

**CINCINNATI ELECTIONS COMMISSION  
RULES OF PROCEDURE AND  
RULES FOR ADMINISTRATION AND ENFORCEMENT OF  
ARTICLE XIII OF THE CHARTER OF THE CITY OF CINCINNATI AND  
CHAPTER 117 OF THE CINCINNATI MUNICIPAL CODE**

**I. RULES OF PROCEDURE**

Rule 1 – Adoption of Robert’s Rules of Order

The Commission meetings shall be conducted in a manner to include the provisions of Chapter XVI, Section 49, “COMMITTEES,” from Robert’s Rules Order, except that:

- (a) Commission members are not required to obtain the floor before making motions or speaking.
- (b) Motions need not be seconded.
- (c) There is no limit to the number of times a member may speak to a question.

Rule 2 – Regular Meetings

The Commission shall meet each election year to discuss the upcoming elections that year. The first meeting of the Commission each election year shall occur no later than April 30 of an election year. The first meeting shall be called, and the Commission members notified, by the chairperson of the Commission, at least 3 weeks prior to the date of the meeting.

The Commission shall meet at least once each month thereafter, until any and all issues over which the Commission has oversight have been resolved. The date of the second meeting shall be decided at the first meeting; at each meeting thereafter, the date of the next meeting shall be decided.

Rule 3 – Special Meetings

A special meeting can be called at any time and with reasonable notice, by the Chairperson alone, or at the request of any two of the Commission members, who shall submit their written request to the Chairperson. Whichever member(s) calls or requests a special meeting shall, at the time of the request, specify the purpose of the special meeting.

Rule 4 – Chairperson’s Role

The Chairperson shall conduct the meeting. In the absence of the Chairperson, the Vice-Chairperson shall conduct the meeting.

The Chairperson shall vote on all issues as any other Commission member.

Rule 5 – Minutes, Roll Call

Minutes and Roll Call shall be kept for every regular and special meeting. After each meeting, the minutes shall be promptly prepared and circulated to all members of the Commission. At

the next subsequent meeting, the Commission shall approve the minutes of the preceding meeting.

The Commission shall maintain approved minutes of all meetings of the Commission, and shall make the approved minutes available for public inspection consistent with Ohio law.

#### Rule 6 – Quorum

A meeting of the Commission shall only convene if a quorum is present. A quorum shall consist of at least three-fifths (3/5) of the Commission members, inclusive of the Chairperson. If a quorum is not present, the Commission may take no formal action. A meeting may nonetheless be held as long as two-fifths (2/5) of the Commission members are present.

#### Rule 7 – Majority

A majority shall consist of a simple majority of all Commission members present. The Commission shall act only if a majority of the Commission present concurs in the action, unless otherwise specified in these rules of procedure.

#### Rule 8 – Meetings Open to the Public

All meetings of the Commission shall be open to the public, consistent with the law of the state of Ohio.

#### Rule 9 – Notice to the Public

The Commission shall provide notice to the public by a reasonable method of the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings.

The Commission shall provide at least forty-eight (48) hours notice of all regular meetings and at least twenty-four (24) hours notice of all special meetings.

#### Rule 10 – Opportunity for Public to Address the Commission

Members of the public in attendance at the regular or special meetings shall be given the opportunity to address the Commission.

The Chairperson shall have the discretion to reasonably limit the time provided to each member of the public who seeks to address the Commission.

#### Rule 11 – Amendment or Adoption of Rules

Any member may propose an amendment to a rule governing the Commission or may propose the adoption of a new rule.

In order for a rule to be amended or a new rule to be adopted, the rule must be voted for by a majority of the Commission.

## Rule 12 – Absence of a Rule

In the absence of a rule governing a question before the Commission, the Commission may decide the question only by a majority vote of the Commission.

## **II. RULES FOR ADMINISTRATION AND ENFORCEMENT OF ARTICLE XIII AND CHAPTER 117**

### Rule 1 – Forms

All candidates shall file all campaign finance reports on the campaign reporting forms adopted and promulgated by the Secretary of State of Ohio or in any other method approved by the Hamilton County Board of Elections. No other reports or forms shall be accepted.

At a minimum, each candidate shall be required to file the following forms, or forms approved by the Hamilton County Board of Elections containing the same information as the following:

- (a) Form 30-A, "Ohio Campaign Finance Report;"
- (b) Form 31-A, "Statement of Contributions Received," if the candidate has received any contributions during the applicable reporting period;
- (c) Form 31-B, "Statement of Expenditures," if the candidate has made any expenditures during the applicable reporting period;
- (d) Form 31-E, "Statement of Contributions Received at a Social or Fundraising Event," if the candidate has received any contributions during a social or fundraising event, as those terms are defined by applicable state law, during the applicable reporting period;
- (e) Form 31-F, "Statement of Expenditures for Social or Fundraising Event," if the candidate has made any expenditure in connection with a social or fundraising event, as those terms are defined by applicable state law, during the applicable reporting period;
- (f) Form 31-J, "Statement of In-Kind Contributions," if the candidate has received any in-kind contribution during the applicable reporting period.

