

107.02 - Campaign finance.

(A) Definitions.

As used in this chapter:

(1) "Federal Political Committee" means a committee registered with the Federal Election Commission.

(2) "Municipal ballot issue" means any ballot issue to be submitted solely to the electors of the City of Columbus.

(3) "Municipal ballot issue committee" means a political action committee that is organized to propose, support, or oppose a municipal ballot issue.

(4) "Municipal campaign committee" means a municipal candidate or one or more persons authorized by a municipal candidate under section 3517.081 of the Ohio Revised Code to receive contributions and make expenditures.

(5) "Municipal candidate" means any individual who has filed, at any election, a petition or statement of write-in candidacy to be a candidate for nomination or election to office for mayor, city council, city auditor, or city attorney for the City of Columbus, and also includes any person who, at any time before or after an election, receives contributions or makes expenditures or other use of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose of bringing about the person's nomination or election to office for mayor, city council, city auditor, or city attorney for the City of Columbus.

(6) "Municipal office holder" means an individual elected, appointed, or otherwise holding the office of mayor, city auditor, city attorney, or member of city council for the City of Columbus.

(7) For the purpose of sections 107.02(E)(5) and 107.03 below, entities referred to as tax exempt under section 527 of the Internal Revenue Code shall not include a "political party" as defined in section 3517.01(A) of the Ohio Revised Code.

(8) The definitions set forth in sections 3517.01 and 3517.102 of the Ohio Revised Code shall apply to this chapter except to the extent modified in this chapter.

(9) References to the city clerk and/or city attorney shall also include any designee(s) thereof.

(B) Contribution Limits

(1) Individual.

(a) No individual shall make a contribution or contributions aggregating more than ten thousand dollars (\$10,000.00) to any one municipal campaign committee in a calendar year.

(b) In the case of a contribution made by a partner of a partnership or an owner or a member of any other unincorporated business from any funds of the partnership or other unincorporated business, applicable provisions of section 3517.10 of the Ohio Revised Code apply regarding making and reporting such contribution.

(2) Political Action Committee, Political Contributing Entity, Other Campaign Committees, and Federal Political Committee.

No political action committee, political contributing entity, campaign committee that is not a municipal campaign committee under division (A)(3) of this section, or federal political committee shall make a contribution or contributions aggregating more than ten thousand dollars (\$10,000.00) to any one municipal campaign committee in a calendar year.

(3) Municipal Campaign Committee.

(a) No municipal campaign committee shall make a contribution or contributions aggregating more than ten thousand dollars (\$10,000.00) to any one municipal campaign committee in a calendar year.

(b) A municipal campaign committee for a candidate who either was last a candidate for nomination or election to an office other than a City of Columbus office or who was undeclared as a municipal candidate, and that accepted one or

more contributions in excess of the applicable limits or from a prohibited source under this chapter beginning the day following such election or beginning the day the committee was established, whichever is applicable, shall dispose of the excess amount of the contributions and prohibited contributions in accordance with section 107.05(A) not later than five days after the candidate declares his or her candidacy for a City of Columbus office.

(c) As used in division (3)(a) "contribution" does not include any in-kind contributions.

(4) Prohibited Contributions from City Employees

No person shall solicit or accept a contribution from a City of Columbus employee to the municipal campaign committee of the individual who is the employee's appointing authority or will be the employee's appointing authority if elected to the office for which the committee is established. If such a contribution is received, the municipal campaign committee shall dispose of it in accordance with section 107.05(A).

(5) Adjustments to contribution limits.

All contribution limits established herein shall be adjusted forthwith by the city clerk in each odd-numbered year as provided for state contribution limits in section 3517.104 of the Ohio Revised Code. The adjusted contribution limits shall be made publicly available by electronic means and shall apply to that calendar year and the next calendar year.

(C) Disclosure of Contributors and Employers of Contributors.

