

**CINCINNATI ELECTIONS COMMISSION  
RULES OF PROCEDURE AND  
RULES FOR ADMINISTRATION AND ENFORCEMENT OF  
ARTICLE XIII OF THE CHARTER OF THE CITY OF CINCINNATI AND  
CHAPTER 117 OF THE CINCINNATI MUNICIPAL CODE**

**I. RULES OF PROCEDURE**

Rule 1 – Adoption of Robert’s Rules of Order

The Commission meetings shall be conducted in a manner consistent with Robert’s Rules Order, except that:

- (a) Commission members are not required to obtain the floor before making motions or speaking.
- (b) Motions need not be seconded.
- (c) There is no limit to the number of times a member may speak to a question.

Rule 2 – Regular Meetings

The Commission shall meet each election year to discuss the upcoming elections that year. The first meeting of the Commission each election year shall occur no later than March 15 of an election year. The first meeting shall be called, and the Commission members notified, by the Chairperson of the Commission or by a member of the City administration who provides support to the Commission, at least 2 weeks prior to the date of the meeting.

The Commission shall meet at least once each month thereafter, unless the Commission determines there are no items to discuss and no business for the Commission to address, or until any and all issues over which the Commission has oversight have been resolved. The Commission may establish a regular meeting date and time or may establish the next meeting date at each Commission meeting. The Commission shall publish the schedule of its regular meetings on the City’s website at <http://www.cincinnati-oh.gov/cityofcincinnati/>.

Rule 3 – Special Meetings

A special meeting can be called at any time and with reasonable notice, by the Chairperson alone, or at the request of any two of the Commission members, who shall submit their written request to the Chairperson. Whichever member(s) calls or requests a special meeting shall, at the time of the request, specify the purpose of the special meeting. The Commission shall publish the notice of the special meeting, including the date, time, location, and purpose, on the City’s website at [insert URL].

Rule 4 – Chairperson’s Role

The Chairperson shall conduct the meeting. In the absence of the Chairperson, the Vice-Chairperson shall conduct the meeting.

The Chairperson shall vote on all issues as any other Commission member.

#### Rule 5 – Minutes, Roll Call

Minutes and Roll Call shall be kept for every regular and special meeting. After each meeting, the minutes shall be promptly prepared and circulated to all members of the Commission. At the next subsequent meeting, the Commission shall approve the minutes of the preceding meeting. The Commission shall maintain approved minutes of all meetings of the Commission, and shall make the approved minutes available for public inspection consistent with Ohio law.

#### Rule 6 – Quorum

A meeting of the Commission shall only convene if a quorum is present. A quorum shall consist of at least a majority of the Commission members currently appointed, inclusive of the Chairperson. If a quorum is not present, the Commission may take no formal action. A meeting may nonetheless be held as long as two members of the Commission members are present.

#### Rule 7 – Majority

A majority shall consist of a simple majority of all Commission members present. The Commission shall act only if a majority of the Commission present concurs in the action, unless otherwise specified in these rules of procedure.

#### Rule 8 – Meetings Open to the Public

All meetings of the Commission shall be open to the public, consistent with the law of the State of Ohio.

#### Rule 9 – Notice to the Public

The Commission shall provide notice to the public of the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by publishing the schedule of its regular meetings and any special meetings on the City's website at <http://www.cincinnati-oh.gov/cityofcincinnati/>.

The Commission shall provide at least forty-eight hours notice of all regular meetings and at least twenty-four hours notice of all special meetings.

#### Rule 10 – Opportunity for Public to Address the Commission

Members of the public in attendance at the regular or special meetings shall be permitted to address the Commission.

The Chairperson shall have the discretion to reasonably limit the time provided to each member of the public who seeks to address the Commission.

#### Rule 11 – Amendment or Adoption of Rules

Any member may propose an amendment to a rule governing the Commission or may propose the adoption of a new rule.

The Commission may amend a rule or adopt a new rule only by a majority vote.

### Rule 12 – Absence of a Rule

In the absence of a rule governing a question before the Commission, the Commission may decide the question only by a majority vote of the Commission.

