

Cincinnati Charter Review Task Force

Elections Committee

# FINAL REPORT

March 2, 2015

The Cincinnati Charter Review Task Force was created by Cincinnati City Council Member Kevin Flynn and his colleagues in 2014. The work of the Task Force began with a review of the Cincinnati City Charter in its entirety. Issues were identified that required further study and consideration. Committees were created by the Task Force for purposes of studying those issues and reporting back with more information and if necessary, recommendation, regarding potential changes on the assigned sections of the Charter. The Elections Committee was created to study and report back on the specific sections/issues in the Charter.

The Elections Committee met on the following dates:

- August 13, 2014 (Wed) - 11:30 am to 1 pm
- September 3, 2014 (Wed) - 11:30 am to 1 pm
- September 17, 2014 (Wed) - 11:30 am to 1 pm
- September 24, 2014 (Wed) - 11:30 am to 1 pm
- October 8, 2014 (Wed) - 11:30 am to 1 pm
- October 22, 2014 (Wed) - 11:30 am to 1 pm
- No meetings in November
- No meetings in December
- January 14, 2015 (Wed) - 11:30 am to 1 pm
- February 26, 2015 (Thursday) - 11:30 am to 1 pm

Our Members included the following civic leaders. The public was notified of our meetings via the Charter Task Force web site and permitted to attend. We did have public participation at Committee meetings.

Jane	Anderson
Jeff	Berding, Chair
Brendon	Cull
Ozie	Davis
Pat	Foley
Akiva	Freeman
Eric	Greenberg
Matt	Jones
Jason	Kershner
Dale	Mallory
Carolyn	Miller
Shirley	Rosser
Rochelle	Morton
Amy	Searcy
Anne	Sesler
Janaya	Trotter
Pete	Witte
Daniel	Rajaiah
Mike	Morgan
Mark	Silbersack

The purpose of the Committee was to research and discuss each issue assigned to the group by the overall Task Force. We had members volunteer to do the research and present their findings on these topics to the larger committee. We referred to this work as framing up the topic area for the balance of the Committee. We requested that they present, where appropriate, pros and cons for various alternatives for consideration. During each meeting, where issues were presented, members who were present discussed the issues. This report contains the written findings on each subject and a consensus statement advising the Task Force on each issue area.

### **Guiding Task Force Values**

The Task Force adopted a statement of values to guide our work. These values were kept in consideration during our deliberations. Here is the statement below from the Task Force:

In deliberating, engaging the public, seeking input, and making decisions on possible Charter changes, the task force and its committees will address and apply the following considerations:

- *Accountability* with respect to policy development and administration.
- *Capacity* to provide basic services and address pressing social & economic needs.
- *Citizen engagement* to improve the quality of City decision-making.
- *Clarification* of responsibilities of those governing the City.
- *Consistency* with constitutional and statutory requirements.
- *Continuity and stability* of City governance.
- *Continuous improvement* of City government and the Charter.
- *Cooperation* with other local government entities in our region.
- *Costs* of governing the City and of implementing Charter amendments.
- *Efficiency and effectiveness* of government operations and programs.
- *Honesty and integrity* in City government.
- *Inclusion and representation* of the diverse elements of our citizenry.
- *Leadership* in addressing problems and moving the City forward.
- *Responsiveness* to citizen concerns.
- *Simplicity* of the Charter’s provisions.
- *Transparency* of government decisions and actions.
- *Understandability* and persuasiveness to voters of proposed Charter amendments.

### **Assigned List of Charter Issues**

The list of issues assigned to the Elections Committee is outlined below, with a description of the topic following.

