

ORDINANCE NO 05-77 AC CMS

AN ORDINANCE ESTABLISHING REGULATIONS FOR CITY OF OBERLIN
MUNICIPAL ELECTION FINANCING

WHEREAS, understanding that it is the right of all citizens to have an impact on public policy and the election of public officials, Council believes it is also the right of the public as a whole to know the identity of persons seeking to influence public policy and elections; and

WHEREAS, Council finds that such disclosure is vital to an informed electorate and informed citizenry and to preserving a democratic form of government and that such disclosure serves to prevent the appearance of impropriety or corruption in public policy decision making at the legislative and executive levels of local government; and

WHEREAS, Council further finds that it is in the best interest of the citizens of Oberlin that there be limits on the amount of cash and non-cash contributions that can be made to candidates and causes to prevent corruption and/or the appearance of corruption, and to enhance the faith of the citizenry in government; and

WHEREAS, Council deems it necessary for the health, safety and welfare that the City adopt campaign finance legislation.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:


SECTION 1. That there is hereby enacted Campaign Finance Regulations for City of Oberlin elections as set forth in "Exhibit A" attached hereto and incorporated herein by reference.

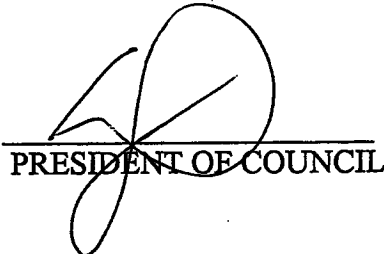
SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect on January 1, 2006.

PASSED: 1st Reading - October 17, 2005 (Amended)(TABLED)
2nd Reading - November 7, 2005 (FAILED)
3rd Reading -

ATTEST:


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

POSTED: November 8, 2005

EFFECTIVE DATE: November 8, 2005

EXHIBIT A

City of Oberlin Campaign Finance Regulations

1. PURPOSE

In order to demonstrate and promote ethics by government within the City of Oberlin, to further integrity in campaigns for public office, to prevent corruption and/or the appearance of corruption, and to restore and enhance the faith of the citizenry in government, the Council of the City of Oberlin does hereby establish these Campaign Finance regulations.

2. DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Anything of value” means:

- A. Money, bank bills or notes, United States Treasury Notes, and other bills, bonds or notes issued by lawful authority and intended to pass and circulate as money;
- B. Goods and chattels;
- C. Promissory notes, bills of exchange, orders, drafts, warrants, checks or bonds given for the payment of money;
- D. Receipts given for the payment of money or other property;
- E. Rights in action;
- F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the severing and taking away;
- G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interests, beneficial interests, leasehold interests and any other interest in realty;
- H. Any promise of future employment;
- I. Every other thing of value.

“Campaign committee” means a candidate or a combination of two or more persons authorized by a candidate under §3517.081 of the Revised Code to receive contributions and make expenditures.

“Candidate” means any qualified person certified in accordance with the provisions of the Revised Code and the Oberlin Charter for placement on the official ballot of a primary, general or special election to be held in the City, or who knowingly assents to such representation by another at either a primary, general or special election to be held in the City or any person who, at any time before or after an election, receives contributions or makes expenditures or other use

contribution” to the candidate and an expenditure by the candidate. In kind contribution shall not include items or services provided by a state political party for direct mail purposes.

“Municipal ballot issue” means any ballot issue submitted solely to the electors of the City of Oberlin.

“Municipal candidate” means any candidate at an election for nomination or election to an office of the City of Oberlin or who has filed a declaration of candidacy.

“Pre-election” means for each general election, primary election, special election, or runoff election in which a candidate’s name appears on the ballot or in which the candidate has filed at the Lorain County Board of Elections a declaration of candidacy.

“Political action committee” means a combination of two or more persons, the primary or incidental purpose of which is to support or oppose any candidate, political party or issue, or to influence the result of any election, and that is not a political party, a campaign committee or a legislative campaign fund.

“Political party” means any group of voters meeting the requirements set forth in §3517.01 of the Revised Code for the formation and existence of a political party.

The definitions set forth in §3517.01 of the Ohio Revised Code shall apply to this subchapter except to the extent modified in this section.

3. LIMITS ON NONCASH MONETARY AND IN-KIND CONTRIBUTIONS AND LOANS

- A. No candidate for Oberlin City Council shall accept or solicit, as a noncash monetary (i.e. checks, money orders, credit cards) or in-kind campaign contribution or loan, more than One Hundred Dollars (\$100.00) from any person, campaign committee, political party, or political action committee.
- B. No person, political action committee, political party or political campaign shall contribute funds or in-kind contributions in excess of said amount.
- C. Contributions from the candidate and labor of volunteers are exempt from these provisions.
- D. The contributions set forth in this section shall be per election.

4. LIMITS ON CASH CONTRIBUTIONS

No candidate for Oberlin City Council shall accept, as a campaign contribution, more than Twenty-Five Dollars (\$25.00) in cash (i.e. hard currency) from any person. No person shall contribute cash in excess of said amount.

5. DISCLOSURE OF EMPLOYERS OF CONTRIBUTORS

A candidate for Oberlin City Council shall identify all persons who contribute Twenty-Five Dollars (\$25.00) or more by primary employer. If this information is not on file with the Lorain County Board of Elections, the contribution shall be returned to the contributor within thirty days after the filing of the candidate's financial report.

