

Attachment 2798-2013

Section 1. That Title 1 of the Columbus City Codes, 1959, is hereby supplemented by the enactment of a new Chapter, Chapter 107- Elections, which shall read as follows: Chapter 107 - Elections

107.01 Definitions

(a) CAMPAIGN or CAMPAIGN COMMITTEE means the principal, authorized political committee of a candidate for City office.

(b) CAMPAIGN CONTRACT means a contract between a candidate for mayor or city council and the City as provided by this chapter.

(c) CAMPAIGN PERIOD means the time period from the earlier of any person filing a candidate nomination petition or the deadline for filing nomination petitions, through December 31 in any municipal election year; and campaign period means a period from 7 days after the City Council announces a Special Election and running through 30 days after that Special Election for any election in which candidate for Mayor or member of Council is to be elected.

(d) CAMPAIGN TREASURER means the individual designated by a candidate, officeholder, or political committee under the Ohio Election Code, including a candidate acting as his or her own campaign treasurer.

(e) CANDIDATE means:

(1) a candidate for mayor or city council;

(2) a candidate's campaign committee; and

(3) related to section 107.3 (Independent Expenditures), a person who has, or has had during an election or runoff election, authority to act on behalf of the candidate or candidate's campaign.

(f) CONTRIBUTION means a direct or indirect transfer of money, goods, services, or any other thing of value, including an agreement made or other obligation incurred, whether legally enforceable or not, to make a transfer. The term includes a loan or extension of credit, other than those expressly excluded by the Ohio Election Code (defined as Title 35 of the Ohio Revised Code), and a guarantee of a loan or extension of credit. In-kind labor, as defined in this chapter, is not a contribution.

(g) CONTRIBUTION AND EXPENDITURE REPORT means a periodic report of contributions and expenditures by a candidate, officeholder, or political committee required to be filed under the Ohio Election Code, including any other matters required to be disclosed under this chapter.

(h) ELECTION or CITY ELECTION means the process by which an individual (whether opposed or unopposed) seeks election to City office, excluding an election for a ballot measure.

(i) EXPENDITURE means a payment of money or other thing of value, including an agreement made or other obligation incurred, whether legally enforceable or not, to make a payment.

(j) INDEPENDENT EXPENDITURE means an expenditure on behalf of, or opposing the election of, any candidate, if the expenditure is made independently of the candidate and the candidate's

campaign committee, and without the prior consent of or cooperation or strategic communication between an independent person and the candidate or the candidate's campaign committee.

(k) INDIVIDUAL means a natural person, and cannot mean a corporation or other entity.

(l) IN-KIND LABOR means the value of personal services provided without compensation by any individual who volunteers on behalf of a candidate or political committee.

(m) LOBBY or LOBBYING means the solicitation of a City official, by any means other than public expression at a meeting of City officials open to the public under the Open Meetings Act, directly or indirectly by a person in an effort to influence or persuade the City official to support or oppose, recommend or not recommend, vote for or against, or to take action or refrain from taking action on a municipal question, excluding mere requests for information or inquiries about a municipal question, matter, or procedure or communication to a City official that is incidental to other employment not for the purpose of lobbying. A Lobbyist is a Registered Agent under section 2321.54 of the code.

(n) OFFICEHOLDER means an individual holding the office of mayor or member of council.

(o) PERSON means an individual, corporation, partnership, labor union, or labor organization, or any unincorporated association, firm, committee, club, or other organization or group of persons, including a political committee organized under the Ohio Election Code, not limited to the definition in this chapter (General Definitions) of the city code.

(p) POLITICAL ADVERTISING shall have the meaning set out in the Ohio Election Code.

(q) POLITICAL COMMITTEE means a political action committee, campaign committee, political contributing entity, political party, legislative campaign fund, state candidate fund, or continuing association, all as defined under Section 3517 of the Ohio Revised Code.

(r) QUALIFYING CANDIDATE means a candidate who has signed a campaign contract under this chapter and who has met the requirements under this chapter to qualify for funds from the Columbus Fair Campaigns Finance Fund.

(s) REPORTING PERIOD means a period established under the Ohio Election Code for filing of contribution and expenditure reports.

(t) STRATEGIC COMMUNICATION means a communication regarding advertising, campaign strategies, and voter groups between the candidate, candidate's campaign committee, or their agents or employees and any of the persons, agents, or employees of the entity making expenditures.

#### 107.02 Conformity with Ohio Election Law

(a) Terms not defined in this chapter but defined in the Ohio Election Code shall have the meanings assigned to them in the Ohio Election Code (ORC Title 35).

(b) The starting and ending dates of reporting periods and the due dates of contribution and expenditure reports for city elections shall continue to be governed by the Ohio Election Code, except as may be supplemented by this chapter.

(c) Under this chapter, candidates, officeholders, and political committees participating in city elections may be required to make additional disclosures, to file additional notices, and to comply with certain restrictions not set out in the Ohio Election Code.

(c) If there is a conflict between this chapter and the Ohio Election Code or other state law, state law prevails. The requirements set out in this chapter are cumulative of those in the Ohio Election Code, and nothing in this chapter shall be construed to limit obligations imposed by the Ohio Election Code.

#### 107.03 Conformity with Constitutional and Charter Provisions; Severability

(a) This chapter shall comply in all respects with applicable provisions of the United States Constitution, the Ohio Constitution, and the City Charter.

(b) If any provision of this chapter is declared by a court of law to be illegal, void, invalid, unconstitutional, or in violation of the city charter, the provisions of this section (Severability) shall be given a liberal construction to maintain the effectiveness of all other provisions of this chapter.

#### 107.04 Offenses and Penalty

(a) Except as provided in subsection (b), a person who knowingly violates section 107.1 (Voluntary Limitations on Contributions and Expenditures) of this chapter commits a misdemeanor offense punishable by a fine not to exceed \$100 per day.

(b) This section does not apply to section 107.1 (Voluntary Limitations on Contributions and Expenditures), except as otherwise specifically provided in that section.

(c) The remedies authorized under this chapter are cumulative of other remedies available under state and federal law.

#### 107.05 Candidate Guide

(a) The city clerk shall prepare a candidate guide to current city election provisions, including: (1) the Columbus Fair Campaigns Code;

(2) copies of reporting forms required by state law; and

(3) copies of reporting and disclosure forms required by this chapter.

