

EMERGENCY

City of Cincinnati

MSS

AWB

An Ordinance No. _____

- 2021

TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City of Cincinnati requiring prompt reporting of all political contributions by the currently elected Mayor and Members of Council totaling more than \$200 per election cycle.

WHEREAS, the Members of Council desire to allow the electors of the City of Cincinnati to decide whether to amend the Charter of Cincinnati to require prompt reporting of all political contributions by the currently elected Mayor and Members of Council totaling more than \$200 per election cycle; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, two-thirds of the members elected thereto concurring:

Section 1. That there shall be submitted to the vote of the qualified electors of the City of Cincinnati for their approval or disapproval at the general election to be held November 2, 2021, an amendment to the Charter of the City of Cincinnati, amending Article XIII, Section 2 thereof to read as follows:

Article XIII. Campaign Finance

Section 2.

Reporting of Contributions and Expenditures.

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

- 2) The thirty-eighth day after the municipal general election to reflect the contributions received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the seventh day before the filing of the statement.

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

- b. A person required by state law or this section to file a report concerning a mayoral or council election shall also:

- 1) Simultaneously file a copy of the report with the commission and the Hamilton County Board of Elections; and
- 2) Include with the report the name, residence address and employer or, if self-employed, the occupation of a person contributing more than \$100 in the reporting period.

- c. Reporting of independent expenditures:

- 1) Within 10 days of making independent expenditures totaling more than \$1,000 in a period specified in section 1a, b, or c, the person making the expenditures shall file a report of the expenditures with the commission and the Hamilton County Board of Elections in the manner and form required by the commission. If a portion of the expenditures is made within 30 days of the election, the person shall file the report within 48 hours, and if made within 7 days of the election the person shall file the report within 24 hours.
- 2) If a person makes independent expenditures totaling more than \$3,000 and accepts a contribution to the expenditures over \$100, the person shall include in the report of the expenditures the name, residence address and employer or, if self-employed, the occupation of the contributor.

- d. Penalties.

- 1) Contribution. When the commission chooses, in its discretion, to impose a penalty for making, soliciting, or accepting a contribution that exceeds the maximum permitted by this section, the penalty shall be a civil fine equal to three times the excess contribution.

- 2) Reporting. When the commission chooses, in its discretion, to impose a penalty for failure to file a report required by 2(a) or 2(b) of this section, the penalty shall be a civil fine of \$100 for each day of violation in a council election and a civil fine of \$200 for each day of violation in a mayoral election. The commission may take into account any mitigating factors in its decision whether or not to impose a penalty for failure to file a report or filing an incomplete report.
- 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.
- e. Interim Reporting. In addition to the other reports required by Section 2, the currently serving mayor and members of council also shall report each instance when a contributor cumulatively contributes \$200 or more to the currently serving mayor or member of council, or their campaign committees or political action committees, during the period between successive elections of members of council. Once a contributor has contributed \$200 or more to the currently serving mayor or member of council, or their campaign committees or political action committees, the currently serving mayor or member of council shall report each additional contribution made by such contributor during that period between successive elections of members of council, without regard to the amount of each additional contribution.

The reports required by the preceding paragraph shall be submitted through a public website maintained by the city administration by the third business day following receipt of a contribution subject to this requirement, excluding the calendar day on which the contribution is received. For purposes of this requirement, a contribution is deemed to be received on the first calendar day that the mayor or a member of council, or their campaign committee or political action committee, gains exclusive possession of such contribution, including but not limited to the day on which a check is delivered, the day a check is received in the mail, or the day an online contribution is made available to spend.

Section 2. That the form of the submission of the proposed amendment to the electors shall be substantially as follows:

CHARTER AMENDMENT

A majority vote is necessary for passage.

YES	Shall the Charter of the City of Cincinnati be amended to require the currently serving Mayor and Members of Council to promptly report all political contributions they receive from a contributor that total more than \$200 per election cycle by amending Article XIII, Section 2 of the Cincinnati Charter?
NO	

Section 3. That the Clerk of Council shall give notice of the proposed Charter Amendment in the manner provided by Sections 8 and 9 of Article XVIII of the Ohio Constitution and Section 731.211 (B) of the Ohio Revised Code.

Section 4. That the Clerk of Council is directed to certify and transmit to the Board of Elections of Hamilton County, Ohio, a copy of this ordinance and direct the said Board to submit the proposed Charter amendment to the electors of the City of Cincinnati as provided by law.

Section 5. That the Board of Elections of Hamilton County, Ohio, shall certify to the Council the result of the vote upon said amendment, and if said amendment is approved by a majority of the electors voting thereon, amended Article XIII, Section 2 shall become a part of the Charter of the City of Cincinnati in place of such existing provisions thereof, which shall be repealed.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, go into effect forthwith. The reason for the emergency is the immediate necessity to authorize the Clerk of Council to certify and transmit

this ordinance to the Board of Elections at least sixty days prior to the November 2, 2021, general election.

Passed _____, 2021

Mayor

Attest: _____
Clerk