<u>Charter Section</u>	<u>Committee Topic Area</u>	<u>Elections Committee Issues</u>
Art. XIII Sec. 2	Campaign Finance	Are reporting requirements sufficient or too cumbersome? Dates correct, enough, how is it working now?
Art. XIII Sec. 2(b)2	Campaign Finance	Should there be a de minimis rule (e.g. contributions of less than \$50 do not have to comply with the reporting requirement)
Art. XIII Sec. 4	Campaign Finance	If the commission remains relevant, does the appointment process serve its intended purpose, are appointments by mayor appropriate

Art. XIII	Sec. 4	Campaign Finance	Should the Cincinnati Elections Commission be eliminated? What purpose does it serve?
Art. XIII	entire	Campaign Finance	Do any recent U.S. S.Ct decisions effect any of these provisions?
Art. IX	Sec. 2	Election Administration	Should the number of signatures necessary be increased, and/or should mayor require more signatures than council?
Art. IX	Sec. 3	Election Administration	Are numbers of signatures correct for offices? Also, language form would need to comply with other substantive changes.
Art. IX	Sec. 5	Election Administration	Ballots are non-partisan. May be some argument for party affiliation.
Art. IX	Sec. 2a	Election System	Possible staggering of council terms and staggering mayoral election from council. (ORC requires mayoral elections in odd years.)
Art. IX	Sec. 8	Election System	Ward, districts or hybrid system in lieu of 9X?
Article II	Sec. 4	Election System	Should the 9X system be revisited
Article II	Sec. 4	Election System	Should council terms be staggered?
Article II	Sec. 4	Office Administration	Pros and cons of changing the council start date to closer after elections.
Art. IX	Sec. 2	Office Administration	Art II Sec. 4b discussion continued about appointing successors.
Art. XIII	Sec. 7(a)7	Office Administration	Now that Council has 4 year terms, should special election provisions for mayor be extended to Council?
Article II	Sec. 4b	Office Administration	Does the system of appointed successors serve the citizens better than special elections?
Not in		Primary Elections	Primary for council members
Art. IX	Sec. 1a	Primary Elections	Is the time of the primary appropriate? (Not currently sufficient time to conduct a recount per state law, for example.)
Art. IX	Sec. 8	Primary Elections	Continue discussion about date of primary.
Art. IX	none	Primary Elections	Could add a council primary at same time as mayoral primary (moved up.) May be more relevant if there is a change from 9X council elections.
Art. IX	Sec. 2b	Term Limits	Paragraph 2: Is there an equivalent provision for council as applied to mayor?
Art. IX	Sec. 2a	Term Limits	Term limits -- are they still appropriate as written?

## Issue Presentation & Analysis

### A) Office Administration Issues

1. Article II, Section 4 Starting Date  
Council members shall take office on the first day of December following elections.
2. Article IX, Section 2 Successors  
If a person is nominated to take a vacated council seat, the following term served does not count toward the eight year term limit for the council member.
3. Article XIII, Section 7 (a) 7 Special Elections  
This subsection of Article XIII defines "special election". Should apply to Council and Mayor special elections to deal with unexpired terms.
4. Article II, Section 4 Successors  
Before taking the oath of office, a council member must file a successor designation certificate specifying the member(s) of council responsible for choosing his/her successor. The designated members must then select a successor within 60 days.

### Office Administration Frame-up

#### Item #1

**Pros and cons of changing the Council start date further from the election. Art. II, Sec. 4. (The new term currently starts on Dec. 1.)**

Pros:

- a. If the date is changed to Jan. 1, and if there is an election recount, there would probably be sufficient time to finish the recount before the new term starts.
- b. It would give the newly elected Mayor and Councilmembers more time to make arrangements regarding job and family and planning of the office, hiring staff, etc.
- c. Cannot stress enough how the current December 1 date conflicts with recount requirements from the Board of Elections. If there was a recount, the votes may not be tabulated and results certified by December 1.
- d. The City fiscal year no longer starts on Jan. 1; so it is not crucial to get the new Councilmembers on board on Dec.1.

Cons:

- a. It would increase the time for the outgoing Council to do things that the voters had just tried to prevent by changing the make-up of Council.
- b. The current system has worked well—there is no need to fix it.
- c. A recount is not that likely, and even if it occurs, it would probably affect only one member of Council.

Historic Note: In looking over the history section of the Cincinnati City Charter, it is noted that the start date of the council term was changed from January 1st to December 1st beginning with the council elected at the November 1950 election. This change had been recommended by a Charter review group of three citizens who met in 1949 and made this recommendation among several others, all of which were passed by the voters.

