

ARTICLE IX AND XIII OF THE CHARTER OF THE CITY OF CINCINNATI

Article IX. NOMINATIONS AND ELECTIONS

Section 1. All elections provided for by this charter, whether for the choice of officers or the submission of questions to the voters, shall be conducted by the election authorities prescribed by general laws; and the provisions of the general election laws of the state shall apply to all such elections except as provision is otherwise made by this charter. The provisions of the laws of the state pertaining to campaign financing, campaign contributions and campaign expenditures shall apply to all such elections except as provision is otherwise made by ordinance of the council.

A regular municipal election for the choice of members of the council shall be held on the first Tuesday after the first Monday in November in the odd-numbered years.

Commencing in November, 2001, a regular municipal election for the choice of mayor shall be held every four years on the first Tuesday after the first Monday in November. A regular municipal election for the choice of mayor shall be held on the date of the regular municipal election for the choice of members of the council when necessary to fulfill the provisions of Article III, Section 3 of this charter.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 71-1994, eff. April 1, 1994; election of May 5, 1994; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 1a. Commencing with the election of November, 2001, candidates for mayor shall be determined at a nonpartisan primary election to be held on the first Tuesday after the second Monday in September prior to the election. The candidates for the office of mayor shall be the two candidates from the primary election who receive the highest number of votes. In the event that no more than two persons file petitions for the office of mayor, then those persons shall be the candidates at the November election, and the primary election for the office of mayor shall not be held. A nonpartisan primary election will be held in the same manner if necessary to fulfill the provisions of Article III, Section 3 of this charter.

(Added by Ord. No. 77-1999, eff June 1, 2001; election of May 4, 1999)

Section 2. Any person eligible to the office of member of the council or the office of mayor may be placed in nomination therefor only by a petition filed in such person's behalf with the election authorities and signed by not less than 500 nor more than 1000 electors. Signatures to nominating petitions need not be appended to one paper but to each separate paper there shall be attached an affidavit of the circulator thereof stating that each signature thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his or her name, address and date of signing in ink or indelible pencil.

An elector may sign petitions for no more than one candidate for mayor and for no more council candidates than the number to be elected at any election. If an elector signs petitions for more than one candidate for mayor or for more than the number of other candidates to be elected, the elector's signature shall be declared valid on petitions in the order of filing.

An eligible person who has accepted a nomination for mayor as provided in Article IX, Section 4 shall not be eligible for election to the office of member of council that year.

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 332-1991, eff. Oct. 4, 1991; election of Nov. 5, 1991; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 2a. Notwithstanding anything contained in Article IX, or in Article II, no person shall hold the office of member of council for a period longer than four consecutive two-year terms of the council ("Eligible Service Period"), unless a period of at least two consecutive two-year terms of the council has intervened following each such Eligible Service Period without such person serving on the council. No person may be nominated for, elected or appointed to any term on the council, unless such person is eligible to serve as provided in this section. This provision shall apply commencing with the nominations for the election for the council term commencing December 1, 1993, but the first such Eligible Service Period includes consecutive terms of service to which members of the council were elected prior to that date.

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 2b. No person shall hold the office of mayor for a period of longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after December 1, 2001 shall be considered in determining a person's eligibility to hold the office of mayor under this provision.

For the purposes of this term limit provision, any period of service during a term by a mayor elected for that full, four-year term shall constitute service for a four-year term. Any period of service during a term, by a mayor elected for less than that full, four-year term shall not constitute service for a four-year term. Any period of service by a non-elected mayor during a four-year term, shall not constitute service for a four-year term.

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 3. The form of the nominating petition papers shall be substantially as follows for candidates for member of the council:

Candidate for Member of the Council
Petition of Candidate

We, the undersigned, here present _____ whose residence is _____ Cincinnati Ohio, as a candidate for the council to be voted for at the election to be held on the _____ day of November, _____; and we individually certify that we are qualified to vote for candidates for the council, and that we have signed no more than nine petitions nominating persons for members of the council.

TABLE INSET:

Name Street and
Number Date

Statement of Circulator

I, _____ [name of circulator of petition], declare under penalty of the election falsification laws of the state of Ohio that I am a qualified elector of the city of Cincinnati; that I reside at the address appearing below my signature; that this petition paper contains _____ (number) signatures; that I witnessed the affixing of every signature; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be.

