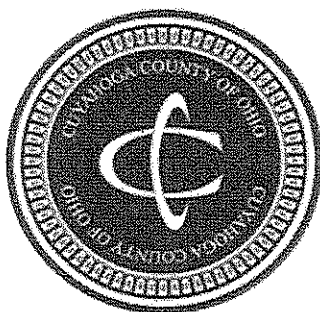


AGENDA
CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS
COMMITTEE MEETING
TUESDAY, AUGUST 9, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES FROM THE JUNE 28, 2011 MEETING
4. PUBLIC COMMENT RELATED TO THE AGENDA
5. MATTERS REFERRED TO COMMITTEE
 - a) O2011-0032: An Ordinance establishing guidelines under which Council is to consider and approve subsidies to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate oversight of daily, operational management decisions.
 - b) O2011-0013: An Ordinance providing for the adoption of an Open Meetings Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.
 - c) O2011-0031: An Ordinance providing for the adoption of a campaign finance policy for Cuyahoga County.
6. MISCELLANEOUS BUSINESS
7. OTHER PUBLIC COMMENT
8. ADJOURNMENT



MINUTES

CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS
COMMITTEE MEETING

TUESDAY, JUNE 28, 2011

CUYAHOGA COUNTY JUSTICE CENTER

COUNCIL CHAMBERS – 1ST FLOOR

1:00 PM

1. CALL TO ORDER

Chair Greenspan called the meeting to order at 1:09 p.m.

2. ROLL CALL

The Clerk called the roll. Committee members Greenspan, Miller and Simon were in attendance and a quorum was determined.

3. APPROVAL OF MINUTES FROM THE JUNE 7, 2011 MEETING

A motion was made by Mr. Miller, seconded by Ms. Simon and approved by unanimous vote to approve the minutes of the June 7, 2011 meeting.

4. PUBLIC COMMENT RELATED TO THE AGENDA

There was no public comment.

5. OPEN ISSUES

There were no open issues.

6. NEW BUSINESS

a) Campaign Finance

Greg Coleridge, Cuyahoga County Transition Advisory Committee on Campaign Finance Reform, addressed the Committee regarding the study, "Campaign Finance Reform Recommendations to New Cuyahoga County Government."

Pat McDonald, Deputy Director, Board of Elections, and Don Scipione, Cuyahoga County Transition Advisory Committee on Campaign Finance Reform, addressed the Committee

regarding the potential for electronic, searchable campaign filing requirements.
Discussion ensued.

Carla Rautenberg, Cuyahoga County Transition Advisory Committee on Campaign Finance Reform, and Mr. Coleridge addressed the Committee regarding campaign contribution limits and a potential public system of campaign financing. Discussion ensued.

b) Public Records Policy

Chair Greenspan made a motion, seconded by Ms. Simon and approved by unanimous vote to move this agenda item to Miscellaneous Business.

7. MISCELLANEOUS BUSINESS

Mr. Miller explained the proposed Open Meetings Policy (Ordinance No. O2011-0013). Discussion among the Committee members ensued.

A motion was made by Mr. Miller, seconded by Ms. Simon and approved by unanimous roll-call vote to substitute the current version of O2011-0013 with a new version. Chairman Greenspan explained that due to the absence of Committee members Connally and Brady, the substitute ordinance will be held for consideration until all members of the Committee are present.

Majeed Makhlouf, Law Director, addressed the Committee regarding legal issues regarding amendments to the proposed Open Meetings Policy. Discussion among the Committee ensued.

8. OTHER PUBLIC COMMENT

Subodh Chandra, Cuyahoga County Transition Advisory Committee on Campaign Finance Reform, addressed the Committee regarding campaign contribution limits and the importance of campaign finance reform to the general level of trust the public has for government and the elections process. Discussion ensued.

9. ADJOURNMENT

With no further business to discuss, on a motion by Mr. Miller and seconded by Chairman Greenspan, the meeting was adjourned at 2:37 p.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0032

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|--|--|
| Sponsored by: Councilmember Greenspan | An Ordinance establishing guidelines under which Council is to consider and approve subsidies to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate oversight of daily, operational management decisions. |
|--|--|

WHEREAS, Cuyahoga County issues levies and grants voluntary subsidies or other types of funding to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate supervision of operational, daily management decisions; and,

WHEREAS, it is necessary to establish mechanisms of fiscal accountability to ensure that any recipient of such subsidies or other funding spends such funds in a manner that lives up to the standards set by the County's citizens in reforming County government and to achieve the County's intended goals in granting the subsidy or other type of funding.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. In reviewing requests related to subsidies or any other type of funding to any board, commission, agency, corporation, or other entity or authority over which the County Council does not have direct, immediate supervision of operational, daily management decisions, the Council shall, to the extent permitted by law, do all of the following:

- a. The Council shall, on a case by case basis, assess and determine the need for the subsidy, funding, change of funding source, or any other similar request; and,
- b. If the Council determines to grant the request, the Council shall do the following:
 1. The Council shall, if it deems appropriate on a case by case basis, establish benchmarks for how the funding is to be used by the recipient of the funding; and,
 2. The Council shall, if it deems appropriate on a case by case basis, establish reporting requirements to the County by the recipient of the

funding on how the funds are used in accordance with the benchmarks established by Council; and,

- 3. The Council shall, if it deems appropriate on a case by case basis, establish penalties, including potential loss of funding by the recipient, for a recipient's failure to use the funds in accordance with the benchmarks established by Council. Council may, within its discretion, grant waivers from such penalties if it determines that good cause existed for the deviation from the benchmarks established by Council in approving the request for subsidy or other funding.

