchel</u>	<u>John</u>	<u>O</u>	<u>Governor</u>								<u>0</u>		
<u>426</u>	<u>Mitchell</u>	<u>Mike</u>	<u>D</u>	<u>House</u>		<u>250</u>						<u>250</u>	<u>250</u>	<u>5</u>
<u>427</u>	<u>Mitchell</u>	<u>A</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>428</u>	<u>Mitchell</u>	<u>Debra</u>	<u>O</u>	<u>Senate</u>								<u>0</u>		
<u>429</u>	<u>Montgomery</u>	<u>Betty</u>	<u>R</u>	<u>Attorney General</u>	<u>4000</u>						<u>1000</u>	<u>3000</u>	<u>4000</u>	<u>8</u>
<u>430</u>	<u>Moore</u>	<u>William</u>	<u>D</u>	<u>House</u>								<u>0</u>		

<u>431</u>	<u>Moore</u>	<u>Ysabel</u>	<u>O</u>	<u>House</u>														<u>0</u>	
<u>432</u>	<u>Morano</u>	<u>Sue</u>	<u>D</u>	<u>Senate</u>	<u>500</u>													<u>500</u>	<u>500</u>
<u>433</u>	<u>Morgan</u>	<u>John</u>	<u>O</u>	<u>House</u>														<u>0</u>	
<u>434</u>	<u>Mortemore</u>	<u>Abbey</u>	<u>D</u>	<u>House</u>														<u>0</u>	
<u>435</u>	<u>Mortz</u>	<u>Rav</u>	<u>D</u>	<u>House</u>														<u>0</u>	
<u>436</u>	<u>Mosher</u>	<u>Natalie</u>	<u>D</u>	<u>House</u>														<u>0</u>	
<u>437</u>	<u>Motil</u>	<u>Joe</u>	<u>D</u>	<u>House</u>														<u>0</u>	
<u>438</u>	<u>Mottley</u>	<u>Donald</u>	<u>R</u>	<u>House</u>		<u>150</u>					<u>150</u>							<u>150</u>	
<u>439</u>	<u>Moyer</u>	<u>James</u>	<u>O</u>	<u>House</u>														<u>0</u>	
<u>440</u>	<u>Moyer</u>	<u>Thomas</u>		<u>Chief Justice</u>			<u>1000</u>					<u>1000</u>						<u>1000</u>	
<u>441</u>	<u>Mueller</u>	<u>Autumn</u>	<u>O</u>	<u>House</u>														<u>0</u>	
<u>442</u>	<u>Muhammed</u>	<u>Armiya</u>	<u>R</u>	<u>House</u>														<u>0</u>	
<u>443</u>	<u>Mumper</u>	<u>Larry</u>	<u>R</u>	<u>Senate</u>	<u>250</u>	<u>700</u>		<u>500</u>	<u>200</u>	<u>250</u>	<u>500</u>	<u>500</u>	<u>500</u>					<u>1450</u>	<u>5</u>
<u>444</u>	<u>Murach</u>	<u>Thomas</u>	<u>O</u>	<u>House</u>														<u>0</u>	
<u>445</u>	<u>Murdock</u>	<u>Michael</u>	<u>D</u>	<u>House</u>														<u>0</u>	
<u>446</u>	<u>Myers</u>	<u>Christopher</u>	<u>R</u>	<u>House</u>														<u>0</u>	
<u>447</u>	<u>Myers</u>	<u>Jon</u>	<u>R</u>	<u>House</u>														<u>0</u>	
<u>448</u>	<u>Nabakowski</u>	<u>Ronald</u>	<u>D</u>	<u>Senate</u>														<u>0</u>	
<u>449</u>	<u>Nazzarine</u>	<u>Scott</u>	<u>O</u>	<u>House</u>														<u>0</u>	
<u>450</u>	<u>Nein</u>	<u>Scott</u>	<u>R</u>	<u>Senate</u>	<u>1750</u>	<u>1100</u>		<u>850</u>	<u>1450</u>	<u>1250</u>	<u>1000</u>							<u>3700</u>	
<u>451</u>	<u>Netzley</u>	<u>Robert</u>	<u>R</u>	<u>House</u>		<u>250</u>			<u>250</u>									<u>250</u>	
<u>452</u>	<u>Neufer</u>	<u>Cheryl</u>	<u>O</u>	<u>Senate</u>														<u>0</u>	
<u>453</u>	<u>Nickens</u>	<u>Nathan</u>	<u>D</u>	<u>Senate</u>														<u>0</u>	
<u>454</u>	<u>Niedzielski</u>	<u>Michael</u>	<u>D</u>	<u>House</u>														<u>0</u>	
<u>455</u>	<u>Niehaus</u>	<u>Tom</u>	<u>R</u>	<u>Senate</u>	<u>3550</u>	<u>1375</u>				<u>325</u>	<u>550</u>	<u>3250</u>	<u>800</u>	<u>4925</u>				<u>4</u>	

<u>456</u>	<u>Nienberg</u>	<u>Ben</u>	<u>D</u>	<u>House</u>														<u>0</u>
<u>457</u>	<u>Norris</u>	<u>Richard</u>	<u>R</u>	<u>Senate</u>														<u>0</u>
<u>458</u>	<u>Nowden</u>	<u>Hiswatha</u>	<u>R</u>	<u>House</u>														<u>0</u>
