



To: Members of Dublin City Council
From: Dana L. McDaniel, City Manager
Date: November 9, 2021
Initiated By: Jennifer D. Readler, Law Director
Re: Ordinance No. 90-21 – Amending Chapter 31 Under Title III of the City of Dublin Codified Ordinances to Update the Campaign Contribution Limits and the Campaign Finance Disclosure Regulations

Background and Summary of Prior Action

At the November 1, 2021 Council work session, Council considered whether to pursue updates to the campaign contribution limits and campaign disclosure filings in the City Code. Council determined that they would like to pursue both. This Memorandum and the accompanying legislation reflect the revisions suggested by Council at that meeting.

Background

The City of Dublin created its own set of regulations related to campaign finance for City Council candidates. The Code regulates the amount of campaign contributions that an individual running for City Council may receive. These amounts have not been updated for some time. Dublin originally set its contribution limits in 1999. At that time, the limits were set at \$100 for all city council candidates. In 2009, the contribution limits were raised to their current amounts.

The Code also requires candidates to file campaign disclosure statements with the Clerk of Council. The current version requires three filings in addition to the Ohio Revised Code disclosures required to be filed with the County Board of Elections. The City's filing dates are different from the dates required by the ORC.

Implementation Plans and Summary of Proposed Ordinance

This draft ordinance would amend two current sections of Chapter 31 to update the campaign contribution limits and dates for filing campaign finance disclosure statements.

The draft ordinance would update the campaign contribution limits for a ward Council candidate to \$185 and the limits for an at-large Council candidate to \$310. Because the contribution limits were last amended in 2009, the new numbers reflect an average of the Consumer Price Index since the last amendment. The Finance Department assembled the following table and averaged the numbers to arrive at the new limits:

Year	CPI	150	250
2009	2.7%	\$154.05	\$256.75
2010	1.5%	\$156.36	\$260.60
2011	3.0%	\$161.05	\$268.42
2012	1.7%	\$163.79	\$272.98
2013	1.5%	\$166.25	\$277.08
2014	0.8%	\$167.58	\$279.29
2015	0.7%	\$168.75	\$281.25
2016	2.1%	\$172.29	\$287.16
2017	2.1%	\$175.91	\$293.19
2018	1.9%	\$179.25	\$298.76
2019	2.3%	\$183.38	\$305.63
2020	1.4%	\$185.94	\$309.91

The new limits reflect rounding to the nearest five dollars. The draft ordinance also removes Council's review of the contribution limits every four years and instead authorizes the Clerk of Council to automatically update the limits every four years based on the average of the previous four years of the Consumer Price Index.

The draft ordinance would also amend the dates on which candidates must file disclosure statements. The first pre-election disclosure is eliminated in the draft and the new dates align with two of the dates on which candidates must file statements with the County Board of Elections: the pre-election filing date 12 days before the election and the post-election filing date 38 days after the election. It also requires all candidates to file their disclosure statements on the State of Ohio forms that are submitted to the County Board of Elections regardless of whether the candidate is required to submit the documentation to the County by State law (under the Ohio Revised Code, some city candidates are not required to file with the County Board of Elections). The forms submitted to the Clerk should report the contributions and expenditures from the same timeframes as the forms submitted to the County Board of Elections.

Campaign Contribution Limitations

Subsection (a), below, provides an overview of the legal considerations for the City with respect to setting campaign finance contribution limits. Subsections (b) through (e) provide an overview of the current limits imposed on City Council candidates by the City of Dublin, other Ohio municipalities, and lastly other municipalities throughout the United States.

a. Legality of Campaign Contribution Limits

As a charter municipality, Dublin can pass regulations governing campaigning. In the case of *Frank v. City of Akron*, 290 F.3d 813 (2002), the Sixth Circuit Court of Appeals upheld the constitutionality of Akron, a charter city's, campaign contribution limitations and reporting requirements for local political candidates.

b. City of Dublin Campaign Contribution Limits

Dublin has a population of approximately 49,037 people. The Code indicates that no candidate for a ward Council seat can receive from an individual, political action committee, separate segregated fund, political contribution entity, campaign committee, political party, or other organization, a donation or in-kind contribution totaling more than \$150 per calendar year. The Code prohibits a candidate for an at-large City Council seat from receiving a donation or in-kind contribution from the

same sources outlined above totaling more than \$250 per calendar year. These contribution limits do not apply to: (a) unpaid volunteering services, (b) ordinary home hospitality, (c) personal expenses of a volunteer that the volunteer pays for, or (d) the candidate's contributions to their own campaign fund.