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

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 26, 2011

Committee(s) Assigned: Finance & Budgeting and Rules, Charter Review, Ethics & Council Operations

Journal _____
_____, 2011

COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. 2011-0013

SPONSORED BY: Councilpersons Dale Miller & Dave Greenspan

An Ordinance providing for the adoption of an Open Meetings Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, a process that is open, transparent, and accessible to the public will facilitate the development of county government that is efficient, effective, and creative in improving social and economic conditions in Cuyahoga County; and

WHEREAS, Ohio Revised Code Section 121.22 requires public officials to take official actions and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law; and

WHEREAS, Article 12, Section 5 of the Cuyahoga County Charter states that all meetings of the County Council and any committee, board, commission, agency, or authority of the County, as well as any similar body created by the Charter or by the County Council shall be open to the public as provided by general law;

THEREFORE, be it hereby ordained by the Council of the County of Cuyahoga County, State of Ohio, that:

SECTION 1: Public Meetings Policy. The Public Meetings Policy of Cuyahoga County is established as follows:

PUBLIC MEETINGS POLICY OF CUYAHOGA COUNTY, OHIO

ARTICLE 1: Definition of Public Body

As used in this ordinance, "public body" shall include only those entities of Cuyahoga County government listed in Article 12, Section 5 of the Cuyahoga County Charter.

ARTICLE 2: State Law to Control Public Meetings Policy in Cuyahoga County Government

As provided in Article 12, Section 5 of the Cuyahoga County Charter, all provisions of Ohio Revised Code Section 121.22 and all other provision of general law related to public meetings shall apply to any committee, board, commission, agency, or authority of the County, as well as any similar body created by the Charter or by the County Council.

ARTICLE 3: Public Participation

Section 3.1: In addition to the requirements provided for in Article 1 of this ordinance, any public meeting covered under Article 1 of this ordinance shall include time at the beginning of the meeting for public comment related to the agenda for that day's meeting. Every such meeting shall also include time for public comment related to that meeting's purposes but not related to that day's agenda. Such

comments may be heard either at the same time as comment related to that day's agenda or at a later time during the meeting.

Section 3.2: Procedure for Public Comment

Any public body conducting a public meeting covered under Article 1 of this ordinance may establish rules to regulate its public comment process, including completion of a brief registration form and a reasonable time limit on presentations, provided that such rules provide fair and equal treatment for all presenters and are no more restrictive than what is required to promote the orderly conduct of official business.

Section 3.3: Decorum at Public Meetings

Any public body may adopt rules to insure decorum at its meetings, provided that such rules also protect the free and appropriate expression of ideas.

Section 3.4: Wireless Communication Devices

Any public body may prohibit the use of audible wireless communication devices at its meetings.

Section 3.5: Filming, Taping, and Recording of Meetings

Any person may film, tape, or record any public meeting in ways that do not significantly disrupt the conduct of official business. Any public body may request persons wishing to film, tape, or record any of their meetings to register with their clerk or secretary but shall also clearly state that such registration is not required.

ARTICLE 4: Preparation of Pamphlet Describing Public Meeting Process

Not more than 90 days after the effective date of this ordinance, the Clerk of County Council shall prepare a pamphlet to be made available to the public, describing Cuyahoga County's public meetings and public notices processes, as provided for under state law and this ordinance. The contents of this pamphlet shall also be distributed on the County's website.

SECTION 2: It is found and determined that all formal actions of this County Council meeting relating to the adoption of this ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: Effective Date. It is hereby found and determined necessary for this ordinance to become immediately effective, for the reason that this ordinance provides for the usual daily and necessary operations of Cuyahoga County government in accordance with the requirements of the Cuyahoga County Charter; therefore, this ordinance, provided it received the affirmative vote of at least eight members of County Council, shall become effective immediately; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0031

| | |
|--|--|
| Sponsored by: Councilmember Greenspan | An Ordinance providing for the adoption of a campaign finance policy for Cuyahoga County. |
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WHEREAS, campaign finance laws seek to make government more honest, transparent and accountable to all citizens; and

WHEREAS, campaign finance laws help to ensure that whether a citizen can run for public office and conduct an effective campaign is determined more by the force of his or her ideas in the public arena than by his or her personal fortune or access to wealthy supporters; and

WHEREAS, the implementation of a proper campaign finance policy can amplify the First Amendment values of robust debate and participatory democracy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1: Campaign Finance Policy. The Campaign Finance Policy of Cuyahoga County is established as follows:

CAMPAIGN FINANCE POLICY OF CUYAHOGA COUNTY, OHIO

ARTICLE 1: Definitions

Anything of Value – Has the same meaning as in Section 1.03 of the Ohio Revised Code.

Beneficiary of a Campaign Fund – A candidate, a County official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or County official or employee and for whose benefit a campaign fund exists.

Board of Elections – The Cuyahoga County Board of Elections.

Campaign Committee – Means a candidate or a combination of two or more persons authorized by a candidate under Section 3517.081 of the Ohio Revised Code to receive contributions and make expenditures.

Campaign Fund – Money or other property, including contributions.

Candidate – Any qualified person certified in accordance with the provisions of the Ohio Revised Code for placement on the official ballot of a primary, general, or special election to be held for a County office, or any qualified person who claims to be a write-

in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held for a County office.

Continuing Association – An association, other than a campaign committee, political party, legislative campaign fund, political contributing entity, or labor organization, that is intended to be a permanent organization that has a primary purpose other than supporting or opposing specific candidates, political parties, or ballot issues, and that functions on a regular basis throughout the year. “Continuing association” includes organizations that are determined to be not organized for profit under subsection 501 and that are described in subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code.