<u>459</u>	<u>Oakar</u>	<u>Mary Rose</u>	<u>D</u>	<u>House</u>														<u>0</u>
<u>460</u>	<u>Oberst</u>	<u>Albert</u>	<u>R</u>	<u>House</u>														<u>0</u>
<u>461</u>	<u>O'Brien</u>	<u>Jacquelyn</u>	<u>R</u>	<u>House</u>		<u>150</u>				<u>150</u>								<u>150</u>
<u>462</u>	<u>O'Brien</u>	<u>Sandra</u>	<u>R</u>	<u>House</u>														<u>0</u>
<u>463</u>	<u>O'Connor</u>	<u>Maureen</u>	<u>R</u>	<u>Supreme Court Justice</u>														<u>0</u>
<u>464</u>	<u>Odonnell</u>	<u>Terrance</u>	<u>R</u>	<u>Supreme Court Justice</u>			<u>1000</u>					<u>1000</u>						<u>1000</u>
<u>465</u>	<u>Oelslager</u>	<u>Scott</u>	<u>R</u>	<u>House</u>		<u>500</u>				<u>250</u>			<u>250</u>					<u>500</u>
<u>466</u>	<u>Ogg</u>	<u>Bill</u>	<u>D</u>	<u>House</u>	<u>650</u>	<u>500</u>				<u>700</u>	<u>450</u>							<u>1150</u>
<u>467</u>	<u>O'Hara</u>	<u>Randy</u>	<u>R</u>	<u>House</u>														<u>0</u>
<u>468</u>	<u>Oiler</u>	<u>Bill</u>	<u>D</u>	<u>House</u>														<u>0</u>
<u>469</u>	<u>Okonski</u>	<u>Martin</u>	<u>O</u>	<u>Senate</u>														<u>0</u>
<u>470</u>	<u>Olman</u>	<u>Lynn</u>	<u>R</u>	<u>House</u>	<u>500</u>	<u>1150</u>		<u>250</u>	<u>500</u>	<u>650</u>	<u>750</u>							<u>1900</u>
<u>471</u>	<u>Olson</u>	<u>Edward</u>	<u>R</u>	<u>House</u>														<u>0</u>
<u>472</u>	<u>Olson</u>	<u>Martin</u>	<u>D</u>	<u>House</u>														<u>0</u>
<u>473</u>	<u>Opfer</u>	<u>Darrell</u>	<u>D</u>	<u>House</u>	<u>400</u>	<u>150</u>				<u>550</u>								<u>550</u>
<u>474</u>	<u>Orange</u>	<u>Doug</u>	<u>D</u>	<u>House</u>														<u>0</u>
<u>475</u>	<u>Osgood</u>	<u>Mike</u>	<u>R</u>	<u>Senate</u>														<u>0</u>
<u>476</u>	<u>Ott</u>	<u>Laurie</u>	<u>R</u>	<u>House</u>														<u>0</u>
<u>477</u>	<u>Otten</u>	<u>Richard</u>	<u>O</u>	<u>House</u>														<u>0</u>
<u>478</u>	<u>Otterman</u>	<u>Robert</u>	<u>D</u>	<u>House</u>		<u>300</u>					<u>150</u>	<u>150</u>						<u>300</u>
<u>479</u>	<u>Ottolenghi</u>	<u>Abramo</u>	<u>D</u>	<u>House</u>														<u>0</u>

<u>480</u>	<u>Padgett</u>	<u>Joy</u>	<u>R</u>	<u>House</u>	<u>750</u>	<u>875</u>		<u>375</u>		<u>1250</u>	<u>1625</u>	<u>5</u>			
<u>481</u>	<u>Paine</u>	<u>Mark</u>	<u>r</u>	<u>House</u>							<u>0</u>				
<u>482</u>	<u>Pancake</u>	<u>James</u>	<u>D</u>	<u>House</u>							<u>0</u>				
<u>483</u>	<u>Pasqualone</u>	<u>Gary</u>	<u>R</u>	<u>Senate</u>							<u>0</u>				
<u>484</u>	<u>Patterson</u>	<u>Mandwel</u>	<u>R</u>	<u>House</u>							<u>0</u>				
<u>485</u>	<u>Patton</u>	<u>Thomas</u>	<u>R</u>	<u>House</u>		<u>750</u>				<u>750</u>	<u>750</u>	<u>5</u>			
<u>486</u>	<u>Patton</u>	<u>Sylvester</u>	<u>D</u>	<u>House</u>	<u>2200</u>	<u>200</u>		<u>450</u>	<u>1450</u>	<u>500</u>	<u>2400</u>	<u>5</u>			
<u>487</u>	<u>Payne</u>	<u>Debra</u>	<u>D</u>	<u>Senate</u>							<u>0</u>				
<u>488</u>	<u>Pekarek</u>	<u>Thomas</u>	<u>R</u>	<u>Senate</u>							<u>0</u>				
<u>489</u>	<u>Perry</u>	<u>Jeanine</u>	<u>D</u>	<u>House</u>							<u>0</u>	<u>6</u>			
<u>490</u>	<u>Perz</u>	<u>Sally</u>	<u>R</u>	<u>House</u>							<u>0</u>				
<u>491</u>	<u>Peterson</u>	<u>Jon</u>	<u>R</u>	<u>House</u>		<u>1075</u>		<u>150</u>	<u>575</u>	<u>400</u>	<u>250</u>	<u>1225</u>	<u>6</u>		