Signed: _____

Address: _____

Date: _____

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 3a. The form of the nominating petition papers shall be substantially as follows for candidates for mayor:

Candidate for Mayor
Petition of Candidate

We, the undersigned, here present _____ whose residence is _____, Cincinnati, Ohio, as a candidate for mayor to be voted for at the nonpartisan primary election to be held on the _____ day of September, _____, and at the election to be held on the _____ day of November, _____, and we individually certify that we are qualified to vote for candidates for mayor and that we have signed no other nominating petition for mayor.

TABLE INSET:

Name Street and
Number Date

Statement of Circulator

I, _____ [name of circulator of petition], declare under penalty of the election falsification laws of the state of Ohio that I am a qualified elector of the city of Cincinnati; that I reside at the address appearing below my signature; that this petition paper contains _____ (number) signatures; that I witnessed the affixing of every signature; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be:

Signed: _____

Address: _____

Date: _____

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 4. All separate papers comprising a nominating petition for member of council or for mayor shall be assembled and filed with the election authorities as one instrument at least 75 days prior to any election at which candidates are to be determined or elected. Within ten days after the certification of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to satisfy all the prescribed conditions. Any eligible person placed in nomination as herein provided shall have his or her name printed on the ballot if, within five days after such notification, such person files with the election authorities a written acceptance of the nomination.

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 5. Ballots used in electing members of the council and the mayor shall be without party mark or designation, and shall be marked by electors according to the instructions printed thereon under the heading "Directions to Voters," as specified in this section. Each elector shall be entitled to vote for one candidate for mayor and for as many candidates for the council, other than mayor, as are to be elected.

Section 5a. Except for the names of the candidates and date of the election, the ballots for election for the members of the council shall be in form substantially as follows:
Regular Municipal Election

Election For Members of the Council
November _____, _____
Direction to Voters

To vote for a candidate, place X in the rectangular space at the left of the name of such candidate. Vote for NOT MORE THAN NINE candidates for the council. If you attempt to vote for more than nine candidates for member of the council your entire ballot will be invalid. If you spoil this ballot, return it to the election officer in charge of ballots and obtain another ballot.
CANDIDATES FOR MEMBER OF THE COUNCIL

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 5b. Except for the names of the candidates and date of the election, the ballots for election for mayor shall be in form substantially as follows:

Primary or Regular Municipal Election
Mayoral Election
Direction to Voters

To vote for a candidate, place X in the rectangular space at the left of the name of such candidate. Vote for ONE candidate for mayor. If you attempt to vote for more than one candidate for mayor, your entire ballot will be invalid. If you spoil this ballot, return it to the election officer in charge of ballots and obtain another ballot.
CANDIDATES FOR MAYOR

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 6. For all elections at which members of the council are to be elected, the names of all candidates for the council shall be arranged on the ballot in a group under the title of the office. For all elections at which candidates for mayor appear on the ballot, the names of all candidates for mayor shall be arranged on the ballot in a group under the title of the office. The names of all candidates in each group shall be rotated in the manner provided by general election law to give each candidate's name reasonably equal position to the extent practical and appropriate to the voting procedure used.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 7. Ballots cast for election of members of the council and mayor shall be counted and the results determined and certified by the election authorities in the manner provided by general election law for non-partisan ballots for municipalities.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 21, 2001; election of May 4, 1999)

Section 8. The valid ballots cast shall be counted to determine the total number of votes cast for each candidate for member of council. Votes shall be counted for write-in candidates for members of the council who have complied with the general election law. The nine candidates receiving the highest number of votes cast shall be declared elected to the council.

Commencing with the September, 2001, non-partisan primary election, the valid ballots cast for candidates for mayor shall be counted to determine the total number of votes cast in said primary election. The two candidates receiving the highest number of votes shall be declared eligible for the regular municipal election for mayor in November and shall have their names printed on the ballot for mayor.

Commencing with the November, 2001, regular municipal election for mayor, the valid ballots cast shall be counted to determine the total number of votes cast for mayor. The candidate or eligible person receiving the highest number of votes cast for mayor shall be declared elected mayor. If any two or more persons receive an equal and highest number of votes one of them shall be chosen as mayor according to the method prescribed by the general election laws of the state of Ohio for deciding tie votes.