Municipal campaign committees and municipal ballot issue committees shall include on the campaign finance reports required to be filed under section 3517.10 of the Ohio Revised Code and by this chapter, the name and address of each contributor regardless of the amount of the contribution and the name of contributor's employer and occupation. If a contributor is self-employed, the name of the contributor's business and the contributor's occupation shall be included on the campaign finance reports. If a contributor is not employed, this fact shall be noted by use of the phrase "not applicable."

(D) Campaign Finance Reports.

Municipal campaign committees and municipal ballot issue committees shall file complete, accurate, and itemized campaign finance reports required by this section and/or state law with the Franklin County Board of Elections in accordance with state law and with the city clerk by electronic means. Such campaign finance reports shall be filed no later than 4 o'clock p.m. In addition to the reports required by state law, municipal campaign committees and municipal ballot issue committees shall file the following reports with the City of Columbus on the following dates:

(1) The sixtieth day before the primary, general, or special election in the case of municipal candidates or municipal ballot issues at the election to reflect contributions made or 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 sixty-eighth day before the election.

(2) The fifth day before the primary, general, or special election in the case of municipal candidates or ballot issues at the election to reflect contributions made or received and expenditures made from the close of business on the nineteenth day before the election through the close of business on the sixth day before the election.

(3) The last business day of April of every year, except in a year in which the municipal campaign committee or municipal ballot issue committee was required to file a report under division (D)(1) of this section prior to the primary election, to reflect the contributions made or 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 March of that year.

(4) The last business day of October of every year, except in a year in which the municipal campaign committee or municipal ballot issue committee was required to file a report under division (D)(1) of this section prior to the general election, to reflect the contributions made or 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 September of that year.

(5) The last business day of July, except in a year in which the committee was required to file a post-primary election report under Ohio Revised Code section 3517.10(A)(2) and/or

this section, to reflect contributions made or received and expenditures made since the last previously filed statement through the last day of June of that year.

(6) A municipal campaign committee or municipal ballot issue committee with cumulative contributions, expenditures, and debts equal to or exceeding one thousand (\$1000) dollars shall file a report for each reporting period as required by divisions (D)(1) through (D)(5) of this section and by Ohio Revised Code section 3517.10(A)(1). In lieu of filing a required report, a municipal campaign committee or municipal ballot issue committee that has cumulative contributions made or received, expenditures, and debts less than one thousand (\$1000) dollars may report to the city clerk in a manner or form prescribed by the clerk that it is exempt from filing a campaign finance report. All contributions, expenditures, and debts not reported by filing the clerk's exemption from filing form for cumulative amounts less than one thousand (\$1000) dollars shall be subsequently reported on the next post-election report or annual report as applicable and as required by state law and/or by this section.

(E) Filing Requirements.

(1) The campaign finance reports required to be filed by a municipal campaign committee or municipal ballot issue committee under Ohio Revised Code section 3517.10 and under division (D) of this section shall be filed with the Franklin County Board of Elections in accordance with instructions issued by the board, as well as with the city clerk by electronic means.

(2) Municipal campaign committees of candidates certified by the Franklin County Board of Elections are required to file all the campaign finance reports required by division (D)(1) and (2) of this section and that would be required by section 3517.10 of the Ohio Revised Code even when no primary election is held that year for the office for which the candidate was certified under section 41-3(b) of the Columbus City Charter.

(3) Municipal campaign committees and municipal ballot issue committees required to file campaign finance reports by this section shall file a designation of treasurer, as required by division (D) of section 3517.10 of the Ohio Revised Code, setting forth the full name and address of the campaign treasurer and also of each deputy treasurer, with the city clerk by electronic means. In the case of a ballot issue committee that intends to circulate a petition proposing a municipal ballot issue, the designation of treasurer form shall be filed before receiving donations or making expenditures required to be reported under division (E)(4) of this section.