<u>492</u>	<u>Petro</u>	<u>Jim</u>	<u>R</u>	<u>Auditor</u>	<u>5500</u>	<u>2250</u>		<u>1000</u>	<u>250</u>	<u>250</u>	<u>750</u>	<u>3500</u>	<u>3500</u>	<u>1000</u>	<u>9000</u>
<u>493</u>	<u>Pierce</u>	<u>Richard</u>	<u>O</u>	<u>House</u>							<u>0</u>				
<u>494</u>	<u>Pikor</u>	<u>Bill</u>	<u>R</u>	<u>House</u>							<u>0</u>				
<u>495</u>	<u>Pomerantz</u>	<u>David</u>	<u>D</u>	<u>House</u>							<u>0</u>				
<u>496</u>	<u>Pope</u>	<u>Randy</u>	<u>R</u>	<u>House</u>							<u>0</u>				
<u>497</u>	<u>Prechtel</u>	<u>Kenneth</u>	<u>O</u>	<u>House</u>							<u>0</u>				
<u>498</u>	<u>Prentiss</u>	<u>C.J.</u>	<u>D</u>	<u>Senate</u>	<u>1250</u>	<u>1250</u>		<u>250</u>	<u>250</u>	<u>500</u>	<u>1500</u>	<u>2500</u>	<u>4.7</u>		
<u>499</u>	<u>Pressman</u>	<u>Steven</u>	<u>R</u>	<u>House</u>							<u>0</u>				
<u>500</u>	<u>Price</u>	<u>Larry</u>	<u>D</u>	<u>House</u>	<u>400</u>					<u>150</u>	<u>250</u>	<u>400</u>			
<u>501</u>	<u>Pringle</u>	<u>Barbara</u>	<u>D</u>	<u>House</u>	<u>250</u>	<u>250</u>		<u>500</u>			<u>500</u>				
<u>502</u>	<u>Pullman</u>	<u>Pearl</u>	<u>O</u>	<u>Senate</u>							<u>0</u>				
<u>503</u>	<u>Quinian</u>	<u>Dave</u>	<u>D</u>	<u>House</u>							<u>0</u>				
<u>504</u>	<u>Raga</u>	<u>Tom</u>	<u>R</u>	<u>House</u>	<u>2250</u>	<u>1650</u>		<u>150</u>	<u>800</u>	<u>2250</u>	<u>700</u>	<u>3900</u>	<u>4</u>		

<u>505</u>	<u>Rapoport</u>	<u>Alan</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>506</u>	<u>Rathburn</u>	<u>Lisa</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>507</u>	<u>Rausen</u>	<u>Jim</u>	<u>R</u>	<u>House</u>	<u>1500</u>	<u>1500</u>		<u>200</u>	<u>100</u>	<u>750</u>	<u>1950</u>	<u>3000</u>	<u>2</u>
<u>508</u>	<u>Rav</u>	<u>Roy</u>	<u>R</u>	<u>Senate</u>	<u>750</u>	<u>350</u>	<u>850</u>	<u>250</u>				<u>1100</u>	
<u>509</u>	<u>Rayl</u>	<u>Frank</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>510</u>	<u>Rea</u>	<u>Stephen</u>	<u>R</u>	<u>Senate</u>								<u>0</u>	
<u>511</u>	<u>Redfern</u>	<u>Chris</u>	<u>D</u>	<u>House</u>	<u>3750</u>	<u>2050</u>		<u>100</u>	<u>350</u>	<u>1500</u>	<u>3850</u>	<u>5800</u>	<u>6</u>
<u>512</u>	<u>Reidelbach</u>	<u>Linda</u>	<u>R</u>	<u>House</u>	<u>350</u>	<u>950</u>		<u>200</u>	<u>400</u>	<u>200</u>	<u>500</u>	<u>1300</u>	<u>5</u>
<u>513</u>	<u>Reinhard</u>	<u>Steve</u>	<u>R</u>	<u>House</u>		<u>850</u>			<u>150</u>	<u>200</u>	<u>500</u>	<u>850</u>	<u>5</u>
<u>514</u>	<u>Rennie</u>	<u>Robert</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>515</u>	<u>Ress</u>	<u>Richard</u>	<u>R</u>	<u>Senate</u>								<u>0</u>	
<u>516</u>	<u>Rhine</u>	<u>Ron</u>	<u>D</u>	<u>House</u>	<u>200</u>				<u>200</u>			<u>200</u>	
<u>517</u>	<u>Richardson</u>	<u>Cy</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>518</u>	<u>Rini</u>	<u>Domonic</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>519</u>	<u>Ritter</u>	<u>Bill</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>520</u>	<u>Rivelle</u>	<u>Frank</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>521</u>	<u>Roberts</u>	<u>Tom</u>	<u>D</u>	<u>House</u>	<u>1250</u>	<u>1000</u>	<u>200</u>		<u>500</u>	<u>250</u>	<u>1300</u>	<u>2250</u>	<u>5</u>