Contribution – A loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent’s estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election. “Contribution” does not include any of the following:

- (i) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a person;
- (ii) Ordinary home hospitality;
- (iii) The personal expenses of a volunteer paid for by that volunteer campaign worker;
- (iv) Any gift given to a state or county political party pursuant to section 3517.101 of the Ohio Revised Code. As used in this division, “political party” means only a major political party;
- (v) Any contribution as defined in section 3517.1011 of the Ohio Revised Code that is made, received, or used to pay the direct costs of producing or airing an electioneering communication;
- (vi) Any gift given to a state or county political party for the party’s restricted fund under division (A)(2) of section 3517.1012 of the Ohio Revised Code;
- (vii) Any gift given to a state political party for deposit in a Levin account pursuant to section 3517.1013 of the Ohio Revised Code. As used in this division, “Levin account” has the same meaning as in that section;
- (viii) Any donation given to a transition fund under section 3517.1014 of the Ohio Revised Code; or
- (ix) Any contribution that is specifically exempted from the definition of “contribution” under Section 3517.08 of the Ohio Revised Code.

County Council – The Cuyahoga County Council.

County Office – The offices of Executive or Prosecutor or a position on County Council.

County Political Party – A subdivision of a political party located in Cuyahoga County.

Executive – The Cuyahoga County Executive.

Expenditure – The disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G) of section 3517.08 of the Ohio Revised Code. Any expenditure that is specifically exempted from the definition of “expenditure” under Section 3517.08 of the Ohio Revised Code shall not be considered an “expenditure” for purposes of this Ordinance.

General Election – The Election held on the first Tuesday after the first Monday in each November.

General Election Period – Begins on the day after the primary election immediately preceding the general election at which a candidate seeks a county office specified and ends on the thirty-first day of December following that general election.

In-Kind Contribution – 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, political party, 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 benefited 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 contribution to the candidate and an expenditure by the candidate.

Labor Organization – A labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.

Opponent – A candidate is an “opponent” when the candidate has indicated on the candidate’s most recently filed designation of treasurer that the candidate seeks the same office at the same primary or general election as another candidate whose campaign committee has filed a personal funds notice required by Article 6 of this Ordinance.

Personal Expenses – Includes, but is not limited to, ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone.

Personal Funds –

(i) Contributions to the campaign committee of a candidate by the candidate or by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage; and

(ii) A loan obtained by, guaranteed by, or for the benefit of a candidate for County office shall be considered "personal funds" subject to the provisions of this Ordinance to the extent that the loan is obtained or guaranteed by the candidate or is for the benefit of the candidate and is obtained or guaranteed by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage. A loan that is obtained or guaranteed and that is for the benefit of a statewide candidate, senate candidate, or house candidate shall not be considered "personal funds" for the purposes of this Ordinance but shall be considered to be a "contribution" for the purposes of this Ordinance if the loan is obtained or guaranteed by anyone other than the candidate or the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage.

Political Action Committee – A combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate or political party, or to influence the result of any election through express advocacy, and that is not a political party, a campaign committee, a political contributing entity, or a legislative campaign fund. "Political action committee" does not include the following:

(i) A continuing association that makes disbursements for the direct costs of producing or airing electioneering communications and that does not engage in express advocacy;

(ii) A political club that is formed primarily for social purposes and that consists of one hundred members or less, has officers and periodic meetings, has less than two thousand five hundred dollars in its treasury at all times, and makes an aggregate total contribution of one thousand dollars or less per calendar year; or

(iii) A political action committee that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

Political Contributing Entity – Any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures and that is not an individual or a political action committee, continuing association, campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund. For purposes of this definition, "lawfully" means not prohibited by any section of the Revised Code, or authorized by a final judgment of a court of competent jurisdiction.

“Political contributing entity” does not include a political contributing entity that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

Pre-Filing Period – The period of time ending on the day that the candidacy petitions are due for the office for which the candidate has filed and beginning on the latest date of the following:

- (i) The first day of January of the year following the general election in which that County office was last on the ballot;
- (ii) The first day of January of the year following the general election in which the candidate was last a candidate for any office; or
- (iii) The first day of the month following the primary election in which the candidate was last a candidate for any office.

Primary or Primary Election - An election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties.

Primary Election Period - Begins on the beginning date of the candidate’s pre-filing period and ends on the day of the primary election.

Prosecutor – The Cuyahoga County Prosecutor.

ARTICLE 2: Applicability of General Campaign Laws

Except as modified by this Ordinance, all provisions of Chapter 3517 of the Ohio Revised Code and all other provisions of general law related to campaigns that are applicable to candidates for County office shall continue to apply.

Nothing in this Ordinance shall affect, be used in determining, or supersede a limitation on campaign contributions as provided for in the Federal Election Campaign Act of 1971.

ARTICLE 3: Dollar Limits on Campaign Contributions

Section 3.1: Individual Contributions

(A) No individual who is seven years of age or older shall make a contribution or contributions aggregating more than:

- (i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Twelve thousand dollars (\$12,000) to a county political party for any party fund dedicated to support candidates for County office in a calendar year; or

(iv) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No individual who is under seven years of age shall make any contribution to a candidate for County office.

Section 3.2: Political Action Committee Contributions

(A) Subject to Article 5 of this Ordinance, no political action committee shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No political action committee shall make a contribution to a county political party for any party fund dedicated to support candidates for County office.

Section 3.3: Campaign Committee Contributions

No campaign committee shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year; or

(iv) Twelve thousand dollars (\$12,000) to a county political party for any party fund dedicated to support candidates for County office in a calendar year.

Section 3.4: Political Contributing Entity Contributions

(A) Subject to Article 5 of this Ordinance, no political contributing entity shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No political action committee shall make a contribution to a county political party for any party fund dedicated to support candidates for County office.