Item#2

**1. Pros and cons of the current and alternate methods of appointing Council successors. Art. II, Sec. 4b (Currently at the beginning of the term the Councilmember designates one or more members of Council to have voting power to fill his or her seat if it becomes vacant.)**

Pros (of current method):

- a. It is fast and efficient.
- b. It saves the cost of an election.

Cons (of current method):

- a. It doesn't allow community input in a meaningful way.
- b. It allows the newly appointed member to enjoy the advantages of incumbency, including name recognition, without having to win an election.

**Alternative #1: Immediate special election**

Pros:

- a. An immediate special election (if allowed under Ohio law) would allow very definite community input.
- b. An immediate special election works well in replacing members of the U.S. House.
- c. It might deter the member from resigning.

**Alternative #2: The replacement is automatically the person who finished tenth in the last election.**

Pro:

- a. It is fast and efficient.
- b. It takes community input into consideration.
- c. It saves the cost of an election.
- d. It might deter the member from resigning.

Con:

- a. The replacement might be somebody the voters liked a lot or somebody they didn't want to be on Council.

**Alternative #3: All of the remaining members vote on the replacement who must run for the unexpired term at the next regular election.**

Pros:

- a. It is fast and efficient. It saves the cost of an election. It might deter the member from resigning.

Con:

- a. The party with a bare majority (e.g. 5-4) could increase its advantage without a vote of the citizens.

Public Opinion

The public probably doesn't like the current system, but it might not like the alternatives either.

- b. Does the system of appointed successors serve the citizens better than a special election? Art. II, Sec. 4b**

See # 2 above.

**c. Is the current method of having a special election at the two-year mark for Council seats that were vacated and filled a good idea? Art. IX, Sec. 2b; Art. XIII, Sec. 7a(7)?**

Pros

- a. It is a cost-effective way to get community input for at least two years out of the four-year term.

Cons

- a. An immediate special election (if allowed by Ohio law) would give voters more authority.
- b. The special election, even at the two-year mark is not worth the cost.
- c. The probability is that a large number of people will be running for only one or two seats.

RECOMMENDATIONS:

- 1. By a vote of 12-0, the Committee recommends that the Task Force should consider Charter change so new Mayoral and Council terms would begin in the first week of January.
- 2. By a vote of 10-2, the Committee recommends that the Task Force not change the successor designate process regarding Council seats.
- 3. By a vote of 12-0, the Committee recommends that the Task Force not change the current requirements for special elections for Council seats.

**B) Primary Elections Issues**

- |                          |                                  |
|--------------------------|----------------------------------|
| 1. Article IX, Section 1 | Date of Mayoral Primary Election |
| 2. Article IX, Section 8 | Same as above                    |
| 3. Article IX, new       | Add a Council Primary process    |

Primary Elections Frame-Up

**1. Primary for Council (assuming that we keep the 9X system).**

Advantages: (assuming that the number would be reduced to 18)

- It would tend to give the voters only serious candidates for the November Election
- Would save time at candidate forums and/or encourage the serious candidates to show up.

- Gives contributors a list of realistic candidates to support.
- Increase turnout for Mayoral primary (assuming consistent primary date for Council and Mayor).

Disadvantages:

- It could give us only pre-vetted candidates who would tend to ignore the elephant in the room, i.e. issues that are too hard to solve or talk about or that will be solved only in back rooms before or after the Election.
- No guarantee of “better” candidates as described above;
- Problematic timing issues – If a September primary along with the mayoral primary, lack of time for a recount is even more serious issue (it is considered a serious potential problem now with only the handful of mayoral candidates involved);
- If a primary at an earlier date such as May, that just increases elections costs and costs to campaign (for 2 elections instead of one over a longer span) at a time when most voters would really not be tuned in and so, very unlikely to vote.

