

Ordinance No. 854-17

Council Member Kelley

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 110A, Circulation of Initiative or Referendum Petition Regulation, Sections 110A.01 through 110A.03, to require filing an itemized statement including all moneys or things of value paid, given, or promised for circulating petitions, and prohibit certain practices relative to petitions.

WHEREAS, Ohio Revised Code Sections 731.28 to 731.41 regulate the initiative and referendum petition process, but requirements do not apply to any municipality which adopts its own charter containing an initiative and referendum provision for its own ordinances and other legislative measures; and

WHEREAS, Ohio Revised Code Sections 731.35, 36, 38, and 40 require the circulator of an initiative or referendum petition to file an itemized statement of all money or things of value paid, given, or promised, for circulating such petition, and prohibit certain practices relative to petitions; and

WHEREAS, in order to preserve transparency and integrity in the initiative or referendum petition process this Council enacts new Chapter 110A to adopt state requirements governing the circulation of petitions; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Codified Ordinances of Cleveland, Ohio 1976, are supplemented by enacting new Chapter 110A, Sections 110A.01 through 110A.03 as follows:

CHAPTER 110A, CIRCULATION OF INITIATIVE OR REFERENDUM PETITION REGULATION

Section 110A.01 Itemized statement by circulator of petition

(a) The circulator of an initiative or referendum petition, or his agent, shall, within five days after such petition is filed with the Clerk of Council, file an itemized statement, made under penalty of election falsification, showing in detail:

- (1) All moneys or things of value paid, given, or promised for circulating such petition;
- (2) Full names and addresses of all persons to whom such payments or promises were made;
- (3) Full names and addresses of all persons who contributed anything of value to be used in circulating such petitions; and
- (4) Time spent and salaries earned while circulating or soliciting signatures to petitions by persons who were regular salaried employees of some person who authorized them to solicit signatures for or circulate the petition as a part of their regular duties.

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- (b) The statement provided for in division (a) of this section shall not be required from persons who take no other part in circulating a petition than signing declarations to parts of the petition and soliciting signatures to them.
- (c) Such statement shall be open to public inspection for a period of one year.

Section 110A.02 Prohibited practices relative to petitions

No person shall, directly or indirectly:

- (a) Willfully misrepresent the contents of any initiative or referendum petition;
- (b) Pay or offer to pay any elector anything of value for signing an initiative or referendum petition;
- (c) Promise to help another person to obtain appointment to any office provided for by the constitution or laws of the State of Ohio or by the ordinances of the City of Cleveland or any municipal corporation, or to any position or employment in the service of the State of Ohio or any political subdivision thereof, including the City of Cleveland, as a consideration for obtaining signatures to an initiative or referendum petition;
- (d) Obtain signatures to any initiative or referendum petition as a consideration for the assistance or promise of assistance of another person in securing an appointment to any office or position provided for by the constitution or laws of the State of Ohio or by the ordinances of any municipal corporation therein, including the City of Cleveland, or employment in the service of the State of Ohio or any subdivision thereof, including the City of Cleveland;
- (e) Alter, add to, or erase any signatures or names on the parts of a petition after such parts have been filed with the Clerk of Council;
- (f) Fail to file the sworn itemized statement required in section 110A.01;
- (g) Accept anything of value for signing an initiative or referendum petition; or
- (h) By intimidation or threats, influence or seek to influence any person to sign or abstain from signing, or to solicit signatures to or abstain from soliciting signatures to an initiative or referendum petition.

Section 110A.03 Penalty

- (a) Whoever violates Section 110A.02 (a) through (f) shall be fined not less than one hundred nor more than five hundred dollars.
- (b) Whoever violates Section 110A.02 (g) shall be fined not more than twenty-five dollars.
- (c) Whoever violates Section 110A.02 (h) is guilty of a minor misdemeanor.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