(b) The city clerk shall make the candidate guide available cost-free in hard copy at least six months before a City election. The city clerk shall also make the guide available online in an electronic format that is readily reproducible.

(c) The city clerk shall give each candidate filing a designation of campaign treasurer or for a place on the ballot and a prospective candidate a copy of the candidate guide.

#### 107.06 Commencement of Campaign Period

(a) A regular municipal election has a campaign period that begins on the earlier of the day after the day a person files a declaration of candidacy or a nominating petition for the office of member of council or mayor or no less than 90 days prior to the date of a primary election, and extends

through the 31st day following the primary election at which the person sought nomination for office if the person is not nominated to office in that primary election, or for nominated candidates the campaign period extends through the 31st day of December following that municipal (general) election for that office.

(b) The campaign period for a special election, including a recall election, begins the day after the date the council calls the special election, and extends for 31 days after the date of the special election.

(c) A candidate may only raise funds for an election during an authorized campaign period.

(d) No candidate for city council shall maintain more than \$20,000 in his or her campaign account outside of the campaign period; and no candidate for mayor shall maintain more than \$100,000 in his or her campaign account outside of the election period. Funds in excess of the maximum amounts shall be, at the determination of the candidate: 1) returned to contributors, 2) donated to a public charity, or 3) transferred to the Columbus Fair Campaigns Finance Fund, prior to the end of the campaign period.

#### 107.07 Termination of Inactive Campaign Treasurer Appointment

(a) In this section, "inactive candidate" or "inactive political committee" means a candidate or political committee that:

(1) has not filed a required report under Ohio Election Code (Statement of Campaign Contributions and Expenditures), for more than one year since the last reporting deadline;

(2) in the case of a candidate, has not been elected to an office for which a candidate is required to file a campaign treasurer appointment with the city clerk; and

(3) has not filed a final statement under Ohio Election Code listing no balance on hand and no outstanding obligations indicating a desire to terminate.

(b) The city clerk may terminate the campaign treasurer appointment of an inactive candidate or inactive political committee.

(c) Before the city clerk may terminate a campaign treasurer appointment under this section, the city council must consider and approve the proposed termination in a regularly scheduled open meeting.

(d) Before the city clerk may terminate a campaign treasurer appointment under this section the city clerk must provide written notice to the affected candidate or committee of:

(1) the proposed termination of the candidate's or committee's campaign treasurer appointment;

(2) the date, time, and place of the meeting at which the city council will consider the proposed termination; and

(3) the effect of termination of the candidate's or committee's campaign treasurer appointment.

(e) The termination of a campaign treasurer appointment under this section takes effect on the 30th day after the date of the meeting at which the city council votes to terminate the appointment. Following that meeting, the city clerk shall promptly notify the affected candidate or political committee that the appointment has been terminated. The notice must state the effective date of the termination.

#### 107.1 Voluntary Limitations on Contributions and Expenditures

##### 107.11 Voluntary Campaign Contract

(a) A candidate for mayor or city council may sign a contract with the Director of Finance or such other appropriate official of the city agreeing to abide by limitations on that candidate's contributions and expenditures as specified in this article in exchange for benefits provided under this chapter.

(b) A candidate must personally sign the campaign contract the earlier of:

(1) 30 days after he or she becomes a candidate under the Ohio Election Code; or

(2) the date the candidate accepts a nomination for a place on the ballot.

(c) Only a candidate who signs a campaign contract with the city will qualify for public funds from the Columbus Fair Campaigns Finance Fund under section 107.7.

(d) A candidate who signs a campaign contract must report a contribution or expenditure during the first reporting period in which it is made and apply the contribution or expenditure to the candidate's voluntary limits.

##### 107.12 Candidates' Expenditure limitations

(a) A candidate who signs a campaign contract under this chapter shall not, during the campaign period, make expenditures exceeding the following limits:

(1) candidates for mayor: expenditures of \$350,000; and

(2) candidates for city council: expenditures of \$85,000.

(b) A candidate in a race for mayor or city council shall not make expenditures from his or her own funds that exceed five percent of the applicable voluntary expenditure limits in this section for an election. An expenditure by a candidate is an expenditure by his or her campaign. A candidate shall report expenditures from personal funds consistent with state requirements.

(c) If a candidate has signed a campaign contract under this chapter, expenditures on behalf of the candidate other than independent expenditures shall apply to the candidate's voluntary expenditure limits.

(d) A candidate makes an expenditure subject to this article on the date that: (1) a payment is actually made; or

(2) an agreement requiring payment is entered into; or

(3) an obligation to make a payment is incurred.

#### 107.13 Candidates' Contribution limits

(a) Except as provided in subsection (b), a candidate who signs a campaign contract under this chapter shall not accept contributions from an individual or any political party or political action committee exceeding the following limits:

(1) Candidates for mayor:

a. aggregate contributions of more than \$350,000 for the campaign period for the election; and b. more than \$24,000 in contributions in a campaign period from any candidate, candidate committee, campaign fund, political party, business or labor organization, political action committee, political club, or other political contributing entity for the election.

(2) Candidates for city council:

a. aggregate contributions of more than \$85,000 for the campaign period for the election; and b. more than \$15,000 in contributions in a campaign period from any candidate, candidate committee, campaign fund, political party, business or labor organization, political action committee, political club, or other political contributing entity for the election.

(b) A candidate for mayor or city council may spend personal funds on his or her own campaign up to the applicable five percent expenditure limits set out in section 107.12. Expenditures from personal funds shall be reported in a manner consistent with state law.

(c) A candidate accepts a contribution subject to this section on the date that:

(1) it is accepted under the Ohio Election Code;

(2) an agreement is made to accept the contribution; or

(3) an obligation is incurred to accept a transfer.

#### 107.14 Disclosure of Compliance with Chapter

(a) A candidate who signs a campaign contract shall include the following notice in all political advertising: "This campaign has agreed to comply with the contribution and expenditure limits of the Columbus Fair Campaigns Code."

(b) Except to the extent prohibited by the Federal Communications Act, a candidate who chooses not to sign a campaign contract shall include the following notice in all political advertising: "This campaign has NOT agreed to comply with the contribution and expenditure limits of the Columbus Fair Campaigns Code."