The Commission will not accept any submission that is not made on a campaign finance form that has been promulgated by the Secretary of State of the state of Ohio or that has not been approved by the Hamilton County Board of Elections. The Commission will also not accept any submission made on a form promulgated by the Secretary of State, or approved by the Hamilton County Board of Elections, if that form merely incorporates or refers to an attached, nonstandard submission such as a spreadsheet or handwritten table.

### Rule 2 –Contributions

- A. In-Kind Contributions: "In-kind contribution" shall have the same definition as that term is accorded in Ohio Revised Code Section 3517.01(B)(16). A candidate who receives in-kind contributions shall report such contributions to the Cincinnati Elections Commission in the same manner that such contributions are required to be reported under Ohio Revised Code Section 3517.10. A candidate who receives in-kind contributions shall use the Ohio Secretary of State's Form 31-J-1, "In-Kind Contributions Received", for the purpose of reporting such contributions to the Cincinnati Elections Commission.
- B. Contributions from Campaign Committees: "Campaign committee" shall have the same definition as that term is accorded in O.R.C. Section 3517.01(B)(1). A campaign

committee may contribute to a candidate for mayor or council the same amount as a political action committee is permitted to contribute to such candidates pursuant to Article XIII, Section 1 of the Charter of the City of Cincinnati.

### Rule 3 – Electronic Filing

Pursuant to Article XIII, Section 5(c)(1) of the Cincinnati Charter, the filing of reports may be done by electronic means at the facsimile number designated by the custodian of the records of the Cincinnati Elections Commission, the City of Cincinnati Law Department.

### Rule 4 – Adjustment to Documents to Reflect Any Increase in Campaign Finance Reform Limits

The Commission shall adjust documents to reflect any increase in campaign finance contribution limits that is enacted by the City Council of Cincinnati.

### Rule 5 – Filing Period

For the 120-day reporting date required by Chapter 117 of the Cincinnati Municipal Code (Section 117-3), the reporting period shall be from the beginning of the election cycle (the last day reflected in the last previously filed statement, if any) to the one hundred and twenty-eighth day before the mayoral primary or the council general election. Candidates may use the annual reports from the prior year(s) to satisfy the requirements under this section regarding prior calendar years. For the sixty-day reporting date required by Article XIII of the Charter, the reporting period shall be from the one hundred and twenty-seventh day prior to the mayoral or council election to the sixty-eighth day prior to the mayoral or council election. Candidates will be required to follow the rules set forth in Article XIII regarding the twenty-day period before a council or mayoral election.

### Rule 6 – Accounting Method

In accordance with Cincinnati Municipal Code Section 117-6, the burden shall be on the candidate to demonstrate that any funds raised for previous election campaigns, and then converted to council or mayoral campaign funds, comply with the City's contribution limits, in accordance with Article XIII, Chapter 117 and Ordinance No. 125-2005. Contributions in excess of the City's contribution limits must be disposed of in accordance with state law.

In order to meet this burden, candidates shall submit an accounting of any campaign funds being converted to council or mayoral campaign funds. This accounting shall reflect that the funds raised first were those that were spent first by the campaign. Any funds not spent prior to the submission of a nominating petition for a city council or mayoral campaign must meet the contribution limits outlined in Article XIII, even if collected while campaigning for another office. The burden shall be on the candidate to demonstrate that funds raised in excess of the contribution limits permitted by Article XIII were disposed of in accordance with O.R.C. § 3517.109(C) prior to the filing of a nominating petition for mayor or council.

### Rule 7 - Data Entry and Reports

The Commission shall employ clerical staff for the purpose of entering into a database the data on the forms submitted by all candidates.

The clerical staff shall be responsible for compiling the data and providing reports to the Commission within a reasonable time after each reporting deadline.

Said reports shall provide information necessary for the Commission to administer and enforce Article XIII of the Cincinnati City Charter including, but not limited to:

- (a) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or contributor from whom contributions are received;
- (b) The amount, in dollars and cents, of each contribution;
- (c) The day, month, and year on which each contribution was received.
- (d) The total amount that each contributor has contributed to each candidate's campaign during the election year.

### Rule 8 – Review of the Reports

The Commission shall review the reports provided by the clerical staff to determine if the candidates are in compliance with the campaign finance regulations of Article XIII and Chapter 117 of the Cincinnati Municipal Code, and shall investigate any matters that appear to the Commission to violate any of the provisions of Article XIII or Chapter 117 of the Cincinnati Municipal Code.