<u>522</u>	<u>Roberts</u>	<u>Christopher</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>523</u>	<u>Roberts</u>	<u>Phillip</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>524</u>	<u>Roberts</u>	<u>Stacy</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>525</u>	<u>Robinson</u>	<u>David</u>	<u>R</u>	<u>House</u>		<u>500</u>	<u>500</u>	<u>1000</u>				<u>1000</u>	
<u>526</u>	<u>Rodriguez</u>	<u>J</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>527</u>	<u>Rodriguez</u>	<u>Matthew</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>528</u>	<u>Rogers</u>	<u>Donald</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>529</u>	<u>Roman</u>	<u>Twyla</u>	<u>R</u>	<u>House</u>		<u>400</u>	<u>100</u>	<u>300</u>				<u>400</u>	

<u>530</u>	<u>Ross</u>	<u>Sheryl</u>	<u>R</u>	<u>House</u>								<u>0</u>		
<u>531</u>	<u>Rothgery</u>	<u>Christopher</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>532</u>	<u>Roy</u>	<u>Allen</u>	<u>R</u>	<u>House</u>								<u>0</u>		
<u>533</u>	<u>Rozier</u>	<u>Sharon</u>	<u>O</u>	<u>House</u>								<u>0</u>		
<u>534</u>	<u>Ruccia</u>	<u>Cynthia</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>535</u>	<u>Ryan</u>	<u>Tim</u>	<u>D</u>	<u>Senate</u>			<u>250</u>		<u>250</u>			<u>250</u>		
<u>536</u>	<u>Ryan</u>	<u>Timothy</u>	<u>D</u>	<u>Senate</u>								<u>0</u>		
<u>537</u>	<u>Salerno</u>	<u>Amy</u>	<u>R</u>	<u>House</u>		<u>475</u>		<u>125</u>	<u>350</u>			<u>475</u>		
<u>538</u>	<u>Sawyer</u>	<u>Frank</u>	<u>D</u>	<u>House</u>	<u>200</u>			<u>200</u>				<u>200</u>		
<u>539</u>	<u>Sayre</u>	<u>Allan</u>	<u>D</u>	<u>House</u>								<u>0</u>	<u>5</u>	
<u>540</u>	<u>Sayre</u>	<u>Harold</u>	<u>R</u>	<u>House</u>								<u>0</u>		
<u>541</u>	<u>ScCarty</u>	<u>Scott</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>542</u>	<u>Schaff</u>	<u>Dave</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>543</u>	<u>Schaffer</u>	<u>Tim</u>	<u>R</u>	<u>House</u>	<u>300</u>	<u>150</u>			<u>150</u>		<u>300</u>	<u>450</u>	<u>5</u>	
<u>544</u>	<u>Schafrath</u>	<u>Dick</u>	<u>R</u>	<u>Senate</u>		<u>250</u>		<u>250</u>	<u>500</u>			<u>500</u>		
<u>545</u>	<u>Schira</u>	<u>Jack</u>	<u>D</u>	<u>House</u>								<u>0</u>		
<u>546</u>	<u>Schlichter</u>	<u>John</u>	<u>R</u>	<u>House</u>	<u>500</u>					<u>250</u>	<u>250</u>	<u>500</u>	<u>5</u>	
<u>547</u>	<u>Schmidt</u>	<u>Jeannette</u>	<u>R</u>	<u>House</u>	<u>1450</u>	<u>900</u>	<u>150</u>	<u>400</u>	<u>1350</u>	<u>750</u>		<u>2500</u>		
<u>548</u>	<u>Schneider</u>	<u>Michelle</u>	<u>R</u>	<u>House</u>		<u>800</u>			<u>250</u>	<u>300</u>	<u>250</u>	<u>800</u>	<u>5</u>	
<u>549</u>	<u>Schuck</u>	<u>Bill</u>	<u>R</u>	<u>House</u>	<u>250</u>			<u>250</u>				<u>250</u>		
<u>550</u>	<u>Schuler</u>	<u>Robert</u>	<u>R</u>	<u>Senate</u>	<u>1950</u>	<u>1250</u>		<u>450</u>	<u>700</u>	<u>250</u>	<u>1000</u>	<u>800</u>	<u>3200</u>	<u>2</u>
<u>551</u>	<u>Schulte</u>	<u>Stephen</u>	<u>O</u>	<u>Senate</u>								<u>0</u>		
<u>552</u>	<u>Schuring</u>	<u>Kirk</u>	<u>R</u>	<u>House</u>	<u>250</u>					<u>250</u>		<u>250</u>	<u>6</u>	
<u>553</u>	<u>Schuster</u>	<u>Mary</u>	<u>O</u>	<u>House</u>								<u>0</u>		
<u>554</u>	<u>Schwartz</u>	<u>Jan</u>	<u>D</u>	<u>Senate</u>								<u>0</u>		

<u>555</u>	<u>Schwietering</u>	<u>Paul</u>	<u>D</u>	<u>Senate</u>									<u>0</u>	