(c) The disclosures required by this section shall be clear and conspicuous:

(1) On printed political advertising, the disclosure shall be printed in sufficient type and size to be clearly readable, in two highly contrasting colors such as dark text on a light background, but in no case smaller than eight point font, and the word "NOT" shall be capitalized;

(2) On other forms of political advertising, including internet advertisement, television, and radio, the disclosure shall provide the reader, viewer, or listener with actual notice of the disclosure; and

(3) A disclaimer is not clear and conspicuous if it is difficult to read or hear, or if the placement is easily overlooked.

(d) The requirements of subsections (a) through (c) do not apply to bumper stickers, pins, buttons, pens, apparel, and similar small or impractical items upon which the notice cannot be conveniently printed.

(e) A candidate or other campaign representative who authorizes the publication of political advertising without the notice required by this section commits an offense with a fine of not more than \$500 per occurrence.

(f) To the extent permissible under the charter of the city of Columbus, all ballots for qualified candidates who signed a campaign contract shall include the statement "This candidate has agreed to comply with the contribution and expenditure limits of the Columbus Fair Campaigns Code" under the candidate's name, and all ballots for candidates who have not signed a campaign contract shall include the statement "This candidate has NOT agreed to comply with the contribution and expenditure limits of the Columbus Fair Campaigns Code."

(g) If the charter prohibits printing of the disclosure of subsection 107.14(f), the council shall, upon enactment of this chapter, place the question of amending the charter to include the ballot disclosure language of said subsection 107.14(f) for a vote of the electorate at the next ensuing election.

#### 107.15 Liquidated Damages

Each campaign contract shall provide for liquidated damages payable to the city and to other candidates for the same office who sign a campaign contract, in substantially the following form:

"The actual damages that may be sustained by the city and by another candidate by reason of a candidate's breach of a campaign contract are uncertain and would be difficult to determine. The parties stipulate that a reasonable and just compensation to each damaged party, including the city and another candidate, for a candidate's breach of the contribution or expenditure limits in a campaign contract would be three times the amount or value of the excessive expenditure made or contribution accepted. In addition, the City may recover as damages from a candidate who breaches a campaign contract the amount paid to that candidate from the Columbus Fair Campaigns Finance Fund.

A candidate who signs a campaign contract shall promise to pay, and the city and each other candidate for the same office who signs a campaign contract shall agree to accept, in lieu of other damages, the amounts set out in this section as liquidated damages, and not as a penalty, in the event of a breach of the campaign contract. The city and each candidate with standing to enforce the campaign contract shall recover reasonable attorney's fees from the breaching party in connection with a lawsuit for liquidated damages."

#### 107.16 Other Enforcement and Sanctions

(a) A candidate who breaches the terms of a campaign contract shall not be considered as a provider of goods or services to the city under a contract for a period of four years following the date of the election in which the breach occurs, unless controlling state law requires that his or her bid or proposal be accepted by the city. The city council may waive this ineligibility by a unanimous vote.

(b) This section is enforceable as a matter of contract law in the courts of the state of Ohio. Except for a violation of the required notice provisions of section 107.14 of this chapter, this section is not intended to create criminal liability.

#### 107.17 Waiver of Voluntary Limits

(a) A candidate who signs a campaign contract need not comply with the voluntary contribution and expenditure limits and may continue to use on campaign advertising the statement of compliance with the Columbus Fair Campaigns Code if:

(1) another candidate who signed a campaign contract has exceeded the voluntary contribution and expenditure limits at the time of filing a contribution and expenditure report;

(2) one or more candidates files for the same city office who by the filing deadline has not entered into a campaign contract or filed a notice of intent to the city clerk to raise and spend less than \$500; or

(3) independent expenditures in a race for the same council office by one person exceed \$10,000 at any time before the election.

(b) A candidate who signed a campaign contract may, up to the end of the filing period for a place on the ballot, elect to opt out of the contract if another candidate has filed a designation of campaign treasurer for that office and has not within 30 days signed a campaign contract or a notice of intent to raise and spend less than \$500. If a candidate opts out of a contract, he or she shall not be eligible to receive funds from the Columbus Fair Campaigns Finance Fund but shall be entitled to benefit from the provisions of section 107.4.

#### 107.2 Disclosures and Filing Procedures for Contribution and Expenditure Reports

##### 107.21 Additional Information Required on All Contribution and Expenditure Reports Filed with the City

In addition to the information required under the Ohio Election Code, contribution and expenditure reports filed with the city by a candidate, office holder, and political committee involved in a city election shall include the following information:

(a) for all individual contributions of \$200 or more in a reporting period, disclosure of the occupation of the contributor and the name of the contributor's employer;

(b) in disclosing expenditures, the nature and purpose of any payment over \$50 to a consultant or contractor, including a general description of the goods or services provided to the campaign; and



(c) in disclosing credit card transactions over \$50, the nature and purpose of the expenditure or expenditures paid by credit card, including a description of the goods or services paid for, itemized for each individual transaction over \$50.

#### 107.22 Fundraising and Bundling by Intermediaries

(a) In this section:

(1) BUNDLER means a person who bundles campaign contributions. The term does not apply to an individual whose only fundraising activity is a fundraising event held at the individual's residence if the event raises funds in an aggregate amount of less than \$5,000.

(2) BUNDLING means the soliciting and obtaining, during a campaign period, contributions on behalf of a candidate of \$200 or more per person from five or more persons.

(b) For each reporting period in which a candidate for must file a report of contributions and expenditures that includes bundled contributions, the candidate must also file a separate report with the city clerk disclosing:

(1) the name and address of each bundler who has bundled for the candidate; (2) the bundler's occupation and the name of the bundler's employer; and

(3) the name, address, occupation and employer of each individual contributor whose contribution was bundled by the bundler;

(4) the amount contributed by each individual contributor whose contribution was bundled by the bundler; and

(5) the total amount the bundler has bundled for the candidate during the reporting period.

(c) A candidate who receives bundled contributions shall notify each bundler of the requirements of this section. A bundler shall provide to each candidate, at the time the bundler delivers bundled contributions to the candidate, the information necessary for the candidate to report the information required by this section. The failure of a bundler to provide the information required by this subsection does not excuse any failure by a candidate to report the required information.

#### 107.23 Political Committees

(a) A political action committee, campaign committee, political contributing entity, political party, legislative campaign fund, state candidate fund, or continuing association, all as defined under Section 3517 of the Ohio Revised Code, that makes contributions or expenditures in connection with a City election must file with the city clerk a copy of each contribution and expenditure report filed with the Ohio Secretary of State and/or Franklin County Board of Elections. This requirement shall apply to all reporting periods in which such entity makes 50 percent or more of its expenditures in connection with a City election, or makes an expenditure of \$2,500 or more in connection with a City election. The filing date for filing with the city clerk is the date established under the Ohio Election Code for filing with the secretary of state.