### Rule 9 – Determination of Compliance

At the conclusion of each reporting period, the Commission shall determine whether the campaign finance reports that each candidate has filed with the Commission are complete and accurate.

### Rule 10 – Addendum to the Report

- (a) 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.
- (b) Within 7 days of receipt of the notice, the filer may submit an addendum to correct the deficiency. The Commission may, upon written request of the filer, 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 Rules 6-13 of this Section.

### Rule 11 – Review of Report Upon Sworn Affidavit

The Commission shall, upon presentation to the Commission of a sworn affidavit of any person, made on personal knowledge, setting forth an alleged violation of the provisions of this chapter, immediately transmit, by certified mail, a copy of such affidavit by certified mail to the candidate

and the treasurer of the candidate's campaign committee, and proceed to investigate the charges made in the affidavit.

#### Rule 12 - Reason to Believe Violation Exists

If, after conducting an investigation, the Commission 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 must hold a hearing to determine whether a violation occurred.

#### Rule 13 – Notice of Violation

The Commission must provide reasonable notice 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 Article has taken place. The Commission shall hold the hearing within thirty (30) days of the date on which the Commission finds reason to believe that a violation has taken place; notice shall be provided and the hearing procedure shall be conducted according to the provisions of Rule 10 below.

#### Rule 14 – Hearing Notification, Procedure, and Decision

The Commission shall provide reasonable notice of the alleged violation, in writing, by certified mail, to the candidate and the treasurer of the candidate's campaign committee, against whom the violation is alleged.

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 at least a majority of the Commission finds provides reason to believe that a violation has occurred.

The hearing shall be conducted within thirty (30) days of the date on which at least a majority of 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.

#### Rule 15 – Hearing Procedure

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 of;
- (c) Cross examine witnesses;
- (d) Offer evidence to refute evidence and testimony offered in support of the finding of the Commission that a majority of the Commission has reason to believe that a violation has occurred;
- (e) Proffer any such evidence into the record, if the admission of it is denied by the Commission.

### Rule 16 – Hearing Decision

A majority of the Commission shall issue a decision within thirty (30) days from the close of the hearing.

The Commission shall send to the alleged violator and the complainant, within thirty (30) days of the end of the hearing, written decision on the alleged violation.

### Rule 17 – Finding a Violation

If, after the hearing, the Commission determines that a violation has occurred, the Commission shall impose a civil fine in accordance with the schedule of fines contained in Article XIII, 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 Article shall be deposited in the general fund of the City of Cincinnati.

### Rule 18 – Court Injunction Against Enforcement of Prohibition Against Inter-Campaign Contributions related to Section 1(d)(2) of Article XIII

Per the terms of the July 5, 2005 injunction issued in Case No. 1:03 – CV – 654 in the United States District Court for the Southern District of Ohio, Western Division, the Cincinnati Elections Commission is unauthorized to take any action to prohibit inter-campaign contributions as previously prohibited by the terms of Section 1(d)(2) of Article XIII, which states as follows:

- 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.

### Rule 19 -- Federal PAC Filing Requirements.

When a federal Political Action Committee (“PAC”) is required by Article XIII of the Charter or Cincinnati Municipal Code Chapter 117 to file a report with the Commission concerning a mayoral or council election, the PAC shall be required to file with the Commission only those reports that the State of Ohio requires a federal PAC to file with the State and/or Hamilton County in relation to a municipal election in Cincinnati.

## **III. MISCELLANEOUS RULES; ADDITIONAL POWERS AND DUTIES OF THE COMMISSION**

### Rule 1 - 2001 Debt Retirement Exemption

The Cincinnati Elections Commission shall recognize a one-time exemption regarding funds raised for the purpose of retiring debt incurred for the 2001 mayoral or council elections. If a candidate seeks to qualify for the exemption, he or she will be required to provide supporting documentation to the Commission regarding debts incurred and fund-raising efforts directed to relieving debt for the 2001 election. If the exemption is granted, such funds shall not count toward the contribution limits imposed by Article XIII of the Charter.

Rule 2 – Power to Subpoena

The Commission may 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

Rule 3 – Power to Render Advisory Opinion; Effect

The Commission may render an advisory opinion. A person who reasonably relies on a Commission advisory opinion is not liable for a violation of this Article.

Rule 4 – Adjustment of Contribution Limits

Every four years, the Commission shall adjust the contribution limits in section 1 of Article XIII 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.

Staff of the Commission shall amend all documents issued by the Commission to reflect such adjustments.

Rule 5 – Periodic Reports

Periodically, the Commission shall issue timely reports on the operation of Article XIII, including one comprehensive report each election cycle within five months of an election.

Adopted and Effective by vote of the Cincinnati Elections Commission, on the 11<sup>th</sup> day of March, 2010.

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Jonathan B. Allison, Chairperson  
Cincinnati Elections Commission  
Date: \_\_\_\_\_