6. THURSDAY BEFORE ELECTION CAMPAIGN FINANCE REPORTS

- A. Each candidate for Oberlin City Council shall file with the Clerk of Council by noon on the Thursday prior to an election, on a form prescribed by the Director of Law, a full, true and itemized statement, made under penalty of election falsification, setting forth in detail the contributions made to that candidate as of said Thursday which were not disclosed on that candidate's pre-election report required by the Revised Code, the Charter or this code.
- B. Each statement required by subsection A of this section shall contain the following information:
 - 1. The candidate's full name and home address;
 - 2. The date of the election;
 - 3. A statement of contributions which shall include:
 - a. The month, day and year of contribution;
 - b. The full name and home address of each person, political party, campaign committee, entity, political action committee or political contributing entity from whom contributions are received in excess of Twenty-Five Dollars (\$25.00) and the registration number assigned under the Revised Code to the political action committee;
 - c. The information required by §5 of these regulations;
 - d. A description of the contribution received, if other than money;
 - e. The value in dollars and cents of the contribution.

7. PENALTIES

- A. In addition to any penalties applicable under state law, the following penalties apply to candidates for Oberlin City Council and the filing requirements in this code:
 - 1. Any candidate who fails to file a Thursday before election campaign finance report required hereby shall be fined Ten Dollars (\$10.00) per day until the filing is made.
 - 2. No penalty shall be imposed upon any candidate who, after making a good faith effort to identify the information required by these regulations, is unable to provide such information, except

that if this information is not on file with the Lorain County Board of Elections, the contribution shall be returned to the contributor within thirty days after the filing of the candidate's financial report.

- B. In addition to any penalties applicable under state law, the following penalties apply to contribution limits under sections of this code:
 - 1. For a contribution in excess of the limits set forth herein, the candidate shall pay the City General Fund Three Dollars (\$3.00) for every dollar accepted in excess of the limit, unless the excess is completely refunded within ten business days after notification to the recipient of the contribution that a contribution in excess of the permitted amount had been received.
 - 2. For intentional or persistent violations of contribution limits, a candidate shall pay the City General Fund Five Hundred Dollars (\$500.00) or five times the amount accepted in excess of the limit, whichever is greater.
- C. No person shall knowingly fail to file the information required under Section 5. herein. A violation of this subsection is a misdemeanor of the fourth degree.
- D. No person shall knowingly fail to file or file a false statement required under Section 6. herein. A violation of this subsection is a misdemeanor of the first degree.
- E. Enforcement. Suspected violations of this chapter shall be submitted to the Clerk of Council, who shall transmit such information to the Director of Law who shall investigate the claim and enforce the provisions of this chapter.

of contributions, has given consent for another to receive contributions or make expenditures or other use of contributions, or appoints a campaign treasurer, for the purpose of bringing about his or her nomination or election as a member of City Council in the City.

“Contribution” means a loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, transfer of funds, in-kind contribution or transfer of anything of value, and payment by any person other than the person to whom the services are rendered, which contribution is made, received, or used for the purpose of influencing the results of an election.

“Contribution” does not include:

- A. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a person;
- B. Ordinary home hospitality;
- C. The personal expenses of a volunteer paid for by that volunteer campaign worker;
- D. The personal expenses of a candidate paid for by the candidate from the candidate’s personal funds;
- E. An expenditure by a political action committee if the purpose of the expenditure is to inform only its members by means of mailed publications of its activities or endorsements;
- F. An expenditure by a political party if the purpose of the expenditure is to inform predominantly the party’s members by means of mailed publications or other direct communication of its activities or endorsements, or for voter contact such as sample ballots, absentee voter ballots, applications, mailings, voter registration or get-out-the-vote activities.

“Election period communication” means any communications to the public, whether by printed, electronic or telephonic means, that refers to a municipal candidate by the candidate’s name or contains the candidate’s image, likeness or voice or refers to a municipal ballot issue, at any time beginning forty-five days prior to the election through the day of the election at which the candidate or ballot issue appears on the ballot. The preceding shall apply, regardless of whether the communication contains words expressly advocating support of or opposition to a candidate or ballot issue, including educational and informational communications, endorsements and encouragements to vote.

“In-kind contribution” means anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a candidate, campaign committee, legislative campaign fund, political party, or political action committee or political contributing entity and that is made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of the benefitted candidate, committee, fund, party, or entity. The financing of the dissemination, distribution, or republication, in whole or part, of any broadcast or of any written, graphic, or other form of campaign materials prepared by the candidate, the candidate’s campaign committee, or their authorized agents is an “in-kind

DEAR FELLOW COUNCIL MEMBERS : Nov. 3

As was suggested at our last Council meeting, Eric and I simplified and, we hope, clarified the Campaign Finance legislation for City Council elections.

Since the previous legislation was tabled, I will move, under Old Business, to bring it back on the table. We will then vote on, and defeat that legislation, and that will be as if it no longer exists.

The new legislation will appear under New Business, and we will treat it as a first reading.

Thank you for your patience as we try to get this right. If you have any questions or changes you would like to see, please contact me or Eric. Of course changes can be made at our Monday night meeting.

Sharon