(b) A political action committee, campaign committee, political contributing entity, political party, legislative campaign fund, state candidate fund, or continuing association that makes more than 50

percent of its expenditures in a reporting period in connection with a city election, or makes an expenditure of \$2,500 or more in connection with a city election, or intends to do so, shall file with the city clerk as a notice of intent an original or a copy of its current "Designation of Treasurer" not later than the 60th day before making a contribution or expenditure in connection with a City election. At the written request of the political committee, the original filing with the city clerk of the "Designation of Treasurer" may serve as a notice of intent to participate in future city elections.

#### 107.24 Returned Contributions

A candidate, officeholder, or candidate's campaign committee returning a contribution shall comply with the following requirements:

- (a) after a contribution has been deposited in a financial institution account, a partial or full refund must be paid by cashier's check;
- (b) copies of returned checks, refund checks, and any related correspondence must be retained by the campaign treasurer in accordance with section 107.28 of this chapter (Retention of Records); and
- (c) any contribution received and accepted, but refunded to the contributor, must be disclosed as both a contribution and an expenditure on the applicable contribution and expenditure report.

#### 107.25 Annual Reconciliation Filing by Candidates and Campaign Committees

(a) A candidate, officeholder, or campaign committee filing a January 31 year-end contribution and expenditure report shall provide the following information for the previous calendar year for each checking, savings, or other financial institution account:

- (1) name of the financial institution and type of account;
- (2) a listing of date, payee, and amount of checks issued on that account that have not cleared by December 31;
- (3) a listing of checks received as contributions and deposited, but dishonored by the contributor's financial institution;
- (4) all interest or dividends earned;
- (5) all deposits and withdrawals not disclosed on a filed contribution and expenditure report; and
- (6) the beginning and ending balance.

(b) A candidate, officeholder, or campaign committee filing a January 31 year-end contribution and expenditure report shall file a listing of all checks identified by date of receipt, contributor, and amount, received by December 31 but not deposited into any account. Checks received by the candidate, officeholder, or campaign committee must be disclosed whether or not they have been "accepted" within the definition of the Ohio Election Code.

#### 107.26 Electronic Filing

(a) Except as provided at subsection (b), a candidate or candidate's campaign committee must file city election contribution and expenditure reports electronically as determined by the city clerk.

(b) A candidate's campaign committee is exempted from this section if the committee files with the city clerk a signed statement stating that the candidate has not raised and does not intend to raise more than \$30,000 in contributions for the campaign period, unless contributions to the candidate or candidate's campaign committee exceed \$30,000, after which subsequent contribution and expenditure reports for the campaign period must be filed electronically.

(c) A candidate who signs a campaign contract agrees to file contribution and expenditure reports electronically, and must file required contribution and expenditure reports electronically regardless of the amount of contributions and expenditures.

(d) The city clerk shall post the report on the city clerk's campaign finance report website within one business day of receipt.

#### 107.27 Disclosure of Loans from a Candidate or Officeholder and Expenditures from the Funds of a Candidate or Officeholder

(a) A candidate for city office or an officeholder who loans personal funds to his or her campaign, or makes expenditures from personal funds in support of his or her campaign, shall report the amount so loaned or expended as follows:

(1) beginning on the date an individual becomes a candidate in a city election and continuing until midnight on the twelfth day before a city election, a candidate shall report:

a. the new loans or expenditures cumulating to \$25,000 or more within twenty business days after the total reaches \$25,000; and

b. additional loans or expenditures cumulating \$25,000 or more within twenty business days each time the total reaches \$25,000; and

(2) during the period beginning at midnight on the twelfth day before a City election and continuing until midnight on the day before the election, a candidate shall report:

a. the previously unreported loans or expenditures cumulating to \$25,000 or more within twenty-four hours after the total reaches \$25,000; and

b. additional loans or expenditures totaling \$25,000 or more within twenty-four hours each time the total reaches \$25,000.

(b) A candidate for city office who files a report as required by this section must file as provided in section 107.26 of this chapter (Electronic Filing).

#### 107.28 Retention of Records

A candidate or officeholder subject to this chapter must:

(a) maintain paper copies or digital images of checks, bank statements, and deposit slips for a period of five years after the close of the reporting period to which the records are applicable;

(b) make them available to any member of the public or any government office, on request, within the five year retention period.

#### 107.29 Special Pre-Election Reports

(a) This section applies to:

(1) a candidate who accepts contributions that total more than \$10,000 during the period beginning the 12<sup>th</sup> day before the date of an election and ending at 5 p.m. on the day before the date of an election;

(2) a political committee that accepts contributions that total more than \$2,500 during the period beginning the 12th day before the date of an election and ending at 5 p.m. on the day before the date of an election; and

(3) a political committee that makes expenditures that total more than \$1,000 during the period beginning the 12th day before the date of an election and ending at 5 p.m. on the day before the date of an election.

(b) A candidate described in subsection (a) shall file a special pre-election report with the City Clerk that includes the following information:

(1) the name of the candidate;

(2) the name and address of each contributor making a contribution, or contributions, that total more than \$200 during the period beginning the 9th day before the date of the election and ending at 5p.m. on the day before the date of the election;

(3) the amount of each contribution;

(4) the date each contribution was accepted; and

(5) a description of any in-kind contribution.

(c) A political committee described in subsection (a) shall file a special pre- election report with the City Clerk that includes the following information:

(1) the name of the political committee;

(2) the name and address of each contributor making a contribution, or contributions, that total more than \$200 during the period beginning the 9th day before the date of the election and ending at 5p.m. on the day before the date of the election;

(3) the amount of each contribution;

(4) the date each contribution was accepted; (5) a description of any in-kind contribution;

(6) the amount of each expenditure over \$1,000 made during the period beginning the 9th day before the date of an election and ending at 5 p.m. on the day before the date of an election, the name and address of each person to whom a reportable expenditure was made, and the date and the purpose of the expenditure.

(d) A candidate or political committee must file a special pre-election report each time the reporting thresholds prescribed by Subsection (a) are met. The filing of one special pre- election report does not excuse the filing of a subsequent report or reports for the same period if the reporting thresholds prescribed by Subsection (a) are met more than once.

