



Legislation Details (With Text)

File #: 0087-2016 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 12/31/2015 **In control:** Rules & Reference Committee

On agenda: 3/28/2016 **Final action:** 3/30/2016

Title: To amend Section 2321.53 of the Columbus City Codes to increase campaign finance disclosure requirements and to increase public access to campaign finance reports.

Sponsors: Zach M. Klein

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/30/2016	1	CITY CLERK	Attest	
3/29/2016	1	MAYOR	Signed	
3/28/2016	1	COUNCIL PRESIDENT	Signed	
3/28/2016	1	Columbus City Council	Approved	Pass
3/21/2016	1	Columbus City Council	Read for the First Time	

BACKGROUND

The purpose of this ordinance is to amend Section 2321.53 of the Columbus City Codes which pertains to the disclosure requirements of campaign committees, political action committees, political contributing entities, and political parties that make a contribution to or an expenditure in support of or opposition to a municipal candidate or municipal ballot issue.

Columbus' existing campaign finance disclosure requirements already exceed those required by the Ohio Revised Code, with Council having amended the Columbus City Code in 2003 to reflect the requirement of an additional five-day campaign finance report. This additional requirement allowed the public to be better informed about campaign contributions and expenditures closer to any election.

However, there are still time periods in the election cycle during which the public has no access to information on campaign activity for months at a time. This legislation will remedy the problem by creating two additional campaign finance disclosures for both election and non-election years. For election years, a new "mid-cycle" report will be required to report activity sixty days prior to primary and general elections. For non-election years, two additional disclosure reports will be required in April and October, making off-year reports quarterly, rather than just biannual.

To further increase public access to these reports, this legislation will also require a new campaign finance database to be created and maintained by the Columbus City Clerk's office, in cooperation with the Franklin County Board of Elections. This database will allow for searching and viewing of all city campaign finance reports and make it easier for residents to gain access to this important information.

Though the City's disclosure requirements are already strong, these additional safeguards further Council's efforts to make political campaign financing even more transparent, as well as to increase public access to campaign finance reports.

To amend Section 2321.53 of the Columbus City Codes to increase campaign finance disclosure requirements and to increase public access to campaign finance reports.

WHEREAS, Section 2321.53 of the Columbus City Codes establishes disclosure requirements of campaign committees, political action committees, political contributing entities, and political parties that make a contribution to or an expenditure in support of or opposition to a municipal candidate or municipal ballot issue; and

WHEREAS, the general laws of the State of Ohio, specifically Ohio Revised Code §3517.10, also provide guidelines regarding the disclosure of statements of campaign contributions and expenditures; and

WHEREAS, this Council has determined that it is necessary to expand the disclosure of campaign finance information in response to limitations in the current calendar deadlines for campaign finance reports; and

WHEREAS, this ordinance will also establish a new online database that will contain campaign finance reports for all municipal candidates and current officeholders; and

WHEREAS, this ordinance furthers Council's efforts to increase reporting requirements and transparency in campaign finance, as well as to increase public access to campaign finance reports; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That Section 2321.53 of the Columbus City Codes is hereby amended, reading as follows:

2321.53 - Campaign finance.

(A) Definitions.

(1) "Election period communication" means any communication to the public, whether by printed, electronic or telephonic means, that refers to a municipal candidate by the candidate's name, title or office, or contains the candidate's image, likeness or voice or refers to the subject matter of a municipal ballot issue at any time beginning sixty (60) days prior to the election through the day of the election at which the candidate or ballot issue appears on the ballot and that does not expressly advocate the nomination, election or defeat of a municipal candidate or the passage, approval or defeat of a municipal ballot issue.

(2) "Municipal candidate" means any candidate at an election for nomination or election to office for mayor, city council, city auditor, or city attorney.

(3) "Municipal ballot issue" means any ballot issue submitted solely to the electors of the city of Columbus.

(4) The definitions set forth in Section 3517.01 of the Ohio Revised Code shall apply to this section except to the extent modified in this section.

(B) Disclosure of Employers of Contributors.

Campaign committees, political action committees, political contributing entities and political parties that make a contribution to or an expenditure in support of or opposition to a municipal candidate or municipal ballot issue shall include on the statements required to be filed under Section 3517.10 of the Ohio Revised Code, the name of the primary employer and occupation of each contributor to the committee, entity or party that is required to be itemized on such

statements. If a contributor is self-employed, the name of the contributor's business and the contributor's occupation shall be included on the statements. If a contributor is not employed, this fact shall be noted by use of the phrase "not applicable." The name of a contributor's employer and occupation is not required by this division for contributions which are not used to make contributions to or expenditures in support of or opposition to municipal candidates or municipal ballot issues and are not commingled with contributions that are used for such purpose.

(C) Election Period Communications.