Section 3.5: County Political Party Contributions

No county political party with a fund dedicated to support candidates for County office shall make a contribution or contributions in a primary election period or a general election period, aggregating more than:

(i) Two hundred eighty-nine thousand dollars (\$289,000) to the campaign committee of any one candidate for Executive or Prosecutor; or

(ii) Twelve thousand dollars (\$12,000) to the campaign of any one candidate for County Council.

ARTICLE 4: Acceptance of Campaign Contributions

(A) No campaign committee of a candidate for County office shall knowingly accept a contribution from any individual who is under seven years of age.

(B) Subject to Article 5 of this Ordinance, no campaign committee of a candidate for County office, county political party, or state political party shall accept a contribution or contributions aggregating more than the permissible contribution amounts set forth in Article 3 of this Ordinance.

Article 5: Affiliated Organizations

For purposes of the limitations described in this Ordinance, all contributions made by and all contributions accepted from political action committees or political contributing entities that are established, financed, maintained, or controlled by, or that are, the same

corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person, are considered to have been made by or accepted from a single political action committee or political contributing entity.

Article 6: Deposit of Personal Funds in Candidate's Own Campaign Fund

Section 6.1: Deposit Required

Except as otherwise provided in Section 6.2 of this Ordinance, no candidate for County office shall make an expenditure of personal funds to influence the results of an election for that candidate's nomination or election to office unless the personal funds are first deposited into the campaign fund of that candidate's campaign committee.

Section 6.2: Deposit Not Required

A candidate for County office may make an expenditure of personal funds without first depositing those funds into the campaign committee's funds as long as the aggregate total of those expenditures does not exceed five hundred dollars (\$500) at any time during an election period. After the candidate's campaign committee reimburses the candidate for any direct expenditure of personal funds, the amount that was reimbursed is no longer included in the aggregate total of expenditures of personal funds subject to the five-hundred-dollar limit.

Section 6.3: Notice of Deposit

(A) If the campaign committee of any candidate for Executive or Prosecutor has received or expended or expects to expend more than one hundred thousand dollars (\$100,000) of personal funds during a primary election period or one hundred fifty thousand dollars (\$150,000) of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (D) of this Section indicating that the committee has received or expended or expects to expend more than that amount.

(B) If the campaign committee of any candidate for County council has received or expended or expects to expend more than twenty-five thousand dollars (\$25,000) of personal funds during a primary election period or twenty-five thousand dollars (\$25,000) of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (D) of this section indicating that the committee has received or expended or expects to expend more than that amount.

(C) For purposes of divisions (A) and (B) of this Section, when a debt or other obligation incurred by a committee or by a candidate on behalf of the candidate's committee is to be paid from "personal funds", those funds are considered to be expended when the debt or other obligation is incurred, regardless of when it is paid.

(D) The personal funds notice required in divisions (A) and (B) of this section and the declaration of no limits required under division (B) of Section 6.4 of this Ordinance shall

be filed with the Board of Elections. The personal funds notice required in divisions (A) and (B) of this section shall be filed not later than the earlier of the following times:

(i) One hundred twenty (120) days before a primary election, in the case of personal funds received, expended, or expected to be expended during a primary election period, or not later than one hundred twenty days (120) before a general election, in the case of personal funds received, expended, or expected to be expended during a general election period; or

(ii) Two (2) business days after the candidate's campaign committee receives or makes an expenditure of personal funds or the candidate makes an expenditure of personal funds on behalf of the candidate's campaign committee during that election period that exceed, in the aggregate, the amount specified in division (A) or (B) of this section.

Section 6.4: Declaration of No Limits

(A) Whenever a campaign committee files a notice under division (A) or (B) of Section 6.3 of this Ordinance, and the campaign committee of an opponent files a declaration of no limits pursuant to division (B) of this Section within thirty days of the filing of the personal funds notice under division (A) or (B) of Section 6.3 of this Ordinance, the contribution limitations prescribed in Articles 3 and 4 of this Ordinance no longer apply to the campaign committee of the candidate's opponent.

(B) No campaign committee of a candidate described in division (A) of this section shall accept any contribution or contributions from a contributor that exceed the limitations prescribed in Articles 3 and 4 of this Ordinance until the committee files a declaration that the committee will accept contributions that exceed those limitations. This declaration shall be filed not later than thirty (30) days after a candidate's opponent has filed a personal funds notice pursuant to division (A) or (B) of Section 6.3 of this Ordinance, shall be referred to as the "declaration of no limits," and shall list all of the following:

(i) The amount of cash on hand in the candidate's campaign fund at the end of the day immediately preceding the day on which the candidate's campaign committee files the declaration of no limits; and

(ii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate at the end of the day immediately preceding the day on which the candidate's campaign committee files the declaration of no limits.

(C) A candidate who was not an opponent of a candidate who filed the personal funds notice required under division (D) of Section 6.3 of this Ordinance on the date the personal funds notice was filed may file the declaration of no limits pursuant to division (B) of this section within thirty days after becoming an opponent of the candidate who filed the personal funds notice.