(e) A special pre-election report shall be filed electronically, unless otherwise exempted from electronic filing. (1) A special pre-election report must be received by the city clerk no later than 5 p.m. of the first business day after the date that a contribution that triggers the filing requirement is accepted or after an expenditure that triggers the filing requirement is made.

(2) The city clerk shall post a special pre- election report on the City's Web site no later than 5 p.m. on the first business day after the date that the city clerk receives the report.

(3) Any information reported on a special pre-election report must also be reported on the candidate's or political committee's next contribution and expenditure report.

### 107.3 Independent Expenditures

#### 107.31 Expenditures that are not Independent

An expenditure is not independent for purposes of this chapter if there has been any strategic communication between the candidate, the candidate's campaign staff, his or her campaign committee, or any of the agents or employees of the candidate or the committee, and the person or entity making the expenditure, or his or her agents and employees.

#### 107.32 Special Reporting of Expenditures not by a Candidate

(a) Seven day disclosure report.

(1) Every person other than a candidate or a candidate's campaign committee who makes an expenditure or expenditures in an aggregate amount exceeding \$1,000 during any calendar year for the purpose of promoting the election or defeat of any candidate or candidates in a city election shall file a report with the city clerk within seven business days after making the independent expenditure or expenditures, on a form prescribed by the city clerk, a report stating the name and address of the individual or political committee making the expenditures; the name of each candidate or candidates whose election or defeat the expenditure advocates; the name and street address of the person or persons to whom the expenditure or expenditures were made; and the total amount, purpose, and date of each expenditure and whether the expenditure was an independent expenditure under this chapter.

(2) A person making an independent expenditure or expenditures shall, at the same time he or she files their report with the city clerk, also file a sworn statement with the city clerk that the expenditure or expenditures were made without the prior consent of the affected candidate or candidates, and without strategic communication.

(3) A person required to file a report with the city clerk under this Section shall simultaneously mail or deliver a copy of the report to every candidate whose election or defeat is promoted by the independent expenditure.

(b) Forty-eight hour reports.

(1) Beginning on the twelfth day before an election and ending at 5:00p.m. on the day before election day, individuals or political committees making independent expenditures that singly or in the aggregate exceed \$1,000 shall report the expenditures within 48 hours to the city clerk. The report must include the name and address of the individual or political committee making the expenditures; the name of each candidate or candidates whose election or defeat the expenditure advocates; the name and street address of the person or persons to whom the expenditure or expenditures were made; and the total amount, purpose, and date of each expenditure and whether the expenditure was an independent expenditure.

(2) A person making an independent expenditure or expenditures shall, at the same time he or she files their report with the city clerk, also file a sworn statement with the city clerk that the expenditure or expenditures were made without the prior consent of the affected candidate or candidates, and without strategic communication.

(3) A person required to file a report with the city clerk under this section (b)(1) shall simultaneously mail or deliver a copy of the report to every candidate whose election or defeat is promoted by the independent expenditure.

(c) Reports to the city clerk required by this section shall be filed electronically on forms to be developed and made available by the city clerk. On receipt of a report filed under this section, the city clerk shall post it on the city clerk's campaign finance report website within one business day.

#### 107.4 Campaign Debt

##### 107.41 Annual Reconciliation of Campaign Debt

An officeholder must include in the reconciliation filed with his or her annual year end January 31 contribution and expenditure report the following information for each calendar year:

(a) campaign debt in existence as of the first day of each calendar year;

(b) campaign debt in existence as of the last day of each calendar year;

(c) in addition, the officeholder shall report the following information on all campaign debt existing as of December 31 of the reporting year:

(1) for loans and other debt evidenced by a note, the name of the creditor, the principal amount owed, the interest rate, and the date of maturity;

(2) for all other campaign debts, the name of the creditor and the principal amount owed; and

(3) debts under \$50 may be aggregated and reported as a miscellaneous category.

##### 107.42 Existence of Campaign Debt

The existence and amount of a campaign debt relating to a prior campaign period shall be determined based on the actual outstanding obligations of the candidate or campaign committee as of the date of the election for which the debt is incurred, and all funds held by the candidate or candidate's campaign committee in cash or bank accounts on that date shall be considered an offset to the campaign debt.

#### 107.5 Restrictions on Contributions

##### 107.51 Restrictions on Cash Contributions

(a) Except as provided in subsection (b), a candidate or officeholder who accepts cash contributions in connection with a city election must maintain a receipt book for cash contributions, listing the date of any cash contribution and the contributor's name and address. If a candidate or officeholder has not accepted cash contributions aggregating more than \$500 per reporting period, he or she must provide a receipt within five days of receiving the contribution to each cash contributor whose contribution exceeds \$50. Once a candidate or officeholder has accepted cash contributions aggregating more than \$500 per reporting period, he or she shall provide a receipt to each subsequent cash contributor within five days of the contribution.

(b) This section does not apply to cash contributions received by a candidate or officeholder at one or more fundraising events having a stated ticket price of \$25 per person or less. Cash contributions received at the fundraising events may be aggregated for city reporting purposes, if the candidate or the officeholder, and the treasurer, file with the next contribution and expenditure report an affidavit stating the amount of cash proceeds received at the event and verifying that no individual made a cash contribution of more than \$50 in connection with the event.

##### 107.52 Restrictions on Contributions at City-Owned Buildings

(a) Except as provided in subsection (b), a person shall not make a contribution to a candidate or officeholder and a candidate or officeholder shall not solicit or accept a contribution at a city-owned building, except at a city-owned building that is available for rental to the general public and that is rented for a campaign related event at the time the contribution is made.

(b) This section does not prohibit contributions mailed to a candidate or officeholder at a city mailing address.

##### 107.53 Restrictions on Contributions and Bundling by Lobbyists

(a) The people of Columbus find that the practice of lobbying for compensation creates a unique relationship between candidates and officeholders on the one hand, and lobbyists on the other. To preserve public confidence in the electoral process, to diminish the appearance of impropriety and special influence, and to minimize the role of political contributions in the legislative and regulatory processes and the awarding of public contracts, it is appropriate to prohibit persons who lobby the city council from making contributions to candidates for mayor and city council and to officeholders. Accordingly, no person who is compensated to lobby the city council and who is required to register with the city as a registered agent (lobbyist) pursuant to Columbus City Codes, 1959 section 2321.54, and no spouse of the person, may contribute more than \$25 in a campaign period to an officeholder or candidate for mayor or city council, or to a specific purpose political committee involved in an election for mayor or city council.

