

SUMMARY OF LAWS RELATED TO CAMPAIGN FINANCE, FINANCIAL DISCLOSURES AND LOBBYING

CAMPAIGN FINANCE

| REGULATION TYPE | APPLICABLE TO | SUMMARY | PENALTY (if any) | CITATION |
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| Cincinnati Contribution Limits | Candidates for Mayor and Council | Contribution limits are as follows: total individual contributions: \$1100; Political action committees: \$2700; Political party or legislative campaign fund: \$10,500. Note: for Mayoral candidates IF there is a mayoral primary, the total amount resets after the primary. Therefore, from the 32nd day after the general election of the mayor thru the date of the mayoral primary the above limits apply. Then from the day after the primary to the 31st day after the mayoral general election, the limits reset and additional contributions up to the above contribution limits may again be made. For partnerships or other unincorporated businesses, contributions cannot be made solely in the name of the business but it must be allocated to the person, owner, member or partner making the contribution. | If a contribution amount exceeds the maximum, the CEC may impose a penalty. The penalty shall be a civil fine equal to three times the excess contribution. | City Charter, Article XIII, sections 1 and 2. |
| Cincinnati Candidate Reporting Requirements | Candidates for Mayor and Council, political action committees, legislative campaign funds and political parties | REPORTS ON CONTRIBUTIONS AND EXPENDITURES: A candidate, political action committee, legislative campaign fund or political party that makes or receives a contribution or expenditure in support of a Council or Mayoral candidate must file a statement of contributions or expenditures made or received from the last day reflected in the last filed statement through the last day of June no later than the last business day of July. An additional statement is due on the 38th day after the municipal general election reflecting contributions and expenditures from the date of the last filed statement thru the close of business on the 7th day before the filing of the statement. In addition, if there is a Mayoral primary, the 2 successful candidates must file a statement on the 7th day after the mayoral primary listing contributions and expenditures from the date of the last filed statement thru the date of the | Failure to file a report results in a civil fine of \$100 in a Council election and \$200 in a Mayoral election for each day of violation. NOTE: this penalty can be avoided by filing an addendum with the required | City Charter Article XIII sections 2 and 4; CMC 117-3. |

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| | | <p>mayoral primary. If an independent expenditure¹ of more than \$1,000 is made during the reporting period, a report of the expenditure must be filed within 10 days of making the expenditure, and if a portion of the expenditure is made within 30 days of the election, the report must be filed within 48 hours and if made within 7 days of the election the report shall be filed within 24 hours. The reports must include the name, home address and employer (or if self-employed the occupation) of persons contributing more than \$100 in the reporting period. All these reports must be filed with the Cincinnati Elections Commission and Hamilton County Board of Elections. If there are no contributions or expenditures to be reported, a statement to that effect should be filed with the Cincinnati Elections Commission.</p> | <p>information within 7 days of receiving a notice from the CEC of its preliminary determination that a report is incomplete.</p> | |
| <p>Cincinnati Conversion of Campaign Committee</p> | <p>Council and Mayoral candidates</p> | <p>If contributions raised for county, state or federal candidate campaign that is then converted to a City Council or Mayoral campaign, or contributions raised for a City Council campaign which is converted to a Mayoral campaign or vice versa, must comply with the contribution limits in Article XIII of the Charter. Any surplus amounts must be disposed of per Ohio Revised Code §3517.109(C). A report must be filed regarding the disposal of any surplus funds.</p> | <p>If a contribution amount exceeds the maximum, the CEC may impose a penalty. The penalty shall be a civil fine equal to three times the excess contribution.</p> | <p>CMC 117-6, City Charter Article XIII, Section 2(d)</p> |
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¹ Independent expenditure is defined as: “an expenditure by a person advocating the election or defeat of an identified candidate or candidates, that is not made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of any candidate or candidates or of the campaign committee or agent of the candidate or candidates.

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| Ohio Reporting Requirements | Candidates | <p><u>Pre-election report:</u> Due the 12th day before an election if \$1,000 or more was spent or received from the date of the last filed report thru the 20th day before the election. This includes cash and in-kind contributions along with the value of any new loans.</p> <p><u>Post-election report:</u> Due the 38th day after the election covering all activity not previously reported thru the 31st day after the election.</p> <p><u>Semi-annual report:</u> Due the last business day of July covering all activity since the date of the last filed report thru June 30th. This does not apply to City candidates unless the campaign has both:</p> <ol style="list-style-type: none"> 1) Received during the semi-annual reporting period contributions exceeding \$10,000 AND 2) Did not file a post-primary election report. <p><u>Annual report:</u> Due the last business day of January covering all activity since the last filed report thru December 31 of the prior year</p> | Referral to the Ohio Elections Commission | <p>ORC 3517.10(A)(1); ORC 3517.10(A)(3); ORC 3517.10(A)(4); OAC 111-5-04</p> |
| Ohio Contribution Limits | Candidates | <p>Cash (includes only currency and coins) contributions may not exceed \$100 per election. Any amounts over \$100 must be refunded. Both the amount received and amount refunded must be disclosed on the appropriate campaign finance report form.</p> <p>The state does not place other limits on the amount of contributions, instead any contribution limits in the charter of the municipality or county apply.</p> | | <p>ORC 3517.13(F); OAC 111-5-06; ORC 3517.102</p> |