(4) Municipal ballot issue committees shall itemize on reports required under this section all contributions made or received, expenditures, and debts incurred and outstanding at the close of a reporting period in connection with preparing, printing, distributing, promoting, and circulating a petition seeking to place a municipal ballot issue on the ballot to the same extent and in the same manner as contributions, expenditures, and debts for the purpose of influencing the results of an election are required to be reported.

(5) Municipal ballot issue committees that file a campaign finance report disclosing a contribution from a person whose aggregate monetary or in-kind contribution and to whom debts are owed equal or exceed one thousand (\$1000) dollars, and is either tax exempt under section 501(c) or 527 of the Internal Revenue Code, or registered as a partnership, closely-held company, or limited liability company, must also disclose all donors who provided a monetary or in-kind contribution or extended debt to that person equal to or exceeding an aggregated amount of two hundred (\$200) dollars with the expectation that the amount would be used for the purpose of influencing the results of a municipal ballot issue election.

(F) Addendum, Correction, or Amendment.

If a campaign finance report required under this section is found to be incomplete or inaccurate, the committee shall file an addendum, correction, or amendment as provided by Ohio Revised Code section 3517.11 and shall file a copy with the city clerk. The city clerk shall adopt procedures to govern these provisions, consistent with applicable general laws and this chapter.

(G) Tax Credit for Campaign Contributions.

(1) A nonrefundable credit is allowed against a taxpayer's aggregate City of Columbus municipal tax liability for contributions of money made to the campaign committee of candidates for mayor, city attorney, city auditor, or member of city council.

(2) The amount of the credit for a taxable year shall equal the lesser of the combined total contributions made during the taxable year by each taxpayer filing a return for City of Columbus municipal taxes, or fifty dollars for an individual return or one hundred dollars for a joint return.

107.03 Election Period Communications and Disclosure of Sources of Funds.

(A) Definitions.

As used in this chapter:

(1) "Election Period Communication" means:

(a) A communication containing the name, image, voice, or likeness of a municipal candidate, or the title or office of a City of Columbus officeholder holding an elective office, whether holding by appointment or election, that is publicly disseminated during the ninety days before or on the day of an election at which the candidate or officeholder is a candidate for municipal office with an intent or expectation that the communication will be considered by electors voting at the election;

(b) Information or commentary on a municipal ballot issue that is publicly disseminated during the ninety days before or on the day of the election at which the issue appears on the ballot with an intent or expectation that the communication will be considered by electors voting at the election; or

(c) Information or commentary publicly disseminated during the ninety days before or on the day of a municipal election that does not contain the name, image, voice or likeness of a municipal candidate or the title or office of a City of Columbus office holder but from the context of the communication the unambiguous intent of it is to urge electors to vote for or against one or more municipal candidates at the election.

(d) "Election Period Communication" does not include:

(i) A communication made solely to the membership, if any, of the entity that issued the communication;

(ii) A communication by a news reporting entity;

(iii) Communications that are limited solely to public dissemination of statements submitted by municipal candidates who are candidates at the election to which the communication relates, provided that all candidates are provided an equal opportunity to submit such statements and the

questions upon which the statements are based have not been developed or issued in coordination with any municipal candidate;

(iv) Communications that are limited solely to public dissemination of statements submitted by proponents and opponents of a municipal ballot issue, provided that the proponents and opponents are provided an equal opportunity to submit such statements and the questions upon which the statements are based have not been developed or issued in coordination with any municipal ballot issue committee;

(v) Communications issued by government entities;

(vi) Communications limited solely to promoting the date, time and location of a municipal candidate or municipal ballot issue debate or forum; or

(vii) Communications issued by; or made with the consent of; or made in coordination, cooperation, or consultation with; or made at the request or suggestion of, any of the following: a municipal candidate, the campaign committee or agent of a municipal candidate, or a municipal ballot issue committee or agent of a municipal ballot issue committee.

(2) "Full address" means a full street address for a physical location, not a post office box or commercial box for mail.