(b) A lobbyist, and a spouse of a lobbyist, may not be a bundler under section 107.22.

(c) A lobbyist may to the Columbus Fair Campaigns Finance Fund created under this chapter.

#### 107.54 Restrictions on Contributions to and Expenditures by Political Committees

(a) Except as provided in Subsection (c), a political committee, defined herein as a group of persons that has as a principal purpose accepting political contributions or making political expenditures supporting or opposing a candidate in a city election may not:

(1) accept a contribution of more than the contribution limit established in this section 107.13 of this chapter (Limits on Campaign Contributions and Expenditures); or

(2) accept an aggregate contribution total of more than the amount set by 107.13 of this chapter (Limits on Campaign Contributions and Expenditures) from sources other than natural persons eligible to vote in a postal zip code completely or partially within the Columbus city limits.

(b) A political committee supporting or opposing a candidate in a city election that receives a contribution prohibited by subsection (a) may not accept the contribution and must refuse and return the contribution not later than the end of the reporting period during which the contribution is received. If a specific-purpose political committee subject to this section has received an aggregate contribution total of more than the amount set by Subsection (a)(2), it may not make an expenditure in a city election until it has returned the contributions of more than the allowed amount.

(c) This subsection does not limit a political committee's aggregate contribution total from natural persons eligible to vote in a postal zip code completely or partially within the Columbus city limits.

#### 107.55 Restrictions on Use of Existing Funds from Political Committees, Candidates and Officeholders

(a) Except as provided in subsection (b), a city election candidate may not use a political contribution to make a campaign expenditure for city office if the contribution was accepted while the candidate:

(1) was a candidate for an office other than a city office; or

(2) held an office other than a city office, unless the person had become a candidate for city office.

(b) This section does not apply to a contribution raised in compliance with the timing, dollar amount, and source restriction in section 107.1 (Limits on Campaign Contributions and Expenditures), calculated on a last-in, first-out basis, which means that the last funds received are eligible for consideration for campaign expenditures.

#### 107.56 Restrictions on Creation of Campaign Committee

A candidate may only authorize one campaign committee.

#### 107.57 Restrictions on Expenditures by Affiliated Person



A person who is considered a Qualifying Candidate under Section 107.01 of this chapter (Definitions), shall not make an expenditure from funds that have not been lawfully accepted by a candidate or a candidate's campaign committee.

#### 107.6 Adjustments to Limitations

(a) In January of each odd-numbered year, the auditor, in accordance with this section and subsection (b) of this section, shall adjust each amount specified in sections 107.12, 107.13, 107.17, 107.21, and 107.27. The adjustment shall be based on the yearly average of the previous two years of the Consumer Price Index for All Urban Consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or its successor in responsibility, for all items, Series A.

Using the 2010 yearly average as the base year, the auditor shall compare the most current average consumer price index with that determined in the preceding odd-numbered year, and shall determine the percentage increase or decrease. The percentage increase or decrease shall be multiplied by the actual dollar figure for each office or entity specified in sections 107.12, 107.13, 107.17, 107.21, and 107.27 of the city code and by each actual dollar figure specified in this section as determined in the previous odd-numbered years, and the product shall be added to or subtracted from its corresponding actual dollar figure, as necessary, for that previous odd-numbered year.

The resulting amounts shall be rounded to the nearest \$100 for sections 107.12, 107.13, and 107.17, by every \$25 for amounts in section 107.21, and by every \$5,000 for amounts in section 107.27.

#### Chapter 107.7- Columbus Fair Campaigns Finance Fund

##### 107.01 Establishment

This section establishes a separate city account known as the Columbus Fair Campaigns Finance Fund (hereinafter sometimes referred to as "the fund"). The fund provides partial public support for qualifying candidates as such term is defined in section 107.01. The fund may also be used to offset other costs of handling disclosure filings, and the costs of administering this chapter.

##### 107.1 Funding for Columbus Fair Campaigns Finance Fund

(a) The city staff shall maintain a plan setting out financing options for the funding of the Columbus Fair Campaign Finance Fund. The staff is directed to include in the financing plan the following options for dedicated or appropriated funds:

(1) a \$300,000 deposit from the proceeds of the tax on casino revenues collected by the state of Ohio and distributed to the city pursuant to Art. 15, Sec. 6 of the Ohio Constitution, with such \$300,000 payment to be encumbered and paid before any other encumbrance or expense from this casino tax fund on or before the thirtieth day of January, in every municipal election year;

(2) donations from individuals and business entities;

(3) liquidated damages and criminal fines collected for violations of campaign contracts or this chapter; (4) a \$1 voluntary check-off on City utility bills;

(5) a supplemental filing fee in the amount of \$250 paid to the city by candidates for mayor and city council; and

(6) a supplemental registration fee of \$100 annually for persons required to register as compensated lobbyists under section 2321.54 of the city codes.

#### 107.2 Qualifying Candidates

To become a qualifying candidate eligible to receive public funds from the Columbus Fair Campaigns Finance Fund, a candidate for mayor or city council must sign a campaign contract and agree to participate in specified debates arranged by the Columbus Community Relations Commission pursuant to this chapter.

#### 107.3 Funding for Qualifying Candidates

(a) To the extent that funds are available from the Columbus Fair Campaigns Finance Fund, qualifying candidates shall receive an equal distribution of the available funds in the Fund, subject to and not to exceed the limitations on contributions in section 107.13. If no candidate in an election is eligible, the funds will be reserved for future elections.

(b) Funding from the Columbus Fair Campaigns Finance Fund shall be distributed to qualifying candidates under the following procedure and formula:

(1) the auditor shall state the available balance in the Fund by, and as of, January 31 of every municipal election year;

(2) the city may reserve up to ten percent of the available balance to be allocated by ordinance to the auditor and city clerk to offset expenses incurred in the administration of this chapter; and

(3) the clerk shall certify the qualifying candidates and an equal division of funds from the balance remaining after application of 107.3(b)(2) from the Fund among those candidates within five days of the start of the campaign period, which shall for the purpose of this section be 90 days prior to the nominating election; and

(4) Funds shall be made available to Qualifying Candidates within 10 days of certification by the clerk of qualifying candidates and amounts available to be distributed to each qualifying candidate.