Votes shall be counted for write-in candidates for mayor at the primary or regular municipal election who have complied with the general election law.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; a. Ord. No. 348-1987, eff. Oct. 1, 1987; election of Nov. 3, 1987; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 9. All ballots, including those determined to be invalid under the election laws of Ohio, shall be set aside and preserved until 60 days after the election. Upon request of any candidate, the ballots will be preserved thereafter until any controversy arising thereon shall have been terminated.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

Section 10. At each municipal election any group of five or more candidates for election to the council may file a written application with the board of elections in the manner provided in the general election law for political parties, and be entitled to exercise as provided thereunder all rights and power relating to witnesses, challengers and inspectors of election at the polling places and at the central counting place granted under the general election law.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

Section 11. The council shall have power to provide for the use of mechanical, electronic or other devices for marking and sorting the ballots and tabulating the results and to modify the form of the ballot, the directions to voters, and the details in respect to the method of counting, invalidating, and preserving ballots accordingly.

In the event that council does provide in any election for the use of mechanical, electronic or other devices for marking and sorting the ballots and tabulating the results, then such election shall be conducted in accordance with the laws of the state of Ohio, now or hereafter in force, relating to voting and tabulating equipment.

(Added by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

Section 12. If any provision of Article IX, Section 2, is amended, is held unconstitutional or in violation of state law, this shall not affect the validity, force or effect of any other provision of Article IX, Section 2.

(Added by Ord. No. 332-1991, eff. Oct. 4, 1991; election of Nov. 5, 1991)

Article XIII. CAMPAIGN FINANCE

Section 1. Limits on Contributions

a. In the period between successive elections of members of council, a person may contribute not more than \$1,000 to any one candidate for council, except that a political action committee may contribute not more than \$2,500, and a political party or legislative campaign fund may contribute not more than \$10,000.

b. In the period from an election of a mayor through the next primary for the selection of candidates for mayor, a person may contribute not more than \$1,000 to any one candidate for mayor, except that a political action committee may contribute not more than \$2,500, and a political party or legislative campaign fund may contribute not more than \$10,000.

c. In the period from the day after the primary for the selection of candidates for mayor through November 30 of that year, identical limitations as in subsection b apply to contributions to any one candidate for mayor in the regular or special election for mayor.

d. A candidate in a council or mayoral election may not solicit or accept a contribution 1) proscribed by this section or 2) from the campaign fund of a) another candidate in a council or mayoral election, b) a council member, or c) the mayor.

e. 1) The limit set forth in this section on contributions by a political action committee applies to the combined contributions of all the political action committees established, financed, maintained, or controlled by the same corporation, organization, labor union, continuing association, or other person, including a subsidiary, division, or department thereof.

2) A limit on contributions by a political party applies to the combined contributions of national, state, and local organizations of the same party.

f. The limitations in this section do not apply to:

- 1) the combined personal contributions not exceeding \$10,000 of a candidate or the candidate's spouse if the candidate has qualified to accept public financing,
- 2) an unexpended permissible contribution raised in one period and carried over to the next, or
- 3) the personal contributions of a candidate or the candidate's spouse if the candidate does not accept public financing under Section 3.

Section 2. Additional Reporting of Contributions and Expenditures

a. In addition to other reports required to be filed under state law, by 4 p.m. of the sixtieth day before a council or mayoral election, a candidate, political action committee, legislative campaign fund, or political party that made or received a contribution or expenditure supporting the candidate shall file with the commission and the Hamilton County Board of Elections a report of the contribution or expenditure in the manner and form required by the commission.

b. During the 20-day period before a council or mayoral election, if a candidate in the election receives a contribution that causes the total contributions from the contributor to exceed \$500,

within 5 days the candidate shall file a report of the contribution with the commission and the Hamilton County Board of Elections.

c. A person required by state law or this section to file a report concerning a mayoral or council election shall also:

- 1) simultaneously file a copy of the report with the commission and the Hamilton County Board of Elections, and
- 2) include with the report the name, residence address and employer or, if self-employed, the occupation of a person contributing more than \$100 in the reporting period.

d. Reporting of independent expenditures:

- 1) Within 10 days of making independent expenditures totaling more than \$1,000 in a period specified in section 1 a, b, or c, the person making the expenditures shall file a report of the expenditures with the commission and the Hamilton County Board of Elections in the manner and form required by the commission. If a portion of the expenditures is made within 30 days of the election, the person shall file the report within 48 hours, and if made within 7 days of the election the person shall file the report within 24 hours.
- 2) If a person makes independent expenditures totaling more than \$3,000 and accepts a contribution to the expenditures over \$100, the person shall include in the report of the expenditures the name, residence address and employer or, if self-employed, the occupation of the contributor.

e. Penalties.