(D) If the candidate whose campaign committee filed a personal funds notice under division (A) or (B) of Section 6.3 of this Ordinance fails to file a declaration of candidacy for the office listed on the designation of treasurer filed under division (D) of section 3517.10 of the Revised Code or files a declaration of candidacy or nominating petition for that office and dies or withdraws, both of the following apply to the campaign committee of that candidate's opponent if the opponent has filed a declaration of no limits pursuant to division Section 6.4 of this section:

(i) No contribution from a contributor may thereafter be accepted that, when added to the aggregate total of all contributions received by that committee from that contributor during the primary election period or general election period, whichever is applicable, would cause that committee to exceed the contribution limitations prescribed in Articles 3 and 4 of this Ordinance for the applicable election period; and

(ii) The statement of primary-day finances or the year-end statement required to be filed under division (M) of Section 9.2 of this Ordinance of the Revised Code shall be filed not later than fourteen days after the date the candidate's opponent fails to file a declaration of candidacy or nominating petition by the appropriate filing deadline, or dies or withdraws. For purposes of calculating permitted funds under division (F) of Section 9.1 of this Ordinance, the primary or general election period, whichever is applicable, shall be considered to have ended on the filing deadline, in the case of an opponent who fails to file a declaration of candidacy or nominating petition, or on the date of the opponent's death or withdrawal. In such an event, the filing of a statement of primary-day finances or year-end finances and the disposing of any excess funds as required under Section 9.2 of this Ordinance satisfies the candidate's obligation to file such a statement for that election period.

Section 6.5: Prohibitions

(A) No campaign committee shall fail to file a personal funds notice as required under division (A) or (B) of Section 6.3 of this Ordinance.

(B) No campaign committee shall accept any contribution in excess of the contribution limitations prescribed in Articles 3 and 4 of this Ordinance:

(i) Unless a declaration of no limits has been filed under division Section 6.4 of this Ordinance;

(ii) In violation of division (D) of Section 6.4 of this Ordinance once the candidate who filed a personal funds notice under division (D) of Section 6.3 of this Ordinance fails to file a declaration of candidacy or nominating petition or that candidate dies or withdraws.

(C) No campaign committee that violates division (A) of this Section shall expend any personal funds in excess of the amount specified in division (A) or (B) of Section 6.3 of this Ordinance, whichever is appropriate to the committee.

(D) The candidate of any campaign committee that violates this Section shall forfeit the candidate's nomination, if the candidate was nominated, or the office to which the candidate was elected, if the candidate was elected to office.

Article 7: Additional Contributions for Unpaid Debt

(A) Whenever the campaign committee of a candidate has unpaid debt at the end of a primary election period or at the end of a general election period, the committee may accept additional contributions during the immediately following election period up to the applicable limitation prescribed under this Ordinance from any individual, political action committee, political contributing entity, or other campaign committee who, during the primary or general election period for which debt remains unpaid, has contributed less than the contribution limitations prescribed under this Ordinance applicable to that individual, political action committee, political contributing entity, or other campaign committee.

(B) Any additional contribution that a campaign committee accepts under this Article shall count toward the applicable limitations prescribed under this Ordinance for that primary or general election period at the end of which the debt remains unpaid, and shall not count toward the applicable limitations for any other primary or general election period if all of the following conditions apply:

(i) The campaign committee reports, on the statement required to be filed under division (A)(2) of Section 3517.10 of the Ohio Revised Code, all debt remaining unpaid at the end of the election period. The committee shall also file a separate statement, on a form prescribed by the Board of Elections, at the same time that the committee is required to file a statement of contributions and expenditures under Section 3517.10 of the Revised Code. The separate statement shall include the name and address of each contributor who makes an additional contribution under this Article, how the contribution was applied to pay the unpaid debt as required by this Article, and the balance of the unpaid debt after each contribution was applied to it.

(ii) The additional contributions are accepted only during the primary or general election period, whichever is applicable, immediately following the election period covered in the statement filed under division (B)(i) of this Article.

(iii) All additional contributions made under this Article are used by the campaign committee that receives them only to pay the debt of the committee reported under division (B)(i) of this Article.

(iv) The campaign committee maintains a separate account for all additional contributions made under this Section and uses moneys in that account only to pay the unpaid debt reported under division (B)(i) of this Article and to administer the account.

(v) The campaign committee stops accepting additional contributions after funds sufficient to repay the unpaid debt reported under this Article have been raised and promptly disposes of any contributions received that exceed the amount of the unpaid debt by returning the excess contributions to the contributors or by giving the excess contributions to an organization that is exempt from federal income taxation under subsection 501(A) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the Internal Revenue Code.

**Article 8: Disposal of Any Excess Funds and Excess Aggregate Contributions
(without filing of “no limits” declaration)**

Section 8.1: Definitions Specific to This Article

The following definitions apply only to this Article:

(A) *Aggregate Contribution* – The total of all contributions from a contributor during the pre-filing period.

(B) *Allowable Aggregate Contribution* – Includes all of the following:

(i) In the case of a contribution from a contributor whose contributions are subject to the contribution limits described in this Ordinance, that portion of the amount of the contributor’s aggregate contribution that does not exceed the preprimary contribution limit applicable to that contributor.

(ii) In the case of a contribution or contributions from a contributor whose contributions are not subject to the contribution limits in this Ordinance, the portion of the aggregate contribution that was received as in-kind services.

(C) *Applicable Carry-In Limit* – Thirty-five thousand dollars (\$35,000) if the candidate is a candidate for County Council, and two hundred thousand dollars (\$200,000) if the candidate is a candidate for Executive or Prosecutor.

(D) *Campaign Asset* – Prepaid, purchased, or donated assets available to the candidate on the date of the filing deadline for the office the candidate is seeking that will be consumed or depleted in the course of the candidate’s election campaign, including, but not limited to, postage, prepaid rent for campaign headquarters, prepaid radio, television, and newspaper advertising, and other prepaid consulting and personal services.

(E) *Covered Candidate* – Includes both of the following:

(i) A candidate who, during the pre-filing period, accepts or has a campaign committee that accepts contributions on the candidate’s behalf for the purpose of nominating or electing the candidate to any office not subject to the contribution limits prescribed in this Ordinance; or

(ii) A person who, during the pre-filing period, accepts or has a campaign committee that accepts contributions on the person’s behalf prior to the person

deciding upon or announcing the office for which the person will become a candidate for nomination or election.