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| Ohio Restrictions on Corporate and Business Entity Contributions | Candidates | Corporations are prohibited from directly or indirectly supporting or opposing a candidate. Limited Liability companies or partnerships are not corporations and may contribute to a campaign but must allocate the contribution to specific individuals. | | ORC 3599.03; ORC 3517.10 |
| Ohio Prohibitions on Awarding of Unbid Government Contracts | State Public Officers and Contractors NOTE: This does not apply to City Council, ² but may apply to the City Manager. ³ | An unbid government contract of more than \$500 may not be awarded to an individual, partnership or other unincorporated business if the individual, their spouse or any partner, shareholder, administrator, executor, or trustee of the spouse of any of them has made contributions totaling more than \$1,000, within in the two previous calendar years, to the holder of a public office having ultimate responsibility for the award of the contract or the public officer’s campaign committee. ⁴ Unbid government contracts of more than \$500 may not be awarded to a corporation or business trust if an owner of more than 20% or their spouse has made contributions totaling more than \$1,000, within the previous two calendar years, to the holder of a public office having ultimate responsibility for the award of the contract or the public officer’s campaign committee. | | ORC 3517.13; ORC 3517.01; ORC 102.01 |

² ORC 3517.13(M).

³ ORC 3517.13 does not align well with the City’s form of government, and the use of the two differently defined terms “public office” and “public official” creates confusion. “Public office” is defined as a state, county, municipal, township or district office that is filled by an election. ORC 3517.01(C)(9). “Public official” is defined more broadly and includes any person who is elected or appointed to an office or is an employee of any public agency. The City Manager is not an elected official, but under ORC 3517.01(C)(13) is a public official. The City Manager is the only one who can legally bind the City to a contract, so it is likely a Court would find that she has ultimate responsibility for the award of City contracts, but since she is not elected she does not meet the definition of “holder of a public office.” She could however be covered under the phrase “or the public officer’s campaign committee” if she was running for office.

⁴ These provisions do not apply to contracts which are competitively bid.

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| Ohio Expenditure Verification | Candidates | Every expenditure in excess of \$25 must have a corresponding cancelled check or copy of receipt. Detailed bank statements may be used to satisfy this requirement. | | ORC 3517.10 |
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ETHICS LAW / FINANCIAL DISCLOSURES BY ELECTED OFFICIALS / ORC Chapter 102

| REGULATION TYPE | APPLICABLE TO | SUMMARY | PENALTY (if any) | CITATION |
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| City Financial disclosures | Elected City officials and City employees at the division head or equivalent and above. | <p>By April 15th of each year, the Mayor, Councilmembers, City Manager and Division/Department Heads and above must file with the Clerk of Council a disclosure form covering the prior calendar year. The report must include:</p> <ol style="list-style-type: none"> 1) Name of public official or employee and each of his or her immediate family members; 2) Name under which the public official, employee, or immediate family members do business; 3) Names of any organizations other than the City by whom the public official/employee is also employed; 4) Each source (other than the City) from which the public official/employee, spouse, or dependent child received gross income greater than \$5,000; 5) List of each corporation, trust, business trust, partnership, or association transacting business in Cincinnati in which the public official/employee, spouse, or dependent child had an ownership interest of 5% or more or in which any of those persons holds an office or has a fiduciary relationship; 6) List of any fee simple, leasehold or other beneficial interest in real estate other than a personal, primary residence, located in the City, that is held by the public official/employee, spouse, or dependent child, including the type of interest and address or property description; 7) List of all financial transactions between members of Council or between Councilmembers and the Mayor | For a City employee: disciplinary action up to and including dismissal. Deliberate falsification or omission of required information is grounds for criminal prosecution. | Cincinnati Administrative Code Article XXVI |