### Rule 13 – Forms

All candidates shall file all campaign finance reports on the campaign reporting forms adopted and promulgated by the Secretary of State of Ohio or in any other method approved by the Hamilton County Board of Elections. No other reports or forms shall be accepted.

At a minimum, each candidate shall be required to file the following forms, or forms approved by the Hamilton County Board of Elections containing the same information as the following:

- (a) Form 30-A, "Ohio Campaign Finance Report";
- (b) Form 31-A, "Statement of Contributions Received," if the candidate has received any contributions during the applicable reporting period;
- (c) Form 31-B, "Statement of Expenditures," if the candidate has made any expenditures during the applicable reporting period;
- (d) Form 31-E, "Statement of Contributions Received at a Social or Fundraising Event," if the candidate has received any contributions during a social or fundraising event, as those terms are defined by applicable state law, during the applicable reporting period;
- (e) Form 31-F, "Statement of Expenditures for Social or Fundraising Event," if the candidate has made any expenditure in connection with a social or fundraising event, as those terms are defined by applicable state law, during the applicable reporting period;
- (f) Form 31-J, "Statement of In-Kind Contributions," if the candidate has received any in-kind contribution during the applicable reporting period.

The Commission will not accept any submission that is not made on a campaign finance form that has been promulgated by the Secretary of State of the State of Ohio or that has not been approved by the Hamilton County Board of Elections. The Commission will also not accept any submission made on a form promulgated by the Secretary of State, or approved by the Hamilton County Board of Elections, if that form merely incorporates or refers to an attached, nonstandard submission such as a spreadsheet or handwritten table.

### Rule 14 – Contributions

- A. In-Kind Contributions: "In-kind contribution" shall have the same definition as that term is accorded in Ohio Revised Code Section 3517.01(C)(16) or any successor statute. Contributions, as referenced in these Rules and in Article XIII of the Charter of the City of Cincinnati, shall include in-kind contributions, so that in-kind contributions shall count toward the aggregate contributions limited by Article XIII, Section 1 of the Charter of the City of Cincinnati. A candidate who receives in-kind contributions shall report such contributions to the Cincinnati Elections Commission in the same manner that such contributions are required to be reported under Ohio Revised Code Section 3517.10. A candidate who receives in-kind contributions shall use the Ohio Secretary of State's Form 31-J-1, "In-Kind Contributions Received", for the purpose of reporting such contributions to the Cincinnati Elections Commission.

- B. Contributions from Campaign Committees: "Campaign committee" shall have the same definition as that term is accorded in O.R.C. Section 3517.01(C)(1) or any successor statute. A campaign committee may contribute to a candidate for mayor or council the same amount as an individual is permitted to contribute to such candidates pursuant to Article XIII, Section 1 of the Charter of the City of Cincinnati.
- C. Political Contributing Entity: "Political Contributing Entity" or "PCE" shall have the same definition as that term is accorded in Ohio Revised Code Section 3517.01(C)(25) or any successor statute. PCEs shall be subject to the same campaign contribution limits as a person.
- D. LLC: An LLC shall not be considered a person, separate from the individual person who owns the LLC, for purposes of campaign contribution limits. An LLC may not make campaign contributions solely in the name of the LLC and must allocate the contribution or a portion of the contribution to the person, owner, member, and/or partner making the contribution.

#### Rule 15 – Electronic Filing

A person or entity required to file a report with the Commission may file the report by electronic means at the email address or facsimile number designated by the custodian of the records of the Cincinnati Elections Commission, the City of Cincinnati Law Department.

#### Rule 16 – Adjustment to Documents to Reflect Any Increase in Campaign Finance Reform Limits

The Commission shall adjust documents to reflect any increase in campaign finance contribution limits that is enacted by the City Council of Cincinnati.

#### Rule 17 – Filing Period

The reporting period for the report due on the last business day of July shall be from the last day reflected in the last previously filed statement, if any, or the day after the previous election day if the candidate did not previously file a report with the Commission, to the close of business on the last day of June of the election year.

The reporting period for the report due on the thirty-eighth day after the municipal general election shall be from the close of business on the last day reflected on the last previously filed statement, if any, to the close of business on the seventh day before the filing of this report. For most candidates, this report will reflect contributions and expenditures beginning on July 1 of the election year.