(3) "Issuer" means a person who issues, authorizes the issuance of, or causes to be issued an Election Period Communication.

(4) "Municipal election" means a primary, special, or general election on a City of Columbus office or ballot issue.

(5) "Person" means an individual, corporation, unincorporated association, partnership, limited liability company, or other form of entity.

(6) "Publicly disseminated" means communicated through any medium to the City of Columbus public at large, or communicated directly to five hundred or more residents of the City of Columbus, at any time during the ninety days before or on the day of a municipal election. For purposes of this definition, substantially similar messages issued directly to residents by the same issuer or in concert with one or more other issuer(s) shall be included for purposes of the threshold of five hundred.

(7) "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate or ballot issue committee or means any person who has been placed in a position with the campaign committee or organization such that it would reasonably appear in the ordinary course of campaign-related activities the person may authorize expenditures.

(8) For the purpose of calculating time pursuant to subdivision (B) below, "forty-eight (48) hours from the day" shall mean that issuers must ensure that the clerk or designee receives any and all applicable Election Period Communication reports by 11:59 p.m. Eastern Standard Time on:

(a) the second day following the date on which a communication that constitutes an Election Period Communication is first issued; or

(b) the second day following each time a payment has been made on the debt pursuant to section 107.03(B)(3).

(B) Election Period Communication Reports.

(1) An issuer of an Election Period Communication shall electronically file an Election Period Communication Report with the city clerk no later than forty-eight (48) hours from the day that the Election Period Communication is first issued. Such report shall contain the following:

(a) The legal name and full address of the residence or business location of the issuer of the communication;

(b) In the case of an issuer that is not an individual, the legal name and full address of an individual designated as the issuer's agent and of the issuer;

(c) The name and full address of each person who provided any funds that were used to pay the cost(s) of the production and/or dissemination of the communication and/or that were received to be used for such purpose; the date(s) such funds were provided; and the amount(s) of such funds;

(d) The name and full address of each person who paid any cost(s) associated with the production and/or dissemination of the communication; the date(s) and amount(s) of each payment; and the name and full address of the payee; and the service or item paid for;

(e) The name and full address of each person paid by the issuer of the communication for any portion of the production and/or dissemination of

the communication; the date(s) and amount(s) of each such payment; and a description of the service or item paid for;

(f) The name and full address of any person to whom a debt has been incurred for any portion of the cost(s) of the production and/or dissemination of the communication; the date(s) and amount(s) of each such debt; the date of which shall be the date the service or item was requested by or on behalf of the issuer of the communication; a description of the service or item related to the debt; and the name and address of each person that is obligated or has pledged to pay the debt in full or part if other than the issuer of the communication; and

(g) With respect to each Election Period Communication, the name of each candidate for municipal office or the municipal ballot issue to which the communication relates.

(2) This section shall also apply to an Election Period Communication by any of the following entities set forth in Chapter 3517 of the Ohio Revised Code: campaign committees other than municipal campaign committees; political action committees; federal political committees; political contributing entities; legislative campaign funds; and ballot issue political action committees other than municipal ballot issue committees.

(3) An issuer that is required to file a report under this division reflecting a debt shall electronically file with the city clerk or designee an amended report each time a payment has been made on the debt. Each amended report shall be filed no later than forty-eight (48) hours from the day of any payment and shall reflect new information, if any, in any of the above categories since the last previously filed report.

(4) This section does not apply to an individual who issues one or more Election Period Communications during the ninety days before or on the day of a municipal election if the individual does not act in concert with other persons in issuing the Election Period Communications, the individual pays all costs associated with the production and dissemination of the communications from the individual's own personal funds or is solely liable for such costs, and total costs and/or liability for costs for all such communications do not equal or exceed an aggregated amount of one thousand (\$1000) dollars.

(C) Attribution statement on Election Period Communication.