(1) Any individual or entity that issues an election period communication shall file a written statement, 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. In addition, Any individual or entity of any kind that issues an election period communication shall file an election period communication disclosure statement with the Franklin County Board of Elections on forms prescribed by the city of Columbus. The disclosure statement shall include the following:

- a. The name and full street address of the individual or entity that is required to file the statement.
- b. If a statement is filed by an entity, the name and title of an officer of the entity and a full street address where such officer is physically located.
- c. The name and full street address of each individual or entity that provided monetary funds and/or in-kind items or services aggregating one hundred dollars or more for the development, production, reproduction and/or dissemination of the election period communication and the amount or value of the funds or in-kind items or services and the date they were provided. In the case of in-kind items or services, a description of the same shall also be included. In the case of an individual, the individual's primary employer and occupation shall also be included. If a contributor is self-employed, this fact and the individual's occupation shall be included on the statement. If the individual is not employed, this fact shall be noted by use of the phrase "not applicable".
- d. The name and full street address of each individual or entity that paid for or incurred any expense for the development, production, reproduction or dissemination of the election period communication, whether paid or incurred by the individual or entity filing the statement or by another individual or entity. The statement shall also include the date and amount of each payment or expense incurred and the item or service paid for or for which the expense was incurred.
- e. The name and full street address of any individual or entity to whom payment is owed by the individual or entity filing the statement or by another individual or entity for the development, production, reproduction or dissemination of the election period communication. The date that the expense was incurred, the amount incurred, and the item or service for which the expense was incurred shall also be included. This subsection applies whether or not an invoice has been issued for the expense incurred.
- f. The statement shall be signed by the individual filing it or, in the case of a statement filed by an entity, the owner, chairperson, president or chief operating officer of the entity.

(2) The statement required by this division shall be filed on the dates and for the periods prescribed by Ohio Revised Code Section 3517.10(A)(1) and (2) and by division (D) of this section. In addition, if monetary funds or an in-kind item or service is provided or a payment is made with respect to the election period communication after the period prescribed by Ohio Revised Code Section 3517.10(A)(2), a statement shall be filed within thirty (30) days after the funds or in-kind item is provided or the payment is made. All election period communication disclosure statements shall be filed by four o'clock p.m.

(3) This division shall not apply to the following:

- a. Communications issued by printed, non-electronic means by an individual acting alone and not in cooperation or consultation with any other individual and entity.
- b. Communications by an organization solely to its members.
- c. Communications that are limited to statements submitted by candidates for nomination or election to the public office that involve the election period communication provided that all candidates are afforded an equal opportunity to submit such statements.
- d. Communications that are limited to explaining municipal ballot issues that involve the election period communication provided that a good faith effort is made to represent fairly positions in favor of and in opposition to the municipal ballot issues, and that are not issued by a proponent or opponent of the ballot issue.
- e. Communications issued by government entities.
- f. Communications issued by bona fide news media.

(4) Every election period communication shall contain the phrase "issued by" followed by the name and street address of the individual or entity that issued the communication, except that this requirement shall not apply to election period communications issued by printed, non-electronic means by an individual acting alone and not in cooperation or consultation with any other individual or entity.

~~(D) Additional Pre-Election Report~~

~~Individuals, committees, political parties and other entities to whom division (B) or (C) applies, shall, in addition to other statements required by this section or state law, file a statement with the Franklin County Board of Elections no later than four o'clock p.m. on the fifth day before the election to reflect contributions and expenditures from the nineteenth day before the election through the sixth day before the election. Such statements shall be filed on the same forms as other statements are required to be filed by this section or state law.~~

(D) Additional Reports.

Individuals, committees, political parties and other entities to whom division (B) or (C) applies, shall, in addition to other statements required by this section or state law, file additional disclosure statements with the Franklin County Board of Elections. Such statements shall be filed on the same forms as other statements are required to be filed by this section or state law. Copies of these disclosure reports shall also be filed with the city clerk by electronic means. The aforementioned statements shall be filed no later than 4 o'clock p.m. on the following dates:

(1) The sixtieth day before the primary or general 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 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 those years covered in Division (D)(1), 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 those years covered in Division (D)(1), 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.

(E) Electronic Filing Filing Requirements.

The statements required to be filed by a municipal candidate or the campaign committee of a municipal candidate under Ohio Revised Code Section 3517.10 and the election period communication disclosure statements required to be filed under divisions (C) and (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, if either total contributions or total expenditures for the reporting period equal or exceed ten thousand dollars (\$10,000.00).

(F) Addendum, Correction, or Amendment.

If a statement required under the section is found to be incomplete or inaccurate, the entity shall file an addendum, correction, or amendment as provided by the general laws of the state.

(G) Authority of the City Attorney

The city attorney may investigate compliance with the filing requirements of this section in accordance with division (D) or upon a written complaint filed with the city attorney's office.

(H) Penalties.

(1) No person shall knowingly fail to file the information required under this section. A violation of this subsection is a misdemeanor of the ~~fourth~~ third degree.

(2) No person shall knowingly file a false statement required under this section. A violation of this subsection is a misdemeanor of the first degree.

SECTION 2. That the City Clerk be and hereby is authorized and directed to forthwith establish an online database of all City campaign finance reports.

SECTION 3. That existing Section 2321.53 of the Columbus City Codes is hereby repealed and replaced as provided herein.

SECTION 4. That to allow campaign committees, political action committees, political contributing entities, and political parties, as well as the City Clerk and the Franklin County Board of Elections, sufficient opportunity to prepare and execute the new requirements, this ordinance shall take effect and be in force from and after six (6) months following its enactment.