If a mayoral primary is held in an election year, in addition to the two reports described above, the two successful mayoral candidates shall file a report of contributions and expenditures by no later than seven days after the primary. This report must identify the contributions received and expenditures made from December 1 of the last election year to the close of business on the date of the primary.

#### Rule 18 – Accounting Method

A. Campaign funds converted from a campaign for a non-City office to a campaign for either mayor or council must comply with the contribution limits established by Article XIII. The

contribution limits apply to the period beginning the thirty-second day after the most recent municipal general election for the office for which the candidate is running through the time period specified in Article XIII, Section 1.

For both mayoral and council candidates in 2021, the beginning date for determining contribution limitations will be the thirty-second day after the 2017 general election for mayor and council. For mayoral elections after 2021, the beginning date for mayoral candidates will be the thirty-second day after the most recent municipal election for mayor, which election occurs every four years. For council elections after 2021, the beginning date will be the thirty-second day after the most recent municipal election for council, which election occurs every two years.

#### B. Accounting Method for Converting Non-City Campaign Accounts.

In accordance with Cincinnati Municipal Code Section 117-6, the burden shall be on the candidate to demonstrate that any funds raised since the thirty-second day after the applicable municipal election as provided in Section A above, and then converted to council or mayoral campaign funds, comply with the City's contribution limits, as provided in Article XIII and Chapter 117 and the Advisory Opinion issued March 11, 2021. Contributions in excess of the City's contribution limits must be disposed of in accordance with state law.

In order to meet this burden, candidates shall submit an accounting of any campaign funds being converted to council or mayoral campaign funds. This accounting shall reflect that the funds raised first were those that were spent first by the campaign. The burden shall be on the candidate to demonstrate that funds raised in a non-City campaign that exceed the contribution limits permitted by Article XIII have been disposed of in accordance with O.R.C. § 3517.109(C).

#### Rule 19 - Data Entry and Reports

The Commission shall coordinate with the City Solicitor's Office for the purpose of entering into a database the data on the forms submitted by all candidates.

The Solicitor's Office shall be responsible for compiling the data and providing reports to the Commission within a reasonable time after each reporting deadline.

Said reports shall provide information necessary for the Commission to administer and enforce Article XIII of the Cincinnati City Charter including, but not limited to:

- (a) The full name and address of each person, political party, campaign committee, legislative campaign fund, political action committee, or contributor from whom contributions are received;
- (b) The amount, in dollars and cents, of each contribution;
- (c) The day, month, and year on which each contribution was received;
- (d) The total amount that each contributor has contributed to each candidate's campaign during the election year.

#### Rule 20 – Review of the Reports

The Commission shall review the reports provided by the clerical staff to determine if the candidates are in compliance with the campaign finance regulations of Article XIII and Chapter

117 of the Cincinnati Municipal Code, and shall investigate any matters that appear to the Commission to violate any of the provisions of Article XIII or Chapter 117 of the Cincinnati Municipal Code.

#### Rule 21 – Determination of Compliance

At the conclusion of each reporting period, the Commission shall determine whether the campaign finance reports that each candidate has filed with the Commission are complete and accurate.

#### Rule 22 – Addendum to the Report

- (a) If the Commission makes a preliminary determination that a report filed with it is incomplete or inaccurate, or shows potential excess contributions, it shall conditionally accept the report and by certified mail notify the filer of the deficiency.
- (b) Within 7 days of receipt of the notice, the filer may submit an addendum to correct the deficiency. The Commission may, upon written request of the filer, grant an extension to file the addendum. If the filer fails to submit an acceptable addendum, the Commission shall conduct further proceedings in accordance with these rules.

#### Rule 23 – Review of Complaint Upon Sworn Affidavit

The Commission shall, upon presentation to the Commission of a sworn affidavit of any person, made on personal knowledge, setting forth an alleged violation of the provisions of this chapter, immediately transmit a copy of such affidavit by certified mail to the candidate and the treasurer of the candidate's campaign committee. As soon as practical after receipt of the complaint, the Commission shall notify the candidate against whom the violation is alleged, the treasurer of the candidate's campaign committee, and the complainant of the time and place of the hearing.

