

Article XIII. - CAMPAIGN FINANCE

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Section 1.

Limits on Contributions

- a. In the period between successive elections of members of council, a person may contribute not more than \$1,100 to any one candidate for council, except that a political action committee may contribute not more than \$2,700, and a political party or legislative campaign fund may contribute not more than \$10,500. Such amounts shall be subject to periodic adjustment pursuant to Section (4)(f)(2) herein.
- 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 \$1,100 to any one candidate for mayor, except that a political action committee may contribute not more than \$2,700, and a political party or legislative campaign fund may contribute not more than \$10,500. Such amounts shall be subject to periodic adjustment pursuant to Section (4)(f)(2) herein.
- 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 proscribed by this section.
- 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.

(Amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

Section 2.

Reporting of Contributions and Expenditures.

- a. A candidate, political action committee, legislative campaign fund, or political party that made or received a contribution or expenditure supporting a candidate for city council or mayor shall file with the commission and the Hamilton County Board of Elections a full, true, and itemized report of the contribution or expenditure in the manner and form required by the commission by not later than 4:00 p.m. on the following dates:
 - 1) The last business day of July of the election year to reflect the 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 last day of June of that year; and

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- 2) The thirty-eighth day after the municipal general election to reflect the 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 seventh day before the filing of the statement.

In addition to the two reports listed above, in the event a mayoral primary election is held, the two successful mayoral primary candidates shall file a full, true, and itemized report of contributions and/or expenditures in the manner and form required by the commission by not later than 4:00 p.m. on the seventh day after the mayoral primary election. This report shall reflect the 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 date of the mayoral primary election.

- b. 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.
- c. Reporting of independent expenditures:
 - 1) Within 10 days of making independent expenditures totaling more than \$1,000 in a period specified in [section 1a](#), 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.
- d. 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.

(Amended by Ord. No. 252-2011, effective Nov. 8, 2011, election of Nov. 8, 2011)

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.

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(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 four 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 but any period in which the member filled an unexpired term shall not count toward the prohibition against serving 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:

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- 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 it 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.

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- 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.

(Amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

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 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.

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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; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)