

§ 31.07 CAMPAIGN CONTRIBUTION LIMITS.

(A) *Contribution limitation.* No person, political action committee, separate segregated fund, political contribution entity, campaign committee, political party or other organization, as such terms are defined in R.C. Chapter 3517, shall make and no candidate for ward Council member shall accept a contribution or in-kind contribution combined from the same source of more than \$185 per calendar year and no candidate for at-large Council member shall accept a contribution or in-kind contribution combined from the same source of more than \$310 per calendar year. Campaign contribution limits shall be automatically adjusted every four years, beginning in 2025, by the Clerk of Council to reflect the yearly average of the previous four years of the Consumer Price Index for All Urban Consumers, as determined by the United States Department of Labor or successor entity. In February of each year that there is to be an adjustment, the City Clerk will calculate the new limits. Adjustments made pursuant to this section shall be rounded to the nearest \$5. The updated limits must be completed and published on the city website by March 1st of the year that they are updated. The adjustments shall be effective upon publication, and shall apply to any election occurring after the effective date.

(B) *Application.*

(1) This section shall apply to all candidates for all elected city offices and political action committees, separate segregated funds, political contributing entities, political parties, and any other organization making an expenditure, as such term is defined in R.C. Chapter 3517 in support of or in opposition to candidates for city elected offices.

(2) This section shall not apply to services provided without compensation by persons volunteering a portion or all of their time on behalf of a person, ordinary home hospitality, or the personal expenses of a volunteer paid for by that volunteer campaign worker.

(C) *Contribution definition.* Contribution means any money, loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent's estate, which contribution is received for the purpose of influencing the results of an election. The date of a contribution is the date that it is received, not the date of deposit or the date on a check.

(D) *In-kind contribution definition.* In-kind contribution means anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a candidate, campaign committee and that is made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of the benefitted candidate or campaign committee. When disclosing in-kind contributions pursuant to § 31.08 a candidate or campaign committee shall give a fair market value to the in-kind contribution.

(E) *Candidate resources.* The limitations imposed by this section shall not apply to contributions of a candidate's own resources to the candidate's own campaign.

(F) *Independent expenditures.* The limitations imposed by this section shall not apply to independent expenditures. Independent expenditures shall mean expenditures by a person, political action committee, separate segregated fund, political contributing entity, unaffiliated campaign committee, political party, or other organization advocating the election or defeat of an identified candidate or candidates, that is not made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of any candidate or candidates or of the campaign committee or agent of the candidate or candidates.

(Ord. 50-99, passed 5-17-99; Am. Ord. 04-09, passed 5-4-09; Am. Ord. 90-21, passed 12-6-21)

§ 31.08 CAMPAIGN FINANCE DISCLOSURE.

(A) *Definitions.*

(1) Unless stated otherwise in this section, for the purposes of this section, the words and phrases used herein shall have the meanings set forth in R.C. Title 35. Contribution and in-kind contribution shall have the same meaning as in § 31.07. Expenditure means the disbursement or use of a contribution for the purpose of influencing the results of an election.

(2) Expenditures shall be disclosed by candidates for city elective office as of the date they are paid. The date listed for each expense should be the date that a check or other payment instrument is mailed, handed over or transmitted.

(B) *Application.* This section shall apply to all candidates for all elected city offices.

(C) *Computation of time.* Notwithstanding any other provision in the City Codified Ordinances, any reporting dates set forth below shall be computed using calendar days counting each day.

(D) *Candidate disclosure statements.* In addition to the registration and reporting requirements contained in R.C. Chapter 3517, all candidates for elected city offices shall file with the Clerk of Council, at the times specified in divisions (E)(1) and (E)(2) of this section, a copy of the disclosure forms provided by the Secretary of State regardless of whether they are required by law to file such forms with the County Board of Elections.

(E) *Deadlines for candidate disclosure statements.*

(1) *Pre-election Statement.* All candidates who shall appear on the ballot at the immediately forthcoming election shall file a statement by 4:00 p.m., 12 days before the date of the election.