## **2. Time of the Current Mayoral Primary**

Advantages:

- The current mayoral primary is after Labor Day, when voters tend to start thinking of elections versus May when people are not thinking about the next mayor.
- It reduces campaign costs (by having the primary and general election so close together) and so it is better for ordinary citizens to have a shot at running and winning without having to spend a lot of their own money or raise a lot of extra money.
- More voter participation in final decision compared to a common alternative - the general election serving as the primary to be followed a couple of weeks later by a run-off election - because when the final choice for mayor is being made in the run-off, very few people are participating.

Disadvantages:

- The time of the mayoral primary does not allow time for a recount.
- The time reduces time for the two prevailing candidates time to organize, fund, and run the final stretch of campaign.
- Voters have only a brief time to really vet the two final candidates side-by-side
- It still involves the costs of 2 elections for the public as well as the candidates and one of the 2 elections may involve low voter turnout.
- There is a potential option that proponents claim would satisfactorily address both of those issues – the Instant Run-off Election involving a kind of preference voting

system (one election at the time of the general election in November where the most citizen participation you are going to get takes place and there is the savings of one election to the taxpayers and the campaigns). Instant Run-off election could be implemented for the Mayoral Election and would not have to involve Council elections.

**3. Is the Council Primary more appropriate if the 9X system is abandoned?**

Yes:

A primary would be more appropriate if we had some or all of the candidates run in districts.

No:

A primary would not be appropriate if we had Proportional Representation for Council or an Instant Runoff for Mayor.

**RECOMMENDATIONS:**

1. By a vote of 10-2, the Committee recommends that the Mayoral Primary should up earlier in the calendar year such as the spring to allow needed time for a recount to be finalized before the BOE's duties for administering the general election.
2. By a vote of 12-0, the Committee recommends that if Council elections are changed to some version of head to head races, Task Force should consider implementing Council primaries on same timeline as the Mayor in order to ensure that a winning candidate gets 50% of the vote in the general election to win.

**C) Election Administration Issues**

1. Article IX, Section 2 & 3      Number of Qualifying Signatures
2. Article IX, Section 5          Partisan versus Non-Partisan Ballots

Election Administration Frame-Up

**1. Should the number of signatures necessary be increased?**

Advantages:

- Create smaller field to choose from
- Allows more electors (registered voters) to be involved and educates them
- Vets the seriousness of the candidate and/or confirms the candidates seriousness and willingness to work for the office

Disadvantages:

- Increasing number of signatures could be an additional financial burden on taxpayers as Board of Elections often incurs overtime expenses to check petition signatures.
- Has negative impact on the ability for more people to be engaged in the process

Real and/or Anticipated Public Opinion

- None

**2. Should the mayoral candidates be required to get more signatures than council candidates?**

Advantages:

- Create smaller field to choose from
- Allows more electors (registered voters) to be involved and educates them
- Vets the seriousness of the candidate and/or confirms the candidates seriousness and willingness to work for the office

Disadvantages:

- Increasing number of signatures could be an additional financial burden on taxpayers as Board of Elections often incurs overtime expenses to check petition signatures
- Has negative impact on the ability for more people to be engaged in the process

Real and/or Anticipated Public Opinion

- None

Additional Notes

- Consider issue that, per the Charter, a voter can only sign a petition for one Mayoral candidate because of requirement that one can only sign the number of petitions based on seats that are open

**3. Should there be party affiliation listed on the ballot? (Ballots are currently non-partisan)**

Advantages:

- Helps voter understand the allegiance of candidate based on political philosophy (R,D)
- Helps provide cues as to what type of elected official the candidate will be
- May get more voters in races where partisan affiliation is listed on the ballot

Disadvantages:

- Dual endorsements could be undone

- Charter Committee would likely not be listed on the ballot as not a recognized political party in Ohio
- Forces candidates to choose a party which can take away desired independence or box candidates into positions on issues
- Takes away voters incentive to research each candidate, get to know them and educate themselves above party affiliation

#### Real and/or Anticipated Public Opinion

- May be strong public discourse on both sides

#### RECOMMENDATIONS:

1. By a vote of 12-0, the Committee recommends that the Task Force not change signature requirements for City-wide elections.
2. By a vote of 12-0, the Committee recommends that if a new Council election system includes any districts, change the number required for a district election to 100 signatures from voters in the district.
3. By a vote of 11-1, the Committee recommends that the Task Force not change from non-partisan ballots.