(F) *Excess Aggregate Contribution* – For each contributor, the amount by which that contributor’s aggregate contribution exceeds that contributor’s allowable aggregate contribution.

(G) *Excess Funds* – The amount by which the sum of the total cash on hand and total reported campaign assets exceeds permitted funds.

(H) *Filing Date* – The last date on which a candidacy petition may be filed for an office.

(I) *Permitted Funds* – The sum of the following:

- (i) The total of the allowable aggregate contribution of each contributor; and
- (ii) The applicable carry-in limit.

(J) *Pre-Filing Period* – The period of time ending on the day that the candidacy petitions are due for the County office for which the candidate has filed and beginning on the latest date of the following:

- (i) The first day of January of the year following the general election in which that County office was last on the ballot;
- (ii) The first day of January of the year following the general election in which the candidate was last a candidate for any office; or
- (iii) The first day of the month following the primary election in which the candidate was last a candidate for any office.

Section 8.2: Disposal of Any Excess Funds and Excess Aggregate Contributions

(A) Each candidate who files for County office, not later than the filing date for that office, shall dispose of any excess funds. Each covered candidate who files for County office, not later than the filing date for that office, shall dispose of any excess aggregate contributions.

(B) Any campaign committee that is required to dispose of excess funds or excess aggregate contributions under division (A) of this section shall dispose of that excess amount or amounts by doing any of the following:

- (i) Giving the amount to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund created by division (I) of section 3517.152 of the Revised Code;
- (ii) Giving the amount to individuals who made contributions to that campaign committee as a refund of all or part of their contributions;

(iii) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

(C) Subject to division (D) of this Section, no candidate or covered candidate shall appear on the ballot, even if certified to appear on the ballot, unless the candidate's or covered candidate's campaign committee has disposed of excess funds, excess aggregate contributions, or both as required by divisions (A) and (B) of this section.

(D) If the excess aggregate contributions accepted by a covered candidate or a covered candidate's campaign committee aggregate a total of less than five thousand dollars from all contributors, that candidate shall not be prohibited from appearing on the ballot under division (C) of this Section.

(E) The campaign committee of each candidate required to dispose of excess funds under this Section shall file a report with the Board of Elections. The report shall be filed by the seventh day following the filing deadline for the office the candidate is seeking, shall indicate the amount of excess funds disposed of, and shall describe the manner in which the campaign committee disposed of the excess amount. In addition, the campaign committee of each covered candidate required to dispose of excess aggregate contributions under this section shall include in that report the source and amount of each excess aggregate contribution disposed of and shall describe the manner in which the campaign committee disposed of the excess amount.

(F) Each campaign committee of a candidate who has filed a declaration of candidacy or a nominating petition for a County office, not later than seven days after the filing date for the office the candidate is seeking, shall file a declaration of filing-day finances with the Board of Elections. A declaration of filing-day finances shall list all of the following:

- (i) The amount of cash on hand in the candidate's campaign fund on the filing date for the office the candidate is seeking;
- (ii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate on the filing date. Assets purchased by the campaign shall be valued at actual cost, and in-kind contributions shall be valued at market value;
- (iii) The total of all aggregate contributions;
- (iv) The total of all allowable aggregate contributions; and
- (v) The applicable carry-in limit, if any.

(G) In addition to the information required to be included in a report of filing-day finances filed under division (F) of this section, the campaign committee of each covered candidate shall include both of the following in that report:

(i) The total of all excess aggregate contributions; and

(ii) For each contributor, if any, for whom there is an excess aggregate contribution, the name, address, aggregate contribution, and excess aggregate contribution.

(H) A campaign committee of a candidate is not required to file a declaration of filing-day finances under division (F) of this section if all of the following apply:

(i) The campaign committee has not accepted, during the pre-filing period, any aggregate contribution greater than the applicable amount;

(ii) The campaign committee had less than the carry-in amount in cash on hand at the beginning of the pre-filing period; and

(iii) The candidate files a declaration with the Board of Elections not later than seven days after the filing date for the office that candidate is seeking, stating that the candidate's campaign committee has not accepted aggregate contributions as described in division (H)(i) of this section and has less than the carry-in amount in cash on hand as described in division (H)(ii) of this section.

Article 9: Disposal of Any Excess Funds and Excess Aggregate Contributions by Candidate Filing Declaration of No Limits or Personal Funds Notice

Section 9.1: Definitions Specific to This Article

The following definitions apply only to this Article:

(A) *Aggregate Contribution, Allowable Aggregate Contribution, Excess Aggregate Contribution, and Pre-Filing Period* – The same meanings as in Article 8 of this Ordinance.

(B) *Campaign Asset* - Prepaid, purchased, or donated assets, goods, or services available to the candidate's campaign committee on the date specified in the filing required under division (N) of this Section that will be consumed, depleted, or used in the course of the candidate's election campaign, including, but not limited to, postage, rent for any campaign office, radio, television, and newspaper advertising, and consulting and personal services.

(C) *Excess Funds* - The amount by which the sum of the campaign committee's cash on hand on the date specified in the filing required to be made under division (N) of this Section and total reported campaign assets exceeds permitted funds.

(D) *Filing Deadline* - The last date on which a candidacy petition may be filed for an office.

(E) *Net Cash on Hand* - The cash on hand on the day of the primary election less the sum of all debts and obligations reported under division (F) of this section.

(F) *Permitted Funds* – Includes one of the following:

(i) In the case of a disposal of excess funds under Section 9.2(A) of this Ordinance, the sum of the primary carry-in amount and the product of both of the following:

(1) The sum of the campaign committee's net cash on hand and the campaign committee's total reported campaign assets on the day of the primary election less the primary carry-in amount; and

(2) The ratio of the sum of the allowable aggregate contributions of each contributor to the sum of all contributions received, during the period extending from the first day on which, in accordance with Article 6 this Ordinance, the contribution limitations prescribed this Ordinance no longer apply to the campaign committee through the end of the primary election period.

