

**BEFORE THE OHIO ELECTIONS COMMISSION**

**TRACY L. JONES**

2674 Arbor Glen Drive, Apt. 206  
Twinsburg, OH 44087

Complainant

v.

**OHIOANS AGAINST THE DECEPTIVE RX BALLOT ISSUE**

100 South Third Street  
Columbus, OH 43215

**OHIOANS AGAINST THE DECEPTIVE RX BALLOT ISSUE LLC**

100 South Third Street  
Columbus, OH 43215

**THE PHARMACEUTICAL RESEARCH AND MANUFACTURERS ASSOCIATION**

950 F Street, NW, Suite 300  
Washington, D.C. 20004

Respondents.

**COMPLAINT**

**RECEIVED**

Cuyahoga County

AUG 02 2017

/ss

**OHIO ELECTIONS COMMISSION**

State of Ohio

I, Tracy L. Jones, having been duly sworn according to law hereby file this Complaint based on personal knowledge, as defined by the Commission, and my review of the attached exhibits:

1. I am a registered Ohio elector and supporter of State Issue 2, the Ohio Drug Price Relief Act (ODPRA), on the November 7, 2017 general election ballot.
2. Respondent Pharmaceutical Research and Manufacturers of America (PhRMA) is a national trade group representing pharmaceutical companies. Its member companies include, among others, Allergan, Amgen, AstraZeneca, Bayer, Bristol-Myers Squibb, Eli Lilly, Johnson & Johnson, Pfizer, and Purdue Pharma. Exhibit 1.
3. Respondent Ohioans Against the Deceptive Rx Ballot Issue LLC is registered with the Ohio Secretary of State as a domestic limited liability company. It was formed on May 1, 2017. Its statutory agent is OSAC, Inc., whose address is 100 S. Third St. Columbus,

Ohio 43215. The acceptance of the appointment of the statutory agent is signed by Amanda M. Grandjean. Exhibit 2.

4. Respondent Ohioans Against the Deceptive Rx Ballot Issue is a political action committee registered with the Ohio Secretary of State opposing the ODPRA. It was registered with the Secretary of State on May 1, 2017, the same day that Ohioans Against the Deceptive Rx Ballot Issue LLC was registered with the Secretary of State. Its address is 100 S. Third Street Columbus, Ohio 43215, the same address as Ohioans Against the Deceptive Rx Ballot Issue LLC. The political action committee registration was authorized and signed by Amanda M. Grandjean, the same person who accepted the statutory agent appointment for Ohioans Against the Deceptive Rx Ballot Issue LLC. Exhibit 3.
5. Ohioans Against the Deceptive Rx Ballot Issue has engaged in express advocacy in opposition to the DPR. Exhibit 4.
6. The ODPRA is a citizen-initiated ballot measure that would mandate that the State of Ohio pay no more for prescription drugs than the price paid by the United States Department of Veterans Affairs. The ODPRA will appear on the November 7, 2017 general election ballot. Exhibit 5.
7. In 2016 a ballot issue similar to the ODPRA appeared on the ballot in California as Proposition 61. That ballot issue was opposed by a committee named “No on 61 – Californians Against the Deceptive Rx Proposition” (California committee). The California committee filed campaign finance reports with the California Secretary of State which included the identity of its contributors. The California committee disclosed contributions from the following sources (among others): the pharmaceutical company Allergan, the pharmaceutical company Amgen, the pharmaceutical company AstraZeneca, the pharmaceutical company Bayer, the pharmaceutical company Bristol-Myers Squibb, the pharmaceutical company Eli Lilly, the pharmaceutical company Johnson & Johnson, the pharmaceutical company Pfizer, and the pharmaceutical company Purdue Pharma. Exhibit 6.
8. Ohioans Against the Deceptive Rx Ballot Issue filed a required semi-annual finance report on July 31, 2017, covering the period from January 1 to June 30, 2017. That report listed contributions for the period totaling \$15,805,254. Only three contributions were listed, one on May 16 of \$5,500,000; one on June 1 of \$5,671,534; and one on June 28 of \$4,633,720. The report attributed each contribution to the same source, which is listed in the report as “Ohioans Against the Deceptive Rx Ballot Issue LLC (a wholly owned subsidiary of PhRMA).” Exhibit 7.
9. The fact that Ohioans Against the Deceptive Rx Ballot Issue and Ohioans Against the Deceptive Rx Ballot Issue LLC were formed on the same date (May 1, 2017), that they

have identical names, that both entities have the same address (100 S. Third St. Columbus, OH 43215), that the registration documents of both entities were signed by the same person (Amanda M. Grandjean), and that in a very brief period (59 days) Ohioans Against the Deceptive Rx Ballot Issue LLC funneled more than \$15 million to Ohioans Against the Deceptive Rx Ballot Issue, demonstrate that Ohioans Against the Deceptive Rx Ballot Issue LLC was formed to serve as a pass-through entity in order to conceal the true source of the “dark money” contributions that appear on Ohioans Against the Deceptive Rx Ballot Issue’s finance reports.