- 1) Contribution. The penalty for making, soliciting, or accepting a contribution that exceeds the maximum permitted by this section is a civil fine equal to three times the excess contribution.
- 2) Reporting. The penalty for failure to file a report required by this section is a civil fine for each day of violation a) in a council election, \$100, and b) in a mayoral election, \$200.
- 3) A penalty under subsection (2) does not apply if an addendum supplying the required information is filed within the time established in section 4d.

Section 3. Public Financing of Campaigns

Notwithstanding anything in this Charter to the contrary, no monies of the City of Cincinnati or any of its Boards or Commissions, from any source whatsoever, or funds of any other entity disbursed by the City or any of its Boards or Commissions, may be disbursed to any candidate for any public office, campaign committee of any candidate for any public office, political action committee, or political party, or may be expended for the purpose of advocating the election or defeat of any candidate for any public office, or for the passage or defeat of any ballot issue.

(Amended by Ord. No. 284-2002, effective 12-5-02; election of November 5, 2002)

Section 4. Cincinnati Elections Commission

- a. The commission shall administer and enforce this Article.
- b. Membership.
 - 1) Number. The commission consists of at least five members to include a) one member affiliated with each political party with which one or more council members or the mayor is affiliated, and b) the minimum number of members not affiliated with a political party necessary to have five members or an uneven number, but not fewer than one.
 - 2) Nomination and appointment.
 - a) Party affiliated member Within 30 days of the occurrence of a vacancy in a party affiliated position on the commission, the local executive committee of the same political party with which the former commission member was affiliated shall submit to the mayor the names of three individuals affiliated with that party. Within 15 days of receiving the names, the mayor shall appoint one of the nominees. If the party committee fails to submit three names within the required time, the mayor shall appoint an individual affiliated with that party.
 - b) Non-party affiliated member Within 15 days of the occurrence of a vacancy in a non-party affiliated position on the commission, the mayor shall appoint a person not affiliated with a political party to fill the vacancy.
 - 3) Terms. A commission member:
 - a) serves a three year term;
 - b) if appointed to fill an unexpired term, serves until the expiration of the predecessor's term;
 - c) may not serve more than two consecutive terms.
 - 4) Qualifications and prohibitions. A commission member must be a resident registered to vote in the city of Cincinnati but may not:
 - a) hold or be a candidate for political office;
 - b) be an officer of a political party;
 - c) be a legislative agent or lobbyist as defined in the Cincinnati Municipal Code;
 - d) be in the unclassified service under Ohio civil service law or an individual or employee described in Ohio Revised Code section 4117.01(C)(1) through (12); and
 - e) as to a Cincinnati municipal election,
 - i) make or solicit a contribution supporting or opposing a candidate or ballot question or issue; or
 - ii) serve on a committee of a political party, political action committee, or contributing entity.
 - 5) Organization and staff.
 - a) The commission shall:
 - i) elect from its members a chairperson and a vice-chairperson, both of whom may not be affiliated with the same political party, to serve a one-year term. The chairperson may not have served more than one previous term as

chairperson and may not be affiliated with the same political party as the immediately preceding chairperson;

- ii) adopt rules of procedure;
- iii) meet on the call of the chairperson or the written request of a majority of members;
- iv) act only with the concurrence of a majority of members; and
- v) appoint staff necessary to carry out its duties in accordance with city civil service rules.

b) The commission may request the city solicitor to employ counsel to assist in carrying out its duties.

c) Duties of the commission. The commission shall adopt rules to administer and enforce this article including provisions for:

- 1) the filing of reports by electronic means, and other means it considers appropriate;
- 2) review and investigation of a) a report filed with it for compliance with this Article, and b) a sworn complaint based on personal knowledge alleging a violation of this Article;
- 3) making a preliminary determination that a report filed with it is complete and accurate;
- 4) immediate notice to a person alleged to have violated this Article;
- 5) holding a hearing that meets due process requirements within 30 days of receipt of the notice of the alleged violation;
- 6) sending to the alleged violator and the complainant within 30 days of the end of the hearing written decision on the alleged violation; and
- 7) allocating funds available for distribution to the candidates.

d) Addendum to the report.