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| | | for any single transaction totaling \$75 or more or an aggregate of multiple transactions totaling \$75 or more for gifts, loans or services rendered, including the name of the recipient, purpose and amount. | | |
| Ohio Financial Disclosures | Candidates or Elected/Appointed Officials of the | <p>Individuals who are candidates for a City elected office or elected City officials must file a disclosure every year that includes:⁵</p> <ol style="list-style-type: none"> 1) The candidate/official's name and that of each member of the person's immediate family and all names under which the candidate/official or their immediate family do business; 2) Identification of every source of income (except from a legislative agent) received by the candidate/official or by another for the person's benefit in the prior calendar year.⁶ The candidate/City official must disclose the identity of and the amount received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the official's agency; 3) Name of every corporation, trust, business trust, partnership or association doing business in Ohio that the candidate/official holds an investment of over \$1,000 in fair market value as of Dec. 31 of the prior year (or the date of disposition whichever is earlier), or in which the person holds any office or has a fiduciary relationship, along with a description of the nature of the investment, office or relationship; | A late filing fee of \$10/day not to exceed \$250. Failure to file can result in 4 th degree misdemeanor charges, and filing a false statement can result in 1 st degree misdemeanor charges. | ORC 102.02; ORC 102.09 |

⁵ There are other items in the disclosure that do not apply to City candidates. For the sake of brevity those are not listed.

⁶ The amount is \$500 for officers or employees of the City who receive compensation from the City of less than \$16,000/year. ORC 102.022

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| | | <p>4) All fee simple and leasehold interests in real estate in Ohio, excluding the person’s residence and property used primarily for personal recreation;</p> <p>5) Names of all persons residing in or transacting business in Ohio who owe the candidate/official more than \$1,000;</p> <p>6) The source of each gift over \$75 received by the candidate/official or other person for the candidate/official’s benefit, excluding gifts from wills and certain extended family members;⁷</p> <p>7) The source and amount of every payment of expenses for travel inside or outside Ohio received by the candidate/official or another for the candidate/official’s benefit that is incurred in connection with the candidate/official’s official duties, except for expenses for travel to meetings/conventions of a national or state organization to which the state/municipal agency pays membership dues; and</p> <p>8) Identification of the source of payment of expenses for meals and other food and beverages that exceed \$100 aggregated per calendar year, other than for meals, food, and beverages at a meeting where the candidate/official participated in a panel, seminar or speaking engagement or a meeting/convention of a national or state organization to which the state/municipal agency pays dues.</p> <p>The due dates for the disclosure varies:</p> <ul style="list-style-type: none"> • Elected officials: May 15th • Candidates: 30 days before the primary, special or | | |
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⁷ The amount is \$500 for for officers or employees of the City who receive compensation from the City of less than \$16,000/year. ORC 102.022

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| | | <p>general election</p> <ul style="list-style-type: none"> • Appointed officials filing an unexpired term: 15 days after they qualify for office • Official appointed or elected after May 15 (other than appointment to fill an unexpired term): within 90 days of appointment or employment <p>NOTE: The agency that employs, appoints or promotes a public official or employee required to file a financial disclosure is responsible for providing public officials with information regarding the need to file financial disclosures.</p> | | |
| Ohio Gifts and Things of Value | Public Officials and Employees | <p>No public official or employee shall solicit, accept or use the authority or influence of office or employment to secure anything of value⁸ that is of a character as to manifest a substantial and improper influence upon the public official or employee with respect to his or her duties. Honorariums are prohibited; however a public official or employee may accept payment for the cost of actual travel expenses, lodging, meals and beverages provided at a meeting in which the public official or employee participates in a panel, seminar, or speaking engagement, or provided at meetings/conventions of a national or state organization to which the state/municipal agency pays membership dues. A public official may accept travel, meals, lodging, or expenses (including reimbursement of same) in connection with conferences, seminars, and similar events related to official duties if they are not of such a character as to manifest and substantial and improper influence upon the public official or employee</p> | | ORC 102.03 |

⁸ The general rule of thumb is that anything worth more than \$25 is a thing of value, although that is not set out in the statute.

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| | | with respect to their duties. | | |
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COUNCIL LOBBYING

| REGULATION TYPE | APPLICABLE TO | SUMMARY | PENALTY (if any) | CITATION |
|------------------------|---|---|--|----------------------------------|
| Lobbyist Registration | Legislative Agents ⁹ and Employers | <p><u>INITIAL REGISTRATION</u>: Within 10 days of engagement of a legislative agent, each legislative agent and employer must file a registration statement with the Clerk of Council listing the following:</p> <ol style="list-style-type: none"> 1) Name, business address, and occupation of the legislative agent; 2) Name and business address of the employer for whom the legislative agent is advocating; 3) A description of the type of legislation to which the engagement relates. <p><u>UPDATED REGISTRATION</u>: No later than Jan. 31 and July 31 each year, each legislative agent and employer shall file with the Clerk of Council an updated registration statement confirming the continued existence of each engagement on the initial registration and lists the ordinances and resolutions on which the agent actively advocated during the period of the updated statement, and any financial transactions required. (see section on financial transaction disclosures below.)</p> <p><u>EXCEPTIONS</u>: The lobbyist regulations do NOT apply to:</p> <ol style="list-style-type: none"> 1) Appearances before Council or committees; | Investigation by the office of Contract Compliance and referral to the City or Hamilton County prosecutor. Violations are a misdemeanor of the 4 th degree. | CMC 112-5, 112-7, 112-13, 112-99 |

⁹ Note the definition of legislative agent: “any individual, except a member of the council, a member of the staff of the council or the city manager, who is engaged during at least a portion of his time to actively advocate as one of his or her main purposes.” CMC 112-1-L1.