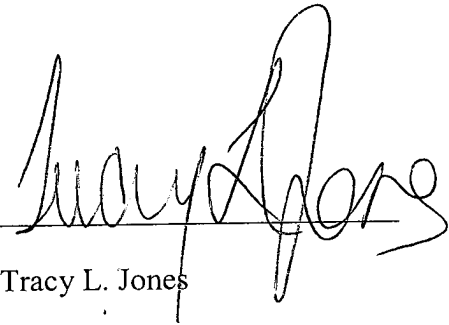
10. The fact that Ohioans Against the Deceptive Rx Ballot Issue LLC has transferred such a large amount of money (\$15,805,254) to Ohioans Against the Deceptive Rx Ballot Issue in such a short amount of time (59 days), demonstrates that Ohioans Against the Deceptive Rx Ballot Issue LLC’s primary or major purpose is to oppose the ODPRA. Even the LLC’s name shows its true purpose: to influence a ballot measure. If the funds transferred to the political action committee were only from the undifferentiated general operating funds of PhRMA, then there would be no reason to have established the separate LLC.
11. Respondent Ohioans Against the Deceptive Rx Ballot Issue LLC is a political action committee under Ohio law, because it is a combination of two or more persons with a primary or major purpose to oppose the ODPRA through express advocacy. See R.C. 3517.01(C)(8).
12. Respondent Ohioans Against the Deceptive Rx Ballot Issue LLC is in violation of R.C. 3517.10(D), for failing to register as a political action committee with the Secretary of State, and R.C. 3517.10(A), which requires all political action committees to file “a full, true, and itemized statement, made under penalty of election falsification, setting forth in detail the contributions and expenditures,” and R.C. 3517.10(A)(4) and R.C. 3517.13(E), for failing to file the required semi-annual finance report with the Secretary of State.
13. Ohioans Against the Deceptive Rx Ballot Issue LLC is also in violation of R.C. 3517.10(B)(4)(b)(i), which requires ballot issue committees to disclose “the full name and address of each person . . . from whom contributions are received.” A reportable contribution is defined under Ohio law as a “. . . transfer of funds or anything of value . . . which contribution is **made, received, or used** for the purpose of influencing the results of an election” (emphasis added). See R.C. 3517.01(C)(5).
14. Respondents Ohioans Against the Deceptive Rx Ballot Issue failed to file a full and accurate semi-annual finance report in violation of R.C. 3517.10(A), which requires all political action committees to file “a full, true, and itemized statement, made under penalty of election falsification, setting forth in detail the contributions and expenditures.” Ohioans Against the Deceptive Rx Ballot Issue is also in violation of R.C. 3517.10(B)(4)(b)(i), which requires ballot issue committees to disclose “the full name

and address of each person . . . from whom contributions are received.” A reportable contribution is defined under Ohio law as a “. . . transfer of funds or anything of value . . . which contribution is **made, received, or used** for the purpose of influencing the results of an election” (emphasis added). See R.C. 3517.01(C)(5).

15. Further, Respondents Ohioans Against the Deceptive Rx Ballot Issue, Ohioans Against the Deceptive Rx Ballot Issue LLC, and the Pharmaceutical Research and Manufacturers Association are in violation of R.C. 3517.13(G)(1) which states that “no person shall knowingly conceal or misrepresent contributions given.”

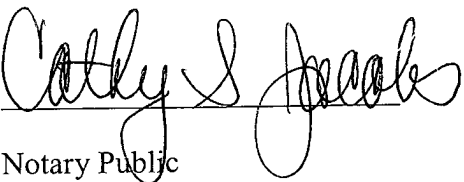
16. These three entities have deliberately concocted a scheme to attempt to hide the identities of the individual drug companies that have contributed millions of dollars in an effort to defeat the ODPRA. The people of Ohio deserve to know the identities of these drug companies and the amounts that they have each contributed to this campaign. Respondents have denied Ohioans the transparency that is guaranteed to them under Ohio law.

FURTHER AFFIANT SAYETH NAUGHT



Tracy L. Jones

Sworn to and signed before me this 2nd of August, 2017.



Notary Public

**CATHY S. JACOBS**  
Notary Public, State of Ohio, Port. Cty.  
My commission expires ~~Oct. 3, 2009~~ 10/4/2019