- 1) If the commission makes a preliminary determination that a report filed with it is incomplete or inaccurate, it shall conditionally accept the report and by certified mail notify the filer of the deficiency.
- 2) Within 7 days of receipt of the notice, the filer may submit an addendum to correct the deficiency. The commission may grant an extension to file the addendum. If the filer fails to submit an acceptable addendum, the commission shall conduct further proceedings in accordance with subsection c.

e) Finding a violation. After finding a violation of this Article, the commission may impose a civil fine or other penalty authorized by this Article. The commission shall refer to the appropriate city agency collection of a civil fine the commission imposes, recovery of excess payments to a candidate, or enforcement of another penalty the commission imposes.

f) Additional powers and duties of the commission.

- 1) The commission may:
 - a) apply to council to issue and compel compliance with a subpoena ordering attendance of a witness or production of a document, and to administer oaths; or

- b) render an advisory opinion. A person who reasonably relies on a commission advisory opinion is not liable for a violation of this Article.
- 2) Every four years, the commission shall adjust the contribution limits in section 1 and the matchable contribution limit in section 3 by the same percentage as the periodic adjustments to the salaries of the mayor and a council member, rounded up to the nearest one hundred dollars.
- 3) Periodically, the commission shall file timely reports on the operation of this Article, including one comprehensive report each election cycle within five months of an election.

Section 5. Severability

If a provision of the Article is declared invalid by a court of competent jurisdiction, the remainder of the Article remains in effect.

Section 6. Council and Article IX of the Charter of the City of Cincinnati

The council may not exercise a power under Article IX, Section 1, inconsistent with this Article.

Section 7. Definitions

- a. In this Article
 - 1) "commission" means the Cincinnati elections commission;
 - 2) "candidate" includes a candidate's campaign committee;
 - 3) "report" includes a statement or other document;
 - 4) "mayoral election" includes a primary election for the selection of candidates for mayor;
 - 5) "political party" means an organization (a) whose candidate received a number of votes equal to at least five percent of the number of persons voting for candidates for council in the last election for that office, or (b) is recognized as a political party for any purpose by a federal court;
 - 6) "person" as used in this Article means the same as the definition of "person" in Section 3517.01(B)(17)(a) of the Ohio Revised Code;
 - 7) "special election" means an election to fill the unexpired term of mayor which is held on the date of the regular municipal election for the choice of members of council, as indicated in Article III, Section 3.
- b. Unless otherwise defined in this Article, a word used in this Article has the same meaning as in Section 3517.01 of the Ohio Revised Code.

SCHEDULE

1. To implement Section 4 b(1) so that in so far as possible the terms of one third of the members of the commission expire each year, the mayor in appointing the initial members of the commission shall designate one third of the appointees to serve initial terms of one year, one third two years, and one third or the remaining appointees three years, plus whatever additional period is necessary for the terms of subsequent appointees to begin on December 1 of the year in which appointed. Thereafter each appointee serves a three-year term as provided in Section 4 of the Article.
2. The nomination and appointment time periods in Section 4 b(2) begin to run 30 days after the approval of the Article by the voters.
3. This Article applies to the first council and mayoral elections held after the approval of the Article by the voters except that:

- a) the limitations on contributions in the Article do not apply to contributions made prior to the approval of the Article; and
- b) a contribution made prior to the approval of the Article counts toward meeting the eligibility requirements of section 3 b(1) and (2) and 3 c(1), (2), and (3) if it complies with the requirements of the Article.

(Added by Ord. 258-2001, effective September 6, 2001; election of November 6, 2001)

CHAPTER 117 OF THE CINCINNATI MUNICIPAL CODE

Chapter 117 CAMPAIGN FINANCE--DISCLOSURE

Sec. 117-1. Definitions.

Sec. 117-3. Reporting Requirements; Disclosure.

Sec. 117-5. Rules; Investigations.

Sec. 117-6. Contribution Limits Apply to Conversion of Campaign Committees.

Sec. 117-99. Penalties.

Sec. 117-1. Definitions.

For the purposes of this chapter, the words and phrases defined herein shall have the meanings ascribed to them in Title 35, Elections, of the Ohio Revised Code, unless another meaning is ascribed to them in this chapter.

(Ordained by Ord. No. 074-2001, eff. Mar. 14, 2001)

Sec. 117-3. Reporting Requirements; Disclosure.