<u>556</u>	<u>Scott</u>	<u>Marylyn</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>557</u>	<u>Scweickart</u>	<u>Kenneth</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>558</u>	<u>Seaver</u>	<u>Derrick</u>	<u>D</u>	<u>House</u>		<u>150</u>				<u>150</u>			<u>150</u>	<u>5</u>
<u>559</u>	<u>Secrest</u>	<u>Juliann</u>	<u>D</u>	<u>Senate</u>									<u>0</u>	
<u>560</u>	<u>Seese</u>	<u>Thomas</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>561</u>	<u>Seitz</u>	<u>Bill</u>	<u>R</u>	<u>House</u>	<u>2450</u>	<u>1900</u>		<u>250</u>	<u>650</u>	<u>1450</u>	<u>1000</u>	<u>1500</u>	<u>4600</u>	<u>0.5</u>
<u>562</u>	<u>Sell</u>	<u>Bill</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>563</u>	<u>Seman</u>	<u>Gerard</u>	<u>O</u>	<u>House</u>									<u>0</u>	
<u>564</u>	<u>Sentich</u>	<u>Frank</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>565</u>	<u>Setzer</u>	<u>Arlene</u>	<u>R</u>	<u>House</u>		<u>400</u>					<u>150</u>	<u>250</u>	<u>400</u>	<u>5</u>
<u>566</u>	<u>Sferra</u>	<u>Daniel</u>	<u>D</u>	<u>House</u>	<u>200</u>	<u>400</u>		<u>200</u>		<u>550</u>	<u>250</u>		<u>800</u>	
<u>567</u>	<u>Shady</u>	<u>John</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>568</u>	<u>Shaffer</u>	<u>Don</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>569</u>	<u>Shiffer</u>	<u>David</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>570</u>	<u>Shoemaker</u>	<u>Michael</u>	<u>D</u>	<u>Senate</u>	<u>500</u>	<u>950</u>		<u>650</u>	<u>850</u>	<u>250</u>	<u>1000</u>		<u>2100</u>	
<u>571</u>	<u>Sicafuse</u>	<u>William</u>	<u>R</u>	<u>House</u>									<u>0</u>	
<u>572</u>	<u>Siebel</u>	<u>Scott</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>573</u>	<u>Siebenaier</u>	<u>Jean</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>574</u>	<u>Sims</u>	<u>Tyrone</u>	<u>D</u>	<u>House</u>									<u>0</u>	
<u>575</u>	<u>Skindell</u>	<u>Michael</u>	<u>D</u>	<u>House</u>		<u>150</u>					<u>150</u>		<u>150</u>	<u>8</u>
<u>576</u>	<u>Slaby</u>	<u>Marilyn</u>	<u>R</u>	<u>House</u>		<u>150</u>					<u>150</u>		<u>150</u>	
<u>577</u>	<u>Slotnick</u>	<u>Dannis</u>	<u>O</u>	<u>House</u>									<u>0</u>	
<u>578</u>	<u>Smith</u>	<u>Geoffrey</u>	<u>R</u>	<u>House</u>	<u>250</u>	<u>1250</u>			<u>250</u>	<u>250</u>	<u>250</u>	<u>750</u>	<u>1500</u>	<u>4</u>
<u>579</u>	<u>Smith</u>	<u>Shirley</u>	<u>D</u>	<u>House</u>	<u>1300</u>	<u>500</u>			<u>200</u>	<u>650</u>	<u>400</u>	<u>550</u>	<u>1800</u>	<u>5</u>

<u>580 Smith</u>	<u>Beverly</u>	<u>D</u>	<u>House</u>															<u>0</u>
<u>581 Smith</u>	<u>Helen</u>	<u>D</u>	<u>Auditor</u>															<u>0</u>
<u>582 Smith</u>	<u>John</u>	<u>D</u>	<u>House</u>															<u>0</u>
<u>583 Smith</u>	<u>Melvin</u>	<u>D</u>	<u>Senate</u>															<u>0</u>
<u>584 Smith</u>	<u>Ted</u>	<u>R</u>	<u>House</u>															<u>0</u>
<u>585 Snyder</u>	<u>Harry</u>	<u>R</u>	<u>House</u>	<u>250</u>						<u>250</u>								<u>250</u>
<u>586 Spada</u>	<u>Robert</u>	<u>R</u>	<u>Senate</u>	<u>1500</u>	<u>1850</u>		<u>500</u>	<u>400</u>	<u>750</u>	<u>1200</u>	<u>1500</u>	<u>3850</u>						<u>7.3</u>
<u>587 Spangler</u>	<u>Richard</u>	<u>D</u>	<u>House</u>															<u>0</u>