For the purposes of division (F)(i) of this Section, the “allowable aggregate contribution” of each contributor is calculated as if the limitations on contributions prescribed in this Ordinance were in effect.

As used in division (F)(i) of this section, “primary carry-in amount” is the sum of the campaign committee's cash on hand and reported campaign assets as reported on the campaign committee's declaration of no limits filed pursuant to Section 6.4 of this Ordinance.

(ii) In the case of a disposal of excess funds under division (E) of this section, the product of both of the following:

(1) The sum of the cash on hand and reported campaign assets at the end of the thirty-first day of December immediately following the general election;

(2) The ratio of the sum of the allowable aggregate contributions of each contributor and the general carry-in amount to the sum of all contributions received during the general election period and the general carry-in amount.

For the purposes of division (F)(ii) of this section, when a candidate has filed a declaration of no limits under Section 6.4 of this Ordinance, the allowable aggregate contribution calculated for each contributor is calculated as if the limitations on contributions prescribed in this Ordinance were in effect.

As used in division (F)(ii) of this section, “general carry-in amount” is the sum of the campaign committee's reported campaign assets and net cash on hand as of the day of the primary election, after the committee has disposed of excess funds under Section 9.2(A) of this Ordinance, if required.

Section 9.2: Disposal of Any Excess Funds and Excess Aggregate Contributions by Candidate Filing Declaration of No Limits or Personal Funds Notice

(A) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate who has filed a declaration of no limits in accordance with Section 6.4 of this Ordinance and to which the contribution limitations prescribed in this Ordinance no longer apply during a primary election period, shall dispose of any excess funds not later than fourteen (14) days after the day on which the primary election was held.

(B) The campaign committee of any candidate that has filed a personal funds notice under Article 6 of this Ordinance shall, at the end of the primary election period, do one of the following:

(i) Return that portion of the personal funds remaining in the candidate's campaign committee fund at the end of the primary election period that are excess funds not later than fourteen days after the day on which the primary election was held; or

(ii) Retain the personal funds remaining in the candidate's campaign committee fund at the end of the primary election period and file a statement with the Board of Elections declaring that the campaign committee will retain those remaining personal funds in the committee's campaign fund and indicating the amount of remaining personal funds that would be characterized as excess funds.

(C) If a campaign committee elects to retain personal funds pursuant to division (B)(ii) of this Section, the amount characterized as excess funds is considered to be an expenditure of personal funds for the purpose of determining whether the amount of personal funds the campaign committee has received under divisions (A) and (B) of Section 6.3 of this Ordinance during an election period exceeds the amounts specified in those divisions.

(D) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate that has expended personal funds in excess of the amount specified in Article 6 of this Ordinance shall dispose of any excess funds not later than fourteen (14) days after the day on which the primary election is held or the thirty-first day of December after the day on which the general election was held, whichever is applicable, or choose to retain personal funds under division (B) of this Section. The calculation of excess funds under this division shall be made in the same manner that a campaign committee is required to dispose of excess funds under division (A) or (E) of this Section, whichever election period is applicable. For the purposes of this division, the allowable aggregate contribution of each contributor, including one or more contributions from the candidate and from the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage, is calculated for that contributor as if the contribution limitations prescribed by this Ordinance were in effect.

(E) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate to which, in accordance with Section 6.4 of this Ordinance, the

contribution limitations prescribed in this Ordinance no longer apply during a general election period, shall dispose of any excess funds not later than the thirty-first day of December after the day on which the general election was held.

(F) Notwithstanding Section 8.2 of this Ordinance, the amount of excess aggregate contributions required to be disposed of under that Section by a candidate whose contribution limitations have been reimposed pursuant to Section 6.4 of this Ordinance is limited to no more than the sum of the following:

(i) The difference between the sum of the cash on hand and reported campaign assets on the date of the declaration of candidacy filing deadline, date of death, or date of withdrawal, whichever is applicable, less the sum of the cash on hand and reported campaign assets reported on the campaign committee's declaration of no limits under Section 6.4 of this Ordinance;

(ii) The sum of the aggregate excess contributions of all contributors made from the beginning of the primary election period to the day immediately preceding the day on which contribution limitations prescribed in this Ordinance became inapplicable pursuant to division Section 6.4 of this Ordinance.

(G) Any campaign committee that is required to dispose of excess funds or excess aggregate contributions under this section shall dispose of the excess amount or amounts in accordance with division (B) of Section 8.2 of this Ordinance.

(H) Any candidate who knowingly fails to dispose of excess funds or excess aggregate contributions as required by this Section, except a candidate whose campaign committee has been given a letter of substantial compliance as provided for in division (I) of this section, shall not appear on the ballot, even if the candidate has been certified to appear on the ballot.

(I) The Board of Elections shall, after initially examining and reviewing any declaration provided for in division (N) of this Section and making a determination that a campaign committee has substantially complied with the disposal requirements of this Section, promptly issue to the candidate's campaign committee a letter certifying that committee's substantial compliance.

(J) The campaign committee of a candidate for Executive or Prosecutor has not substantially complied with the disposal requirements of this Section if, upon initial review of a declaration filed pursuant to division (N) of this Section, it is discovered that the candidate's campaign committee has failed to dispose of excess funds or excess aggregate contributions totaling in the aggregate more than ten thousand dollars (\$10,000).