The Commission shall investigate the alleged violation through staff, and staff shall provide the Commission with a written report documenting the results of the investigation, including the correction or lack thereof of any alleged violations by the alleged violator. The report shall be provided to the Commission at least one week before the scheduled hearing date. The Commission shall provide the candidate and treasurer with a copy of the investigative report at least three (3) days in advance of the scheduled hearing.

The hearing shall be conducted within thirty (30) days of the date the Commission receives the complaint.

#### Rule 24 – Hearing Procedure

At the hearing, the Commission will consider the investigative report. The Commission may request that the investigator provide additional evidence or testimony in support of the report. The candidate may present his or her evidence via written argument with affidavits attached or with live testimony. At the hearing, all testimony shall be under oath.

The candidate, or the candidate's campaign treasurer, may:

- (a) Present written arguments in support of his or her contention that there has been no violation;

- (b) Offer and examine witnesses and present evidence refuting the allegations of violation or demonstrating that any alleged violation was remedied;
- (c) Cross examine witnesses;
- (d) Proffer any such evidence into the record, if the admission of it is denied by the Commission.

At the expiration of all arguments, evidence, and testimony provided by the staff investigator and the candidate or the candidate's campaign treasurer, the complainant(s) may present arguments in support of or against the contention that there has been a violation. The Commission may set the duration of complainants' arguments, but the complainants' arguments shall not exceed fifteen (15) minutes in total. The complainant(s) may not call witnesses or submit evidence in addition to that submitted by the investigator or the candidate or the candidate's campaign treasurer. Upon conclusion of any arguments made by the complainant(s), the staff investigator and the candidate or the candidate's treasurer shall be given an opportunity to address or rebut the arguments made by the complainant(s).

#### Rule 25 – Hearing Decision

A majority of the Commission shall issue a decision within thirty (30) days from the close of the hearing.

The Commission shall send to the alleged violator and the complainant, within thirty (30) days of the end of the hearing, written decision on the alleged violation.

#### Rule 26 – Finding a Violation

If, after the hearing, the Commission determines that a violation has occurred, the Commission may impose a civil fine in accordance with the schedule of fines contained in Article XIII, the imposition of which shall be subject to appeal under the provisions of the Ohio Revised Code applicable to appeals from administrative agencies. Fines imposed may be referred to the appropriate agency or office for collection. Any fines collected under the provisions of this Article shall be deposited in the general fund of the City of Cincinnati.

#### Rule 27 – Federal PAC Filing Requirements.

When a federal Political Action Committee ("PAC") is required by Article XIII of the Charter or Cincinnati Municipal Code Chapter 117 to file a report with the Commission concerning a mayoral or council election, the PAC shall be required to file with the Commission only those reports that the State of Ohio requires a federal PAC to file with the State and/or Hamilton County in relation to a municipal election in Cincinnati.

#### Rule 28 – Power to Subpoena

The Commission may apply to council to issue and compel compliance with a subpoena ordering attendance of a witness or production of a document, and to administer oaths

#### Rule 29 – Power to Render Advisory Opinion; Effect

The Commission may render an advisory opinion. A person who reasonably relies on a

Commission advisory opinion is not liable for a violation of this Article.

Rule 30 – Adjustment of Contribution Limits

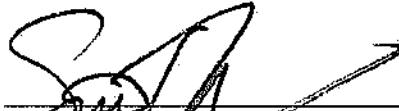
Every four years, the Commission shall adjust the contribution limits in section 1 of Article XIII by the same percentage as the periodic adjustments to the salaries of the mayor and a council member, rounded up to the nearest one hundred dollars.

Staff of the Commission shall amend all documents issued by the Commission to reflect such adjustments.

Rule 31 –Five Month Report

The Commission shall issue a comprehensive report each election cycle within five months of an election as required by the Charter.

Adopted and Effective by vote of the Cincinnati Elections Commission, on the 8<sup>th</sup> day of April, 2021.



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Seth Walsh, Chairperson  
Cincinnati Elections Commission