

PETITION FOR SUBMISSION OF
PROPOSED AMENDMENT TO CHARTER
NOTICE

Whoever knowingly signs this petition more than once,
signs a name other than his own,
or signs when not a legal voter, is liable to prosecution.

THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS,
OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH.

PETITION

For submission of Proposed Amendment to the Charter of the City of Cincinnati

To the Council, the legislative authority of the City of Cincinnati, Ohio

We, the undersigned, Electors of the City of Cincinnati, Ohio, petition your honorable body to forthwith provide by ordinance, for submission to the electors of the City of Cincinnati, the following proposed Amendment to the Charter of the City.

AMENDMENT

TITLE: CHARTER REFORM AMENDMENT - An amendment to the Charter of the City of Cincinnati to provide for:

- Limits on contributions to candidates in council or mayoral elections.
- Additional reporting requirements for contributions to and expenditures by candidates.
- Reporting requirements for independent expenditures.
- Penalties for making or accepting contributions that exceed the limits, and for failing to file a report.
- Partial public financing of campaigns of candidates who accept expenditure limits and meet other eligibility requirements.
- Repayment requirements and penalties for exceeding expenditures limits for candidates who accept public financing.

- Creation of the Cincinnati Elections Commission to administer the Article.
- Limits on council from using powers under Article IX, Section 1, to establish ordinances inconsistent with

this Article.

TEXT: Be it resolved by the people of Cincinnati that a new Article XIII be added to the Charter and that the powers of council under Article IX, Section 1, be modified with the language set forth below.

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

a. Payment and eligibility

The commission shall pay to a candidate in a council or mayoral election funds not to exceed the maximum set forth in subsection c, if the candidate:

- 1) qualifies to be on the ballot;
- 2) meets the minimum contribution requirements in subsection b;
- 3) within the period set by the commission files a written certification on a commission form agreeing to comply with this Article in the regular municipal election for council or in both the primary and regular or special elections for mayor;
- 4) files with the commission requested information on campaign contributions and expenditures and proof of compliance with this Article, including the limitations on contributions and expenditures;
- 5) maintains records of contributions and expenditures required by the commission,
- 6) complies with the expenditure limitations in subsection d; and
- 7) is opposed by another candidate.

b. Minimum contribution requirements

- 1) in a primary or regular or special election for mayor \$10,000, including 300 contributions from individuals of at least \$10. Contributions that satisfy the requirement for a primary also satisfy the requirement for a regular or special election for mayor.
- 2) in a council election: \$5,000, including 150 contributions from individuals of at least \$10.

c. Maximum payments to a candidate

- 1) For each dollar of matchable contributions in a mayoral or council election, two dollars.
- 2) Payments to a candidate may not exceed 67% of the expenditure limitations in subsection d.
- 3) "Matchable contribution" means money from an identifiable source not exceeding \$1,000 contributed by any one individual in a period specified in section 1 a, b, and c

d. Maximum expenditures

In a period specified in section 1 a, b, or c, the candidate may not spend more than:

- 1) in a primary or regular or special election for mayor, 3 times the mayor's salary;

2) in a council election, 3 times a council member's salary-

e. Repayment

1) On notice from the commission, a candidate shall repay the commission the portion of the payment made by the commission to the candidate that the commission determines: a) exceeds the total funds the candidate was eligible to receive under this section, b) was used for a purpose other than a legal campaign expenditure, or c) exceeds the amount by which the total legal campaign expenditures of the candidate were less than the total matchable contributions and public funds received by the candidate

2) If disqualified from placement on the ballot, a candidate shall repay all funds received from the commission

f. Penalty for Exceeding Expenditure Limits

The penalty for a candidate who accepts public financing and who exceeds the maximum expenditure limits in subsection d is a civil fine equal to three times the excess expenditure.

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 it in carrying out its duties 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 of violation

After finding of 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.

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 candidate 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) (1 7)(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 the 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 3c(1),(2), and(3) if it complies with the requirements of the Article.