(K) The campaign committee of a candidate for member of County Council has not substantially complied with the disposal requirements of this Section if, upon initial review of a declaration filed pursuant to division (N) of this Section, it is discovered that the candidate's campaign committee has failed to dispose of excess funds or excess

aggregate contributions totaling in the aggregate more than twenty-five hundred dollars (\$2,500).

(L) Any campaign committee that has received a letter indicating substantial compliance as provided for in division (I) of this section shall, within thirty days after receiving such a letter, fully comply with the disposal requirements of this Section.

(M) When the campaign committee of a candidate files a personal funds notice or a declaration of no limits in accordance with Section 6.4 of this Ordinance, the campaign committee of each such candidate shall file in the case of a primary election period a declaration of primary-day finances not later than fourteen (14) days after the day on which the primary election was held, or shall file in the case of a general election period a declaration of year-end finances not later than the last business day of January of the next calendar year immediately following the day on which the general election was held.

(N) The declaration of primary-day finances and declaration of year-end finances shall be filed with the Board of Elections and shall list all of the following:

(i) The amount of net cash on hand in the candidate's campaign committee fund at the end of the day on which the primary election was held or cash on hand on the thirty-first day of December immediately following the day on which the general election was held, whichever is appropriate;

(ii) In the case of a declaration of primary-day finances, any debt or other obligation incurred by the committee during the primary election period and related to the primary election of the campaign committee's candidate;

(iii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate at the end of the day on which the primary election was held or on the thirty-first day of December immediately following the day on which the general election was held;

(iv) The total of all aggregate contributions received by the candidate's campaign committee during the primary or general election period;

(v) The total of all allowable aggregate contributions received by the candidate's campaign committee during the primary or general election period, whichever is applicable. The allowable aggregate contribution of each contributor shall be calculated as if the contribution limitations prescribed by this Ordinance were in effect; and

(vi) A description of all excess funds and excess aggregate contributions disposed of by the candidate's campaign committee in accordance with this Section for that election.

(O) The campaign committee of a candidate is not required to dispose of excess funds or excess aggregate contributions under this Section if both of the following apply:

- (i) The campaign committee has not accepted any aggregate contribution greater than the amount applicable under that division; and
- (ii) The campaign committee files a statement with the Board of Elections stating that the committee has not accepted aggregate contributions as described in division (O)(1) of this section.

Article 10: Contribution Limitations Adjustments

(A) In January of each odd-numbered year, the Board of Elections, in accordance with this division and division (B) of this section, shall adjust each dollar amount specified in this Ordinance. 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 2008 yearly average as the base year, the Board of Elections 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 this Ordinance as determined in the previous odd-numbered year, 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 figure shall then be rounded up to the nearest \$500.

If the resulting amount is less than one hundred dollars for any calculation, the Board of Elections shall retain a record of the resulting amount and the manner in which it was calculated, but shall not make an adjustment unless the resulting amount, when added to the resulting amount calculated in each prior odd-numbered year since the last adjustment was made, equals or exceeds one hundred dollars.

(B) On or before the twenty-fifth day of February of each odd-numbered year, the Board of Elections shall prepare and publish a report setting forth the maximum contribution limitations under this Ordinance, and the maximum amounts, if any, of contributions permitted to be kept under this Ordinance. The Board of Elections shall base the adjustment on the most current consumer price index that is described in division (A) of this section and that is in effect as of the first day of January of each odd-numbered year. The report and all documents relating to the calculations contained in the report are public records. The report shall contain an indication of the period in which the limitations and the maximum contribution amounts apply, and a summary of how the limitations and the maximum contribution amounts were calculated, and a statement that the report and all related documents are available for inspection and copying at the Board of Elections main offices.

On or before the twenty-fifth day of February of each odd-numbered year, the Board of Elections shall transmit the report to the Executive, Prosecutor and each member of County Council. The Board of Elections shall send the report by mail to each person who files a declaration of candidacy or nominating petition with the Board of Elections for the office of Executive, Prosecutor, or a position on County Council. The report shall be mailed on or before the tenth day after the filing.

Article 11: Penalties

(A) Any individual who violates Section 3.1 of this Ordinance of the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(B) Any political action committee that violates Section 3.2 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(C) Any campaign committee that violates Section 3.3 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(D) Any political contributing entity that violates Section 3.4 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(E) Notwithstanding divisions (A), (B), (C) and (D) of this Section, no violation of Article 3 of this Ordinance occurs if the amount transferred or contributed in excess of the amount permitted by that division meets either of the following conditions:

(i) It is completely refunded within five (5) business days after it is accepted; or

(ii) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the Board of Elections that a transfer or contribution in excess of the permitted amount has been received.

(F) Any campaign committee, county political party, or state political party that violates Article of this Ordinance shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(G) Notwithstanding division (F) of this Section, no violation of Article 4 of this Ordinance occurs, if the amount transferred or contributed in excess of the amount permitted to be accepted by that division meets either of the following conditions:

(i) It is completely refunded within five business days after its acceptance;

(ii) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the Board of Elections that a transfer or contribution in excess of the permitted amount has been received.

(H) Any campaign committee that accepts a contribution or contributions in violation of Article 7 of this Ordinance, uses a contribution in violation of that Article, or fails to

dispose of excess contributions in violation of that Article shall be fined an amount equal to three times the amount accepted, used, or kept in violation of that Article.

(I) A campaign committee that is required to file a declaration of no limits under Section 6.4 of this Ordinance that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in this Ordinance, shall return that contribution or those contributions to the contributor.

(J) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under Articles 8 or 9 of this Ordinance in the manner prescribed by each respective Article shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (I) of section 3517.152 of the Revised Code all funds not disposed of pursuant to those divisions.

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

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 26, 2011

Committee(s) Assigned: Rules, Charter Review, Ethics & Council Operations

Journal _____
_____, 2011