(2) *Post-election Statement.* All candidates who appeared on the ballot at the immediately preceding election shall file a statement by 4:00 p.m., 38 days after the date of the election.

(3) The statements required under divisions (E)(1) and (E)(2) of this section shall be filed in addition to any other provisions of state law and notwithstanding any provisions of state election law that exempt from reporting requirements contributions under a minimum amount.

(F) *Contents of pre-election disclosure statements.* The statement required by division (E)(1) of this section shall include: a list of each contribution received, all in-kind contributions, and the name and address of each donor, an aggregate total of all contributions and in-kind contributions received. The statements shall also include a list of each expenditure of contributions made during the campaign period, and the recipient of each expenditure. This statement shall include all such activity during the campaign period through the 20th day before the election.

(G) *Contents of post-election disclosure statements.* The statement required by division (E)(2) of this section shall include all activity since the latest date of activity included in the pre-election filing through the 31st day after the election including: a list of each contribution and in-kind contribution received by the candidate of campaign that was not included in the pre-election filing, and the name and address of each donor, an aggregate total of all contributions and in-kind contributions that was not included in the pre-election filing, and a list of each expenditure of contributions made after the pre-election filing, and the recipient of each expenditure.

(H) *Publication.* The Clerk of Council shall publish the candidate disclosure statements discussed in divisions (F) and (G) of this section on the city's web site or other generally accepted medium, as designated by Council.

(I) *Review.* The Director of Accounting and Auditing shall review all candidate disclosure statements filed under the provisions of this section for compliance and shall refer to the Director of Law any matter which appears to possibly conflict with or violate any of the provisions of this section.

(J) *Ohio law.* The provisions of the laws of the State of Ohio pertaining to elections that are not inconsistent with the provisions of this section shall remain in full force and effect and shall apply in

addition to the requirements of this section. In the event of a conflict between the provisions of the laws of the State of Ohio and the provisions of this section, the provisions of this section shall control.

(Ord. 51-99, passed 5-17-99; Am. Ord. 80-03, passed 7-21-03; Am. Ord. 04-09, passed 5-4-09; Am. Ord. 03-12, passed 2-13-12; Am. Ord. 90-21, passed 12-6-21)

§ 31.09 CAMPAIGN FINANCE ENFORCEMENT.

(A) *Contribution limit penalties.* Any candidate or person who knowingly refuses or fails to comply with the requirements of § 31.07(A) is guilty of a third degree misdemeanor and shall be fined not more than three times the amount accepted. A political action committee, separate segregated fund, political contributing entity, campaign committee, political party, or other organization violating § 31.07(A) shall be fined not more than three times the amount contributed.

(B) *Return of contribution.* In the event that a candidate returns to its source any contribution or contributions received from that source in excess of the amounts permitted under the provisions of this chapter within five business days of the receipt of such excess contribution, such excess contribution shall not be considered to have been solicited or accepted by such candidate and the candidate, person, political action committee, separate segregated fund, political contributing entity, political party, or other organization will not be liable under the provisions of this section.

(C) *Candidate disclosure statement penalties.* Any candidate who fails to file any disclosure statement required under § 31.08, knowingly files inaccurate information, or fails to provide information required in any such report is guilty of a fourth degree misdemeanor.

(D) *Reporting.* Any person with personal knowledge of a violation of §§ 31.07 or 31.08 may report such information on a sworn affidavit to the Director of Law. The Director of Law shall transmit sworn affidavits to the City Manager, who shall consult with the Director of Law to hire Special Counsel who shall investigate the allegations and prosecute violations. The Director of Law shall also transmit to the City Manager matters referred from the Director of Accounting and Auditing under § 31.08(I), and the City Manager shall consult with the Director of Law in the same manner to hire Special Counsel. If Special Counsel determines that there is probable cause to prosecute, Special Counsel shall prosecute the matter in the Franklin County Municipal Court.

(Ord. 04-09, passed 5-4-09)