(5) the city clerk shall review the "Semi-Annual" and "Pre-General" election contribution and expenditure reports and any supporting materials filed by qualifying candidates seeking public funds to verify compliance with the expenditure limits of the candidate's campaign contract.

(c) Funding from the Columbus Fair Campaigns Finance Fund shall not be made available to candidates in uncontested elections, recall elections, or elections to fill vacancies created by a recall election.

#### 107.4 Other Considerations for Campaign Contract

(a) A candidate who signs a campaign contract pursuant to city codes 107.11 must participate in a series of candidate forums, whether or not the candidate qualifies for funds.

(1) The Columbus Community Relations Commission shall produce not fewer than four debate forums for qualifying candidates for each office for municipal elections as follows:

a. Two debate forums for qualifying candidates only shall be held no later than 15 days prior to the nominating election and two forums for qualifying candidates only shall be held no later than 15 days prior to the general municipal election.

b. All forums must air on CTV-3 government cable television, or its equivalent or successor; and c. All forums must be produced and made available to the public for re-broadcast or private use by radio, broadcast, publication on the Internet, or other means approved by the commission.

(b) Qualifying Candidates may opt to use city-owned television, studio, and/or broadcast facilities during specified portions of the campaign period, as follows:

(1) For all nominating (primary) elections in a municipal election year, the City shall provide the following access to qualifying candidates:

a. Up to 5 hours of publicly-owned television studio time and technical support for all qualifying candidates for Mayor and Council, to be used within 30 days of the start of the campaign period. Qualified Candidates shall be supplied with unedited, raw audio and video of all recorded studio time. City personnel may be used to operate the recording equipment on an equal basis to all qualifying candidates, but the City shall not provide editing equipment, software, or editing time to any candidate. Electronic records produced under this section do not record City business and are thus not subject to Ohio Open Records Act requirements. No copyrights shall vest with such electronic records produced by CTV-3.

b. CTV-3 shall broadcast no less than two times per day, each of two primary debates sponsored by the Columbus Community Relations Commission. Such debates shall be broadcast within two business days of the debate and shall run until nominating election day, and at least one such broadcast each day shall be during the period 6:00PM -10:00PM each night and shall take priority over the provisions of section 108.4(b)2)a.

c. for the period beginning 30 days prior to the nominating election and ending on the nomination election day, the city shall reserve at least five hours per day on CTV-3 or its successor City-controlled television channel, for 5-minute, 15-minute, and/or 30-minute political and/or educational programming prepared by qualifying candidates to educate voters about candidate qualifications and election issues. This reserved time shall include at least two hours each day between the hours of 6:00PM and 11:00 PM, and shall be allocated evenly among candidates on a daily basis through the nomination election period.

d. for the period beginning 30 days prior to the nominating election and ending on the nominating election day, reserve at least eight hours per day on Community 21, or any successor city-controlled television channel, for television programming prepared by qualified candidates. This reserved time shall be allocated evenly among candidates on a daily basis through the election.

2) The city shall provide the following access to qualifying candidates for a municipal election from the day after Labor Day until the day after that election, and shall provide to qualifying candidates for a special election from a period 60 days prior to that special election until the day after that election:

a. a minimum of three hours daily cumulative broadcast time on CIV-3 on an equal basis to all qualifying candidates, between the hours of 6:00AM and 9:00AM and 6:00PM to 11:00 PM. Such broadcast time shall be divided equally among candidates for Council and Mayor, and any Charter or other City of Columbus initiatives, referendums, recalls or other City issues (which shall not include local liquor options). In so doing, the city shall set standards for broadcast tape to be received by the qualified candidates and other entities specified in this section, and shall run the tape presented that complies with those standards, which standards shall not be unduly burdensome.

b. CTV-3 shall broadcast no less than two times per day, each of two municipal election debates sponsored by the Columbus Community Relations Commission. Such debates shall be broadcast within two business days of the debate, and at least 50% of such broadcasts shall be during the period 6:00PM – 10:00 PM each night and shall take priority over the provisions of section 108.4(b)2)a.

c. To the extent CTV-3 broadcasts incumbent candidates performing official duties that are not decision-making on the public's behalf during this period, such as ribbon-cuttings, ground breakings, ceremonies, and other promotional events, equaltime shall be offered to the opposing qualified candidate(s) for that office on CTV-3. This provision does not apply to incumbents engaged in the conduct of official business, such as public hearings, committee hearings, and other council or mayoral meetings and events subject to public notice requirements of the Ohio open meetings act.

d. The City shall make at least 5 cumulative hours of programming time per day available on the public access television station community 21, or on any successor to community 21, between the hours of 11:00AM to 4:00PM and 6:00PM to 11:00PM upon the request of any city ballot issue committee, local election, or qualified candidate. The flat rate for this access shall be set at \$10,000 for each qualifying candidate for mayor, \$5,000 for each qualifying candidate for city council, and \$200 for any city ballot issue committee. This rate may be adjusted following the mechanism outlined in section 107.6 of the city codes, and adjusted in increments of \$25.00. All such funds shall be paid to the Columbus Fair Campaigns Finance Fund.

e. No access to Community 21 TV access during these reserved periods shall be granted to candidates who did not agree to sign contracts under this chapter. All funds shall be paid into the Columbus Fair Campaigns Finance Fund. However, nothing in this section shall prevent any candidate for office from securing access under the general rules related to public access television that may be adopted by the city, which rules shall not infringe upon the priority dates and times for qualifying candidates established under this chapter.

107.5 Extension of Fair Campaign Fund Benefits to Other Local Ballot Issues

(a) To support the goals of an informed electorate and to reduce the impact of campaign expenditures on election outcomes, the City shall also make available, on a fee basis, Community 21 television access to the following entities in a nominating (primary), municipal, special, or other non-municipal election:

- 1) Registered ballot issue committees in support, or in opposition to, a local initiative or referendum under Sections 41 of the City Charter.
- 2) Registered ballot issue committees in support, or in opposition to, proposed Charter amendments under Section 234 of the City Charter.
- 3) City-recognized Civic Associations or Neighborhood Area Commissions addressing a local liquor option ballot issue.
- 4) The affected party of a local liquor option ballot issue.
- 5) Such other ballot issues as may be adopted by subsequent ordinance.