<u>588 Sparks</u>	<u>Charles</u>	<u>R</u>	<u>House</u>															<u>0</u>
<u>589 Sparks</u>	<u>Dennis</u>	<u>O</u>	<u>House</u>															<u>0</u>
<u>590 Stanton</u>	<u>Jason</u>	<u>D</u>	<u>Senate</u>															<u>0</u>
<u>591 Stapleton</u>	<u>Dennis</u>	<u>R</u>	<u>House</u>	<u>750</u>	<u>1325</u>		<u>300</u>	<u>775</u>	<u>1600</u>									<u>2375</u>
<u>592 Stephenson</u>	<u>William</u>	<u>O</u>	<u>House</u>															<u>0</u>
<u>593 Stevens</u>	<u>Mike</u>	<u>D</u>	<u>House</u>		<u>150</u>				<u>150</u>									<u>150</u>
<u>594 Stevenson</u>	<u>Scott</u>	<u>R</u>	<u>House</u>															<u>0</u>
<u>595 Stewart</u>	<u>Jimmy</u>	<u>R</u>	<u>House</u>		<u>550</u>					<u>300</u>	<u>250</u>	<u>550</u>						<u>5</u>
<u>596 Stewart</u>	<u>Dan</u>	<u>D</u>	<u>House</u>		<u>150</u>					<u>150</u>		<u>150</u>						<u>6</u>
<u>597 Stivers</u>	<u>Steve</u>	<u>R</u>	<u>Senate</u>	<u>1000</u>	<u>1500</u>					<u>1000</u>	<u>1500</u>	<u>2500</u>						<u>5</u>
<u>598 Strahorn</u>	<u>Fred</u>	<u>D</u>	<u>House</u>	<u>750</u>	<u>550</u>			<u>200</u>	<u>150</u>	<u>200</u>	<u>750</u>	<u>1300</u>						<u>5</u>
<u>599 Strain</u>	<u>Robert</u>	<u>O</u>	<u>House</u>															<u>0</u>
			<u>Supreme Court Justice</u>															
<u>600 Stratton</u>	<u>Evelyn</u>				<u>250</u>			<u>250</u>										<u>250</u>
<u>601 Strickland</u>	<u>Ted</u>	<u>D</u>	<u>Governor</u>				<u>1700</u>					<u>1700</u>	<u>1700</u>					
<u>602 Strike</u>	<u>Louis</u>	<u>D</u>	<u>Auditor</u>															<u>0</u>
<u>603 Stys</u>	<u>Michelle</u>	<u>O</u>	<u>House</u>															<u>0</u>

<u>604</u>	<u>Suhadolnik</u>	<u>Gary</u>	<u>R</u>	<u>Senate</u>								<u>0</u>	
<u>605</u>	<u>Sullivan</u>	<u>Erin</u>	<u>D</u>	<u>House</u>	<u>300</u>			<u>150</u>	<u>150</u>			<u>300</u>	
<u>606</u>	<u>Sulzer</u>	<u>Joseph</u>	<u>D</u>	<u>House</u>	<u>825</u>		<u>150</u>	<u>450</u>	<u>375</u>	<u>150</u>		<u>975</u>	
<u>607</u>	<u>Suster</u>	<u>Ronald</u>	<u>D</u>	<u>Supreme Court Justice</u>								<u>0</u>	
<u>608</u>	<u>Sutherland</u>	<u>Chet</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>609</u>	<u>Sutton</u>	<u>Betty</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>610</u>	<u>Sutzer</u>	<u>Joseph</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>611</u>	<u>Sweeney</u>	<u>John</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>612</u>	<u>Sweeney</u>	<u>Patrick</u>	<u>D</u>	<u>House</u>	<u>200</u>	<u>250</u>		<u>450</u>				<u>450</u>	
<u>613</u>	<u>Sykes</u>	<u>Barbara</u>	<u>D</u>	<u>House</u>	<u>1500</u>	<u>750</u>			<u>250</u>	<u>1250</u>	<u>750</u>	<u>2250</u>	<u>6</u>
<u>614</u>	<u>Sykes</u>	<u>Vernon</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>615</u>	<u>Syrianoudis</u>	<u>George</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>616</u>	<u>Tackett</u>	<u>Natalie</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>617</u>	<u>Tackett</u>	<u>Roger</u>	<u>D</u>	<u>Senate</u>								<u>0</u>	
<u>618</u>	<u>Taft</u>	<u>Bob</u>	<u>R</u>	<u>Governor</u>	<u>4500</u>	<u>7000</u>		<u>4250</u>	<u>10000</u>	<u>1250</u>	<u>4500</u>	<u>15750</u>	<u>5</u>
<u>619</u>	<u>Talbot</u>	<u>Jonathan</u>	<u>D</u>	<u>Senate</u>								<u>0</u>	