The Code indicates that the contribution limits outlined above may be reviewed by City Council every four years, starting in 2012. The Code indicates that Council may consider basing any increase or decrease to these limitations on 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 a successor entity.

c. Campaign Contribution Limits for Other Ohio Municipalities

i. The City of Akron

Akron has a population of approximately 197,597 people. The Akron City Code limits monetary or in-kind contributions and loans of candidates running for at-large city council seats to \$750 from an individual, campaign committee, political party, or political action committee per election. The Code limits monetary or in-kind contributions and loans for candidates running for a council ward position to \$500 from the same entities mentioned above, per election. Contributions from the candidates themselves or labor of volunteers are exempt from these limitations. Further, for individuals running for any city council position, there is a limitation on cash contributions of \$25 per election.

Akron last updated their campaign contribution limits in 2014. Just two years prior, in 2012, the limits were raised to \$650 for at-large council candidates and \$400 for ward council candidates. In 2011, the limits were amended to \$450 for at-large council candidates and \$200 for ward council candidates. In 2003, the limits were amended to \$300 for at-large council candidates and \$100 for ward council candidates. In 2000, Akron originally set their contribution limits at \$1,000 for at-large council candidates and \$700 for ward council candidates, per election. The City again considered raising their campaign contribution limits in 2016 and 2019, although the amendments did not pass.

ii. The City of Cincinnati

Cincinnati as a population of approximately 303,940 people. The Cincinnati City Code limits members of council to receiving between elections not more than \$1,100 from an individual, \$2,700 from a political action committee, or \$10,500 from a legislative campaign fund or political party. The personal contributions of the candidate or their spouse do not count toward these limits and neither do unexpended permissible contributions raised in one period and carried over to the next. Generally, any donation from a political action committee will be attributed to all affiliated groups such as any entity financed by the same corporation or both the local and national levels of the committee.

iii. The City of Cleveland

The City of Cleveland has a population of approximately 381,009 people. The City of Cleveland Code limits contributions to individuals running for city council to \$1,500 from an individual per calendar year. No candidate for council can accept a contribution of more than \$3,000 from any political action committee per calendar year. Lastly, no corporation is permitted to make a contribution to a candidate for city council. These limitations do not apply to a candidate's own contributions to their campaign. Moreover, if the donor is an employee of the City of Cleveland, the candidate for city council cannot accept a donation of more than \$100 per calendar year.

iv. The City of Columbus

Columbus has a population of approximately 898,553 people. The City of Columbus Code limits the contributions of an individual to \$13,704.41 for any candidate for city council per calendar year. No political action committee, political contributing entity, campaign committee (that is not a municipal committee), or federal political committee can contribute more than \$13,704.41 within a calendar year to a city council candidate. No municipal campaign committee can contribute more than \$13,704.41 within a calendar year to a city council candidate. Contributions from City of Columbus employees are prohibited as to an office that is or will be their appointing authority.

The City of Columbus Code regarding campaign finance contributions was amended in 2019 and again in 2021. The contribution limits are adjusted by the city clerk in each odd numbered year to be equivalent with the state-wide candidate contribution limits in R.C. 3517.104.

v. The City of Upper Arlington

Upper Arlington has a population of approximately 35,366 people. The Upper Arlington Code limits contributions to a member of, or candidate for, city council to \$250 per calendar year to be used as campaign funds. Individuals, corporations, and organizations are prohibited from making cash contributions to a member of, or candidate for, city council of more than \$100 to be used as campaign funds in each primary, special, or general election or in a non-election calendar year. City of Upper Arlington employees are prohibited from making any contribution toward the nomination or election of any candidate for city council.

In 1993, the contribution limit for any council member or candidate was set at \$200. In 2006, the limits were updated to their current amount.

d. Contributions Under the Ohio Revised Code

Individuals running for city council positions are not limited in the amount of campaign contributions that they are able to receive under the Ohio Revised Code, other than those received in cash, which has a \$100 limit. These campaigns are governed by municipal and county charters.

e. Contribution Limits Nationally

A review of municipalities throughout the United States shows that campaign finance contributions are regulated in several ways. For example, some municipalities set their own campaign contribution limits while others choose to simply enforce, or allow the state to enforce, state mandated limits for local candidates. Municipalities often have their own set of exemptions and additions with respect to contribution limits as well. Below is an overview of some cities throughout the United States.

i. The City of Dallas, Texas

For comparison, Dallas has a population of just over 1.3 million people. The City of Dallas has its own campaign finance contribution limits. Candidates for city council are limited to accepting donations of \$1,000 from individuals per election cycle. Political action committees are permitted to donate up to \$2,500 per election for a city council candidate.

ii. The City of Aurora, Colorado

Aurora has a population of approximately 379,289 people. The City of Aurora sets its own contribution limits. A candidate cannot accept a donation of more than \$400 for a ward council campaign or \$1,000 for an at-large council campaign from an individual or political committee, other

than a small donor committee. Non-municipal political organizations can make contributions of the same limits outlined above as long as the funds do not come from a prohibited source. Small donor committees cannot make contributions in excess of ten times the limits established above depending on whether they are contributing to a ward or at-large council race.