(b) During the campaign period, the city shall reserve up to two hours per day for other local ballots described by this section, which must include at least one hour between 5:00PM and 11:00PM, and which shall be divided evenly among issues.

(c) The city shall charge fees for the provisions of this section, and such fees shall be in the form of one-time access fees, as follows:

- 1) \$1,000 for proponents or opponents of proposed local initiatives, referendums, or charter amendments.
- 2) \$200 for proponents or opponents of a local liquor option,
- 3) Fees may be adjusted pursuant to the mechanism established in section 107.6 of the city codes, and adjusted in increments of \$25.00. All such fees shall be paid into the Columbus Fair Campaigns Finance Fund.

#### 107.6 Fifteen Minutes for the First Amendment

(a) To promote transparency in governance and the continuing accountability of officials during the campaign period, during any campaign period as defined by the nominating petition deadline in section 107.06, the council shall create and maintain at each regular meeting of the council a period of time lasting a minimum of 15 minutes for public comment on any issue, whether an agenda item or a non-agenda item. Said 15 minute public comment period shall be, pursuant to rules adopted by council, either during each regular council meeting or immediately thereafter upon the adjournment of each regular council meeting.

(b) The council shall adopt such rules for said public comment time that are consistent with the rules of speaking before council, within 14 days of enactment of this chapter.

(c) Further, if the regular meeting is televised and broadcast on any public access channel controlled by the city, this 15 minute public comment period shall be televised and broadcast in the

same manner, and in the order and timeframe in which it occurred in relation to the regular meeting.

#### 107.7 Campaign Finance Reform Advisory Commission

(a) There is hereby created the Campaign Finance Reform Advisory Commission ("the commission"), a commission formed for the purpose of submitting recommendations for technical corrections to this chapter to the city council for enactment, to maintain consistency in form and substance with existing provisions of city code and to make other recommendations to the council on measures that may be taken to facilitate implementation of this chapter.

(b) The commission shall consist of the petition committee of not less than five electors who have sponsored this initiated ordinance, which by majority vote of the members of that committee shall act as one, and the Chair of Council's Rules & Reference Committee. The commission shall make decisions by unanimous vote only while it is two members, and by majority vote if additional members are added. The commission may, by unanimous vote of its original members, add such other members as it deems necessary or prudent and seek any input from any sources it deems necessary.

(c) The commission shall meet within 45 days of enactment of this ordinance, upon the call of any one of its members: the citizen's petition committee acting as one, or the chair of the rules and reference committee, for the purposes outlined in subsection (a).

(d) Upon the unanimous vote of the commission, the commission is hereby authorized for a period of 120 days after enactment of this Chapter 107 of Columbus City Codes, 1959, to propose to council such amendments to these chapters as are required for the efficient and effective administration of these chapters.

(e) The council shall have the power to enact such amendments to this Chapter 107 of Columbus City Codes, 1959, as such amendments are recommended by the unanimous vote of the campaign finance reform advisory commission, provided such recommendations and enactment by council occur within 135 days following enactment of this ordinance.

(f) The Campaign Finance Advisory Commission shall be advised by the City Attorney, and such funds as are necessary and appropriate for its work shall be appropriated by the council.

(g) The meetings of the Campaign Finance Advisory Commission are public meetings and its records are public records. At the expiration of 90 days, the commission shall terminate its activities, returning all records to the clerk, and disband.

#### 107.8 Columbus Competitive Campaigns Advisory Commission

(a) There is hereby created the Columbus Competitive Campaigns Advisory Commission ("the competitive campaigns commission"), a body formed for the purpose of providing legislative recommendations to the council, for the purpose of proposing policies, procedures, and structures for city elections to provide for competitive city elections that support broad-based representation of Columbus's diverse constituencies, where the electorate will receive accurate and sufficient information about all candidates and issues.

(b) The council shall pass such ordinances or resolutions necessary to appoint commissioners, not to exceed 13 commissioners in number, within 90 days of enactment of this Chapter. The council shall appoint the Director of the Columbus Community Relations Commission, who shall serve as chair of the commission.

In addition, the council shall solicit potential appointees from each of the political parties that have had candidates on any Franklin County electoral ballot during the three election years preceding the year of enactment of this ordinance. The council shall accept and shall appoint such commission nominees as submitted by the most local division of each respective such party, city or state in order.

In addition the council shall solicit applicants from, and subsequently appoint,1) a commission member with a background in political science or elections, who is employed in central Ohio and who conducts research and/or teaches in the area of elections,2) two members from a neighborhood area commission: one who serves in an area commission whose boundaries lie entirely or primarily within 1-270, and one who serves in an area commission whose boundaries lie entirely or primarily in areas outside of 1-270, 3) the competitive campaigns commission shall include at least one representative designated to reflect views and perspectives of new Americans or recently-arrived immigrant communities in Columbus, and 4) the council may appoint such other members as required to complete the commission.

(c)The council shall designate by ordinance or resolution a vice chair for the competitive campaigns commission.

(d) The competitive campaigns commission shall set forth a series of not less than six meetings, to take place within 365 days of enactment of this ordinance. The commission shall operate in public, and shall hold at least two public hearings. The commission shall make decisions by majority vote; however, the chair of the commission who shall preside over the meetings shall not have a vote. The commission shall be staffed by community relations commission staff, and such funds as are needed shall be appropriated by the council.

(e) The commission shall, within one year of formation, issue a Final Report. This Final Report shall make such recommendations as the commission deems appropriate to enhance competitive elections for all local elective offices for Columbus. This report may contain recommended amendments to the charter to be submitted to the electorate, or recommended ordinances for enactment by council. Within 90 days of submission of the Final Report, the commission shall wind up its affairs and disband.

#### 107.8 Miscellaneous Provisions

(a) The city may sell advertising promoting the candidate forums. Any such funds raised shall be paid into the Columbus Fair Campaigns Finance Fund.

(b) The community relations commission shall establish equitable guidelines to coordinate and produce the candidate forums.

(c) The clerk and the auditor shall prepare such administrative processes, rules, and regulations as are necessary to implement this chapter in an efficient and an effective manner.

Section 2. That the council shall adopt such ordinances as are necessary to provide for no less than the minimum standards outlined in this ordinance, including preparation of a charter amendment for ballot disclosure should one be necessary to implement the disclosure standards of the enacted code.

Section 3. That this ordinance shall take effect at the earliest possible date allowed by law.