<u>620</u>	<u>Tampke</u>	<u>Dale</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>621</u>	<u>Tavaras</u>	<u>Charles</u>	<u>D</u>	<u>Secretary of State</u>								<u>0</u>	
<u>622</u>	<u>Tavares</u>	<u>Charleta</u>	<u>D</u>	<u>House</u>	<u>400</u>		<u>150</u>	<u>550</u>				<u>550</u>	
<u>623</u>	<u>Taylor</u>	<u>Mary</u>	<u>R</u>	<u>House</u>	<u>250</u>					<u>250</u>		<u>250</u>	<u>5</u>
<u>624</u>	<u>Taylor</u>	<u>Bill</u>	<u>R</u>	<u>House</u>								<u>0</u>	
<u>625</u>	<u>Taylor</u>	<u>Cindy</u>	<u>D</u>	<u>House</u>								<u>0</u>	
<u>626</u>	<u>Tepper</u>	<u>Manny</u>	<u>O</u>	<u>House</u>								<u>0</u>	
<u>627</u>	<u>Terwilleger</u>	<u>George</u>	<u>R</u>	<u>House</u>	<u>500</u>			<u>500</u>				<u>500</u>	

<u>628 Tetzloff</u>	<u>Sarah</u>	<u>O</u>	<u>House</u>									<u>0</u>
<u>629 Thatcher</u>	<u>Lee</u>	<u>R</u>	<u>Senate</u>									<u>0</u>
<u>630 Thomas</u>	<u>E.J.</u>	<u>R</u>	<u>House</u>	<u>250</u>	<u>250</u>			<u>500</u>				<u>500</u>
<u>631 Thompson</u>	<u>Ann</u>	<u>D</u>	<u>House</u>									<u>0</u>
<u>632 Thomsen</u>	<u>Katherine</u>	<u>D</u>	<u>Senate</u>									<u>0</u>
<u>633 Thornton</u>	<u>Michael</u>	<u>O</u>	<u>House</u>									<u>0</u>
<u>634 Tibbitts</u>	<u>Frankin</u>	<u>D</u>	<u>House</u>									<u>0</u>
<u>635 Tiberi</u>	<u>Pat</u>	<u>R</u>	<u>House</u>	<u>550</u>	<u>750</u>			<u>1300</u>				<u>1300</u>
<u>636 Tirbovich</u>	<u>Brian</u>	<u>O</u>	<u>House</u>									<u>0</u>
<u>637 Trakas</u>	<u>Jim</u>	<u>R</u>	<u>House</u>	<u>500</u>	<u>2400</u>		<u>650</u>	<u>1250</u>	<u>500</u>	<u>500</u>	<u>2900</u>	<u>1</u>
<u>638 Trif</u>	<u>Dan</u>	<u>R</u>	<u>House</u>									<u>0</u>
<u>639 Turner</u>	<u>Bob</u>	<u>D</u>	<u>House</u>									<u>0</u>
<u>640 Turner</u>	<u>Charles</u>	<u>O</u>	<u>House</u>									<u>0</u>
<u>641 Turner</u>	<u>Christina</u>	<u>O</u>	<u>House</u>									<u>0</u>
<u>642 Tyack</u>	<u>Gary</u>		<u>Chief Justice</u>									<u>0</u>
<u>643 Tyack</u>	<u>Lori</u>	<u>D</u>	<u>House</u>									<u>0</u>
<u>644 Uecker</u>	<u>Joseph</u>	<u>R</u>	<u>House</u>	<u>250</u>	<u>250</u>				<u>250</u>	<u>250</u>	<u>500</u>	<u>5</u>
<u>645 Uhlir</u>	<u>Kate</u>	<u>R</u>	<u>House</u>									<u>0</u>
<u>646 Ujvagi</u>	<u>Peter</u>	<u>D</u>	<u>House</u>									<u>0</u>
<u>647 Unterbrink</u>	<u>Gregory</u>	<u>D</u>	<u>House</u>									<u>0</u>
<u>648 Urquhart</u>	<u>Patricia</u>	<u>O</u>	<u>Senate</u>									<u>0</u>
<u>649 Valencic</u>	<u>Beverly</u>	<u>R</u>	<u>House</u>									<u>0</u>
<u>650 Vanvyen</u>	<u>Dale</u>	<u>R</u>	<u>House</u>	<u>1000</u>	<u>625</u>			<u>1000</u>	<u>625</u>		<u>1625</u>	
<u>651 Veach</u>	<u>Larry</u>	<u>D</u>	<u>House</u>									<u>0</u>
<u>652 Verich</u>	<u>Chris</u>	<u>D</u>	<u>House</u>									<u>0</u>

<u>678</u>	<u>White</u>	<u>Patrick</u>	<u>O</u>	<u>House</u>							<u>0</u>		
<u>679</u>	<u>Whitman</u>	<u>John</u>	<u>O</u>	<u>Governor</u>							<u>0</u>		
<u>680</u>	<u>Widener</u>	<u>Chris</u>	<u>R</u>	<u>House</u>	<u>250</u>	<u>150</u>			<u>150</u>	<u>250</u>	<u>400</u>	<u>5</u>	
<u>681</u>	<u>Widowfield</u>	<u>John</u>	<u>R</u>	<u>House</u>		<u>500</u>		<u>150</u>	<u>150</u>	<u>500</u>	<u>650</u>	<u>5</u>	
<u>682</u>	<u>Wilkes</u>	<u>Michael</u>	<u>R</u>	<u>Senate</u>							<u>0</u>		