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| | | <p>2) News and editorials in bona fide media; 3) Gathering of information for news reporting; 4) Publications for members of bona fide associations or charitable/fraternal non-profits.</p> <p>NOTE: Fees contingent on the passage, modification or defeat of legislation are prohibited.</p> | | |
| Financial Disclosures | Legislative Agents ¹⁰ and Employers | <p><u>STATEMENTS OF FINANCIAL TRANSACTIONS</u>: For any financial transactions with or for the benefit of any Councilmember or appointee of the Council, the City Manager, department director, or staff member of the public official, the legislative agent and employer must file a statement with the Clerk of Council describing the details of the transaction, name of public official/employee, the purpose and nature of the transaction, and date of transaction. This must be filed with the updated registration statements every 6 months. A copy must be given to the public official/employee with whom or for whose benefit the transaction was made at least 10 days before the statement is filed.</p> | | CMC 112-7 |
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¹⁰ Note the definition of legislative agent: “any individual, except a member of the council, a member of the staff of the council or the city manager, who is engaged during at least a portion of his time to actively advocate as one of his or her main purposes.” CMC 112-1-L1.

PENDING/RECENTLY PASSED LEGISLATION

| COUNCIL MEMBER | SUBJECT | SUMMARY | STATUS | ORDINANCE NO./FILE NO. |
|-------------------------------------|--|---|---|--|
| Landsman Ordinance | Campaign Finance Disclosures | Amending the Cincinnati Municipal Code to require elected officials (including any political action committee or campaign committee associated with the Mayor or Councilmember) to disclose when a single contributor makes a contribution of \$200 or more or when a single contributor makes a contribution resulting in that contributor having cumulatively contributed \$200 or more during the Mayor or Councilmembers current term in office. The City Manager is to establish a public facing website to make these reports available to the public. The report of these donations must be submitted through the website by the second business day following receipt (excluding the calendar day on which it is received.) | Referred to Law and Public Safety Committee | 202101549 |
| Charter Amendment/ Smitherman | Successor designation/ Special prosecutor | Prohibits a Councilmember from changing his or her successor designation subsequent to an indictment for a felony or the filing of criminal charges related to conduct in the performance of Council duties. Requires the City Solicitor to appoint a special prosecutor to prosecute under ORC 733.72 to remove a Councilmember who has been indicted for a felony or against whom a criminal complaint has been filed related to the Councilmember's official conduct. | On May 4 th ballot | Ordinance # 0045-2021; Item # 20202233 |
| Charter Amendment/ Sundermann | Suspension and removal/ ethics training/ successor designation | Provides for pre-conviction suspension (with pay) of a Councilmember upon indictment for a state or federal felony related to the performance of Council duties and removal of a Councilmember upon conviction or a guilty plea. Requires ethics training for Councilmembers within 60 days of taking office. Prohibits the changing of successor designations subsequent to being indicted for a state or federal felony | On May 4 th ballot | Ordinance # 0046-2021; Item # 202100637 |

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| | | related to performance of Council duties | | |
| Smitherman Motion | Forensic Audit | Requests that City Administration solicit cost for a forensic audit on development deals for past 3 years | Adopted | Item # 202100210 |
| Mann Motion | Interference in ED negotiations | Motion to change how economic development deals are negotiated to allow City Administration to negotiate deals without political interference | On Hold | Item # 202002167 |
| Landsman Ordinance | Real Property Tax Incentives | Established a scorecard setting Council policy related to real property tax abatements and exemptions to be used to evaluate the public benefits of economic and community development projects. Would only apply to projects with an estimated cost over \$5 million and includes a real property tax incentive with a value over \$3 million. | Indefinitely Postponed | Item # 202002226 |
| Landsman Motion | Ethics reform/ Ethics Training/ Removal of Councilmembers | Motion to create a local ethics commission to be supported by a chief ethics and good government officer to handle local financial disclosures and develop new training for public officials and city staff. The Administration should create legislation to update campaign finance rule to require immediate disclosure of contributions from anyone with business before the City. Administration should draft Charter amendment language to update campaign finance rules as needed and to provide for mechanisms to penalize and remove Councilmembers from office with a supermajority vote of Council. | On Hold | Item # 202002234 |