An issuer of an Election Period Communication shall provide on such communication the words "Issued by" followed by the issuer's full legal name and full address of the physical

location of the issuer's home or business; except that this provision shall not apply to an Election Period Communication to which division (B)(4) applies.

(D) Disclosure of sources of funds.

An issuer filing an Election Period Communications Report that discloses under 107.03(B)(1)(c)-(f) any person making a monetary or in-kind contribution, or to whom debts are owed, equal to or exceeding an aggregated amount of one thousand (\$1000) dollars during the ninety (90) days before or on the day of the election, and is tax exempt under section 501(c) or 527 of the Internal Revenue Code, or registered as a partnership, closely-held company, or limited liability company, must also disclose all donors who have provided monetary or in-kind contributions or extended credit equal to or exceeding an aggregated amount of two hundred (\$200) dollars to that person with the expectation that the monetary or in-kind contribution or credit extended would be used for the purpose of influencing the results of a municipal candidate or municipal ballot issue **election**. Donor information shall be reported as required by division (B) of this section. Subsequent reports in accordance with division (B)(3) shall be filed when a payment is made on a debt.

107.04 - Administration - Campaign Finance.

(A) Duties of the City Clerk.

(1) The city clerk or designee shall conduct such administrative functions as may be necessary to implement the requirements of this chapter. The city clerk shall designate and assign a classified employee to oversee applicable requirements of this chapter.

(2) The city clerk or designee shall review report filings for compliance with this chapter, and shall enter into a memorandum of understanding with the city attorney to secure internal or outside counsel, as needed, to advise the city clerk or designee on matters related to the requirements of this chapter.

(3) The city clerk or designee shall establish a process to receive and seek legal review of sworn complaints alleging a violation of this chapter.

(4) No municipal officer or municipal candidate shall attempt, or have another person attempt on their behalf, to unlawfully interfere with or influence the city clerk, designee, or the clerk's staff, in the performance of the city clerk's or the city clerk's staffs' duties under this chapter.

(5) The city clerk or designee shall establish and maintain an electronic filing portal for the filing of reports required by this chapter and shall provide filing instructions on the city website containing the portal. Such reports shall be immediately accessible by the public on the website.

(6) The city clerk may establish fees for the filing of reports required by sections 107.02 and 107.03 to cover a portion or all of the costs of administering the provisions of this chapter. The fees shall be the same for like filings and may be adjusted on an annual basis.

(B) Authority of the City Attorney.

The city attorney, in the city attorney's sole discretion, may designate special counsel to investigate compliance with the requirements of this chapter. The city attorney or special counsel designee of the city attorney shall investigate compliance with this chapter upon presentation of evidence by the city clerk of an alleged violation, or upon a written affidavit based on personal knowledge alleging a violation filed with the city clerk or designee in accordance with the process established by the city clerk as provided for herein.

(C) Severability.

If any section, subsection, clause, sentence, or paragraph of this chapter or the application thereof to any person or circumstances shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such holding shall not affect the other provisions of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(D) Columbus Elections Fund.

There is hereby created the Columbus Elections Fund. All fees and administrative fines imposed under this chapter shall be deposited in such Fund. The Fund shall be used solely for the purpose of paying expenses related to the administration of this chapter, or for other elections-related expenses that are allowable uses of public funds.

107.05 – Violation – Penalty and Process

(A) Excess or Prohibited Contribution.

(1) If a municipal campaign committee receives a contribution in excess of the limits or from a source prohibited by city code, or a municipal ballot committee receives a contribution from a person unable or unwilling to identify a donor pursuant to sections

107.02(E)(5) and 107.03(D), the committee shall dispose of the donor's funds in any of the following ways:

- (a) Refund the contribution or excess amount of the contribution to the contributor; or
- (b) Donate the amount of the contribution or excess amount of the contribution to a tax-exempt non-profit organization; or
- (c) Pay the amount of the contribution or excess amount of the contribution to the Columbus Elections Fund.