<u>683</u>	<u>Wilkinson</u>	<u>George</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>684</u>	<u>Willamowski</u>	<u>John</u>	<u>R</u>	<u>House</u>		<u>850</u>	<u>200</u>	<u>100</u>	<u>100</u>	<u>600</u>	<u>250</u>	<u>1050</u>	<u>5</u>
<u>685</u>	<u>Williams</u>	<u>Sandra</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>686</u>	<u>Williams</u>	<u>Brian</u>	<u>D</u>	<u>House</u>		<u>150</u>			<u>150</u>		<u>150</u>	<u>5</u>	
<u>687</u>	<u>Williams</u>	<u>Kevin</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>688</u>	<u>Williams</u>	<u>Randy</u>	<u>D</u>	<u>Senate</u>							<u>0</u>		
<u>689</u>	<u>Williamson</u>	<u>Daniel</u>	<u>R</u>	<u>House</u>							<u>0</u>		
<u>690</u>	<u>Williamson</u>	<u>Gabrielle</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>691</u>	<u>Wills</u>	<u>Benjamin</u>	<u>O</u>	<u>House</u>							<u>0</u>		
<u>692</u>	<u>Wills</u>	<u>Gary</u>	<u>R</u>	<u>House</u>							<u>0</u>		
<u>693</u>	<u>Wilson</u>	<u>Bruce</u>	<u>O</u>	<u>House</u>							<u>0</u>		
<u>694</u>	<u>Wilson</u>	<u>Charles</u>	<u>D</u>	<u>House</u>	<u>950</u>	<u>850</u>	<u>150</u>	<u>350</u>	<u>850</u>	<u>750</u>	<u>1950</u>	<u>6.7</u>	
<u>695</u>	<u>Wilson</u>	<u>David</u>	<u>R</u>	<u>House</u>							<u>0</u>		
<u>696</u>	<u>Winkler</u>	<u>Cheryl</u>	<u>R</u>	<u>House</u>		<u>150</u>		<u>150</u>			<u>150</u>		
<u>697</u>	<u>Wisbey</u>	<u>Martin</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>698</u>	<u>Wise</u>	<u>Roger</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>699</u>	<u>Wolpert</u>	<u>Larry</u>	<u>R</u>	<u>House</u>		<u>450</u>	<u>250</u>	<u>400</u>	<u>150</u>	<u>150</u>	<u>700</u>	<u>5</u>	
<u>700</u>	<u>Wolterman</u>	<u>Joseph</u>	<u>D</u>	<u>House</u>							<u>0</u>		
<u>701</u>	<u>Woodard</u>	<u>Claudette</u>	<u>D</u>	<u>House</u>		<u>400</u>		<u>100</u>	<u>150</u>	<u>150</u>	<u>400</u>	<u>5</u>	
<u>702</u>	<u>Woods</u>	<u>Joseph</u>	<u>R</u>	<u>House</u>							<u>0</u>		

<u>703</u>	<u>Worhatch</u>	<u>David</u>	<u>D</u>	<u>House</u>						<u>0</u>	
<u>704</u>	<u>Worhatch</u>	<u>S</u>	<u>D</u>	<u>House</u>						<u>0</u>	
<u>705</u>	<u>Wright</u>	<u>Antonie</u>	<u>D</u>	<u>House</u>						<u>0</u>	
<u>706</u>	<u>Wyssbrod</u>	<u>Cassandra</u>	<u>R</u>	<u>House</u>						<u>0</u>	
<u>707</u>	<u>Yates</u>	<u>Tyrone</u>	<u>D</u>	<u>House</u>						<u>0</u>	<u>8</u>
<u>708</u>	<u>Yoder</u>	<u>Wayne</u>	<u>D</u>	<u>House</u>						<u>0</u>	
<u>709</u>	<u>Young</u>	<u>Kurt</u>	<u>D</u>	<u>House</u>						<u>0</u>	
<u>710</u>	<u>Young</u>	<u>Ron</u>	<u>R</u>	<u>House</u>	<u>1000</u>		<u>125</u>	<u>125</u>	<u>1000</u>	<u>1125</u>	
<u>711</u>	<u>Yuko</u>	<u>Kenny</u>	<u>D</u>	<u>House</u>						<u>0</u>	<u>5</u>
<u>712</u>	<u>Zaebst</u>	<u>Charles</u>	<u>R</u>	<u>House</u>						<u>0</u>	
<u>713</u>	<u>Zaleski</u>	<u>Alan</u>	<u>D</u>	<u>Senate</u>	<u>300</u>	<u>250</u>		<u>550</u>		<u>550</u>	
<u>714</u>	<u>Zawacki</u>	<u>Daniel</u>	<u>D</u>	<u>House</u>						<u>0</u>	
<u>715</u>	<u>Zuk</u>	<u>Ken</u>	<u>D</u>	<u>House</u>						<u>0</u>	
<u>716</u>	<u>Zurz</u>	<u>Kimberly</u>	<u>D</u>	<u>Senate</u>	<u>1250</u>	<u>500</u>			<u>500</u>	<u>1250</u>	<u>1750</u>
											<u>5</u>

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