Campaign Finance Disclosure

Individuals running for local government positions are required to file campaign finance disclosure statements with the County Board of Elections. Municipalities are also able to set their own requirements for the filing of campaign disclosure statements. The specific requirements of the Franklin County Board of Elections and the City of Dublin are outlined below.

a. Financial Disclosures required by the Franklin County Board of Elections

Under the Ohio Revised Code, candidates must file campaign finance disclosures four times per year. For local candidates, including city council members, there are the following potential filings that must be submitted to the County Board of Elections by 4:00 p.m. on the following days: (a) the annual filing – the last day of business of January to disclose activity from the last filing through December 31st, (b) the semiannual filing – the last business day of July to disclose activity from the last filing through June 30th, (c) the pre-general filing – the 12th day before the election to disclose activity from the last filing through the 20th day before the election, and (d) the post-general filing – the 38th day after the election to disclose activity from the last filing through the 7th day before the filing is due. The Ohio Revised Code has various exceptions to such filing requirements.

b. Financial Disclosures required by the City of Dublin Code

Currently, the Dublin City Code requires filings at similar, yet different, intervals from those required under the Ohio Revised Code. Under the City Code, a candidate must file disclosure statements by 4:00 p.m. on the following days: (a) on the Friday 32 days before the date of the election to disclose all contributions, in-kind contributions, and expenditures as of the date of the filing, (b) on the Friday 11 days before the election to disclose each contribution, in-kind contribution, and expenditure, and (c) on the Friday 38 days after the election to disclose each contribution, in-kind contribution, and expenditure as of the date of the filing.

Recommendation

Staff recommends approval of Ordinance 90-21 at the November 15, 2021 Council Meeting.

RECORD OF ORDINANCES

Ordinance No. 90-21

Passed _____, 20____

AN ORDINANCE AMENDING SECTION 31.07 "CAMPAIGN CONTRIBUTION LIMITS" AND AMENDING SECTION 31.08 "CAMPAIGN FINANCE DISCLOSURE" OF THE CODIFIED ORDINANCES OF THE CITY OF DUBLIN, OHIO TO UPDATE THE CAMPAIGN CONTRIBUTION AND FINANCE DISCLOSURE REGULATIONS.

WHEREAS, Dublin City Council ("Council") supports and encourages an open and fair City election process whereby all citizens and political organizations have the ability to participate in the democratic process by volunteering their time, money, and other resources; and

WHEREAS, Council desires to update the campaign contribution limits in consideration of the increases to the City population and overall prices since the limitations were last revised; and

WHEREAS, Council desires to ensure that the contribution limits will be updated in the future as part of a clear and justified process; and

WHEREAS, Council also desires to simplify, and clarify, the campaign finance disclosure process; and

WHEREAS, Council desires to amend the provisions of the Dublin Codified Ordinances ("Dublin Code") regulating contribution limits and disclosure requirements to ensure fairness and clarity during the election process.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, Delaware, Franklin, and Union Counties, State of Ohio, _____ of the elected members concurring that:

Section 1. That Section 31.07 of Chapter 31 be amended to read as follows:

§ 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.

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(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)

Section 2. That Section 31.08 of Chapter 31 be amended to read as follows:

§ 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 subsections (E)(1) and (E)(2), 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 subsections (E)(1) and (E)(2) 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 subsection (E)(1) 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

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contributions and in-kind contributions received. The statement 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 subsection (E)(2) 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)

Section 3. This Ordinance shall take effect on the earliest date provided by law.

Passed this _____ day of _____, 2021.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

CHAPTER 31: CITY OFFICIALS

§ 31.07 CAMPAIGN CONTRIBUTION LIMITS.

- (A) (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

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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)

§ 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 subsections (E)(1) and (E)(2), 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 subsections (E)(1) and (E)(2) 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 subsection (E)(1) 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 statement 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 subsection (E)(2) shall include all activity since the latest date of activity included in the

Deleted: no candidate for city elective office shall fail to file a signed campaign financial statement with the Clerk of Council pursuant to the deadlines as set forth in §

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(1) By 4:00 p.m. on the Friday, 32 days before the date of the election, reporting each contribution and all in-kind contributions and each expenditure as of the date and time of the filing;

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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.

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(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)

§ 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(l), 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)

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CHAPTER 31: CITY OFFICIALS

§ 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)

§ 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 subsections (E)(1) and (E)(2), 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 subsections (E)(1) and (E)(2) 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 subsection (E)(1) 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 statement 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 subsection (E)(2) 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)

§ 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)