(2) If a municipal campaign committee disposes of the excess amount of a contribution within five business days of the initial receipt of the contribution, the receipt shall not be deemed a violation of this code and the provisions of division (C) shall not apply.

(3) If a municipal campaign committee disposes of a contribution from a prohibited source within five business days of becoming aware of the source, the receipt of the contribution shall not be deemed a violation of this code and the provisions of division (B) and (C) shall not apply.

(4) If a municipal ballot committee disposes of a contribution from an entity for whom it is unable or unwilling to identify a donor pursuant to sections 107.02(E)(5) and 107.03(D) within fifteen (15) days of the initial receipt of the contribution, the failure to disclose any required donor information pursuant to section 107.02(E)(5) and 107.03(D) shall not be deemed a violation of this code and the provisions of division (B) and (C) shall not apply.

(B) Prohibitions and Criminal Sanctions.

(1) Prohibitions.

(a) No person shall knowingly fail to file a campaign finance report or election period communication report required under section 107.02 or section 107.03 or a report under section 107.03(D). A violation of this division (B)(1)(a) is a misdemeanor of the fourth degree.

(b) No person shall knowingly file a false campaign finance report or election period communication report required under section 107.02 or section 107.03 or a report under section 107.03(D). A violation of this division (B)(1)(b) is a misdemeanor of the first degree.

(c) No person shall knowingly solicit or accept a campaign contribution that the person knows is from a prohibited source pursuant to this

chapter. A violation of this division (B)(1)(c) is a misdemeanor of the first degree.

(d) No issuer of an election period communication shall knowingly fail to comply with division (B)(3) of section 107.03. A violation of this division is a misdemeanor of the first degree.

(e) Whoever knowingly violates chapter 107.04(A)(4) shall be guilty of unlawful interference with a city clerk. A violation of this division is a misdemeanor of the first degree.

(C) Administrative Fines.

(1) Upon a finding of a violation, the city clerk may impose administrative fines in accordance with the amounts set forth under division (C)(2), (3), or (4) of this section.

(2) No person shall knowingly accept a contribution or contributions aggregating more than the contribution limits established in this chapter. A person who is found to have violated this division (C)(2) shall be fined five hundred (\$500) dollars or an amount equal to three times the amount contributed in excess of the amount permitted, whichever is greater.

(3) A fine of one hundred (\$100) dollars per day shall be assessed for each day that a report required by chapter 107.02 or chapter 107.03 is not timely filed.

(4) A fine of up to five hundred (\$500) dollars may be assessed for any other violation of this chapter.

(5) The city clerk shall establish procedures for reports to be amended and civil fines to be waived or reduced accordingly.

(D) Finding of violation.

(1) Administrative Violation.

(a) If the city attorney or designated special counsel find that an administrative violation of this chapter has occurred, such finding shall be reported to the city clerk, who shall notify the affected party in writing within five business days of the finding and the administrative fine to be assessed. The affected party shall have fifteen days from the date of notification to file an appeal. If the affected party does not file an appeal within fifteen days, the city clerk shall forthwith assess and collect the fine associated with the violation.

(b) Any appeal to the imposition of any finding or administrative fine pursuant to this section must be filed with the city clerk within fifteen days of the date of the city clerk's issuance of a written notice of the finding or fine. Upon receipt of a timely filed appeal, the city clerk or designee shall cause such appeal to be heard by an independent hearing officer, who shall conduct an oral hearing and issue a written decision to the city clerk and the affected party within sixty days of the filing of the appeal. The decision of the hearing officer may affirm, reverse, or modify the city clerk's imposition of the finding and/or fine and shall be final. If the finding and/or fine is sustained, the city clerk shall forthwith assess and collect the fine associated with the violation.

(2) Criminal Violation

(a) If the city attorney or designated special counsel finds that there is probable cause to believe that a criminal violation of this chapter has occurred, including the requisite intent if applicable, the city attorney or designated special counsel shall institute such proceedings as are appropriate.