(a) In addition to the reporting requirements contained in Section 3517.10 O.R.C., every campaign committee of a candidate for election as a member of the council of the City of Cincinnati, that either received a contribution or made an expenditure in connection with such election shall file a full, true and itemized statement with the Cincinnati Elections Commission, made under penalty of law, setting forth in detail such contributions and expenditures in the same form, manner and content as required under the provisions of Section 3517.10 O.R.C., no later than four p.m. of the one hundred and twentieth day before such election, to reflect contributions received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the one hundred and twenty-eighth day before such election.

(b) In addition to the reporting requirements contained in Section 3517.10 O.R.C., every campaign committee of a candidate for election as mayor of the city of Cincinnati, that either received a contribution or made an expenditure in connection with such election shall file a full, true and itemized statement with the Cincinnati Elections Commission, made under penalty of law, setting forth in detail such contributions and expenditures in the same form, manner and content as required under the provisions of Section 3517.10 O.R.C., no later than four p.m. of the one hundred and twentieth day before the date set for the primary election, whether or not such election is held, to reflect contributions received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the one hundred and twenty-eighth day before such election.

If a campaign committee otherwise required to file any statement under the provisions of this section, has no contributions that it has received and no expenditures that it has made since the last date reflected in the last previously filed statement, if any, no statement shall be required, however, the campaign committee shall file a statement to that effect with the Cincinnati Elections Commission.

The Cincinnati Elections Commission shall make available online to the public through the internet, the contribution and expenditure information in all statements, all addenda, amendments, or other corrections made to statements. The Commission may remove the information from the internet after a reasonable period of time.

(Ordained by Ord. No. 074-2001, eff. Mar. 14, 2001; a. Ord. No. 85-2003, eff. April 2, 2003)

Sec. 117-5. Rules; Investigations.

The Cincinnati Elections Commission may adopt rules for the administration and enforcement of the provisions of this chapter.

The Cincinnati Elections Commission shall review all reports filed under the provisions of this chapter for compliance with this chapter and shall investigate any matters that to the Commission appear to violate any of the provisions of this chapter.

Upon presentation to the Cincinnati Elections Commission of a sworn affidavit of any person, made on personal knowledge, setting forth an alleged violation of the provisions of this chapter, the Commission shall immediately transmit a copy of such affidavit to the candidate and the treasurer of the candidate's campaign committee, and proceed to investigate the charges made in the affidavit.

Any statement required to be filed under the provisions of this chapter that is found to be incomplete or inaccurate by the Cincinnati Elections Commission shall be accepted on a conditional basis, and the person who filed it shall be notified by certified mail as to the incomplete or inaccurate nature of the statement. Within seven business days after receipt of notice, the recipient shall file an addendum to the statement providing the information necessary to complete or correct the statement.

If the Cincinnati Elections Commission, after conducting an investigation finds reason to believe a violation has taken place, other than the filing of an incomplete or inaccurate statement that is timely completed or corrected by addendum as set forth in this section, the Commission shall hold a hearing to determine whether a violation has occurred.

The hearing will be held upon reasonable notice, in writing to the candidate and the treasurer of the candidate's campaign committee, concerning whom the commission has found reason to believe a violation of this chapter has taken place. The notice so provided shall include a statement of the time, place and nature of the hearing, a copy of any affidavit submitted alleging a violation, and/or a statement of the matters that the Commission finds provides reason to believe that a violation has taken place. The hearing shall be held within thirty days of the date on which the Commission finds reason to believe that a violation has taken place. The thirty day period shall commence at the expiration of the applicable number of days in which to file an addendum to any statement, if it is found that no such addendum was filed or the addendum filed lacked the information requested.

At the hearing, all testimony shall be under oath. The candidate, or the candidate's campaign treasurer may:

- a. Present petitions, arguments, and contentions;
- b. Offer and examine witnesses and present evidence in support;
- c. Cross examine witnesses;
- d. Offer evidence to refute evidence and testimony offered in support of the finding of the Cincinnati Elections Commission that the Commission has reason to believe that a violation of this chapter has taken place;
- e. Proffer any such evidence into the record, if the admission of it is denied by the Commission.

The Commission shall issue a decision and make findings of fact from the record and conclusions of law in support of the decision within ten days from the close of the hearing. The findings and conclusions shall demonstrate that the decision is consistent with applicable laws, ordinances and regulations.

If, after the hearing provided, the Commission determines that a violation has occurred, the Commission shall impose a civil fine in accordance with the schedule of fines contained in this chapter, the imposition of which shall be subject to appeal under the provisions of the Ohio Revised Code applicable to appeals from administrative agencies. Fines imposed may be referred to the appropriate agency or office for collection. Any fines collected under the provisions of this chapter shall be deposited in the general fund of the City of Cincinnati.

(Ordained by Ord. No. 074-2001, eff. Mar. 14, 2001; a. Ord. No. 85-2003, eff. April 2, 2003)

Sec. 117-6. Contribution Limits Apply to Conversion of Campaign Committees.

(a) Definitions.

"Conversion" means the act of formally changing the designation of the office for which a candidate is running, by changing the designation of "office sought" on the Designation of Treasurer Form (Form 30-D) of a candidate campaign committee.

Unless otherwise defined in this Chapter, a word used in this Section has the same meaning as in Section 3517.01 of the Ohio Revised Code.

(b) Basic Prohibition. Political contributions raised for a county, state or federal candidate campaign, which is then converted into a City Council or Mayoral campaign, or contributions raised for a City Council campaign which is converted to a Mayoral campaign, must comply with the limits on contributions as established in Article XIII of the Charter of the City of Cincinnati. The burden shall be on the candidate to show that funds raised have been in accordance with the City's contribution limits, and that contributions in excess of the City's contribution limits have been disposed of in accordance with this Section and any rules promulgated by the Cincinnati Election Commission.

If a county, state or federal candidate campaign is converted to a City Council or Mayoral campaign, or if a City Council campaign is converted to a Mayoral campaign, the aggregate contribution of funds from each contributing individual or entity to the committee for the entire period since the end of the last general election period for the office under which the committee is, or has been, collecting contributions, up to the submission of a nominating petition for City Council or Mayor, plus any additional contributions made by the same contributing individual or entity after the campaign is converted to a City Council or Mayoral campaign, cannot exceed the limits established by Article XIII of the Charter of Cincinnati.

(c) Disposal of Surplus Funds. If an aggregate contribution from an individual contributor or contributing entity surpasses the limits established by Article XIII during the entire period since the end of the last general election period for the office under which the committee is, or has been, collecting contributions, up to the submission of a nominating petition for City Council or Mayor, then the surplus amount contributed must be disposed of in accordance with O.R.C. § 3517.109(C). A candidate or campaign committee required to dispose of surplus funds pursuant to this ordinance shall file a report with the Cincinnati Election Commission as described in Section 117-3 and in accordance with rules and regulations promulgated by the Cincinnati Election Commission.

(d) Rules and Regulations. In accordance with Article XIII, Section 4 of the Charter of the City of Cincinnati and Municipal Code Section 117-5, the Cincinnati Election Commission shall promulgate rules and regulations regarding the applicability of contribution limits for candidates from all previous election periods.

(e) Penalties. The Penalties for a violation of this Section shall be the same as those prescribed under Article XIII, Section 2(e) of the Charter of the City of Cincinnati.

(f) Severability. If a court of competent jurisdiction declares a provision of this Section invalid, the remainder of the Section remains in effect.

(Ordained by Emer. Ord. No. 125-2005, eff. April 6, 2005)

Sec. 117-99. Penalties.

Any candidate or the treasurer of the campaign committee of any candidate, subject to the provisions of this chapter, who is found to have failed to file any report required under the provisions of this chapter or to have failed to provide any information required in any such report shall be fined \$100 per day for each day of each violation, not to exceed \$2,500 per violation.

Fines shall not be assessed for any period during which a statement filed has been determined to be incomplete or inaccurate by the Cincinnati Elections Commission and such statement has been accepted on a conditional basis. However, at the expiration of the applicable number of days in which to file an addendum to such statement, if it is found that no such addendum was filed or the addendum filed lacked the information requested, fines shall be assessed for each day of violation after the expiration of the applicable number of days provided for the filing of an addendum, in accordance with the schedule set forth above.

Voluntary reporting of errors or corrections by candidates or campaign committees that are generated without a request from the Commission and in the absence of the filing of an affidavit, shall not be subject to fine.

(Ordained by Ord. No. 074-2001, eff. Mar. 14, 2001; a. Ord. No. 85-2003, eff. April 2, 2003)