#### **D) Campaign Finance Issues**

1. Article XIII, Section 2 Reporting Requirements
2. Article XIII, Section 2 Reporting Requirements for small contributions
3. Article XIII, Section 4 Role of Cincinnati Elections Commission
4. Article XIII Overall Any required Changes based on new US Supreme Court Decisions

#### Campaign Finance Frame-Up

##### **1. History of Campaign Finance Article XIII**

The frame-up of this campaign finance section should begin with a history of campaign finance language in the City Charter. Article XIII of the City of Cincinnati Charter was adopted in November 2001. It appeared on the ballot as a proposed Charter Amendment through a citizen initiative process. A group of citizens and a coalition of civic organizations (14 in all), calling themselves the Fair Elections Coalition, drafted the language and gathered the required 7,000 signatures to put it on the ballot. Their stated intent was to restore fair elections by reducing the influence of big money in campaigns, thereby putting elections back into the hands of ordinary citizens. The coalition sought to accomplish this through putting the following provisions in the Charter:

- Setting limits on contributions to candidates in council and mayoral elections;
- Providing more timely and complete information about contributions to and expenditures by council and mayoral candidates;
- Adding reporting requirements for independent expenditures;
- Providing penalties for making or accepting contributions that exceed the limits and for failing to file and report them;

- Allowing partial public funding for candidates who would agree to expenditure limits and who would meet other eligibility requirements, and requiring repayment and penalties for exceeding expenditures limits for those candidates who accepted the public funding;
- Creating an appointed Citizens Elections Commission to administer the Article and enforce the campaign finance regulations contained in it.

This effort came about generally in the context of a nationwide effort to achieve campaign finance reform in the wake of the Watergate scandals beginning in the 1970's. The effort at the national level produced the 1971 Federal Elections Campaign Act with subsequent United States Supreme Court decisions, beginning with *Buckley v. Valeo* (1976), which modified what was deemed constitutionally permissible. Subsequent campaign finance reform at the state and local levels achieved varying degrees of success.

Specifically, the effort in Cincinnati to achieve campaign finance reform began with a successful initiative in 1994 to approve an amendment to the City Charter allowing home rule authority on the issue of campaign finance. In 1995, the City Council enacted a campaign finance reform ordinance. The ordinance limited campaign contributions and required their public disclosure; it also capped campaign expenditures at three times the annual salary of the office sought. It did not limit a candidate's personal contribution to the campaign or independent expenditures. The campaign spending ordinance was successfully challenged in federal court by unsuccessful candidate for City Council John Kruse - the U.S. Circuit Court of Appeals ruled in 1998 that the ordinance did not meet the "exacting scrutiny" test required in the *Buckley* decision. The City Council repealed the ordinance as well.

Frustrated by the failure to achieve campaign finance reform through the ordinance process and increasingly concerned about the growing dominance of money in local campaigns (the amount raised and spent and the increase in big money contributions) and fearing its negative impact on the health of the local political process, the Fair Elections Coalition set out to produce a Charter Amendment they hoped would successfully address the unfair consequences of existing campaign finance practices and that would be consistent with constitutional requirements. They succeeded in getting the Amendment passed and added to the Charter as Article XIII in November 2001. However, like many campaign finance reform efforts at the national, state and local levels, Article XIII very quickly began to acquire challenges to several of its provisions. The first such challenge occurred in 2002 with an initiative to repeal the public financing and related expenditure limits portions of the Article.

[For comprehensive and detailed background information see:

"Campaign Finance Reform Debate, Cincinnati 2001: The Case For and Against Issue 6, Proposed Amendment to the Cincinnati Charter" by Judith Spraul-Schmidt, University of Cincinnati; A Study and Debate for the Stephen H. Wilder Foundation, October 2001.]

### **Changes to Article XIII since 2001**

In **November 2002** voters approved a Charter Amendment which repealed the section of Article XIII having to do with Public Financing of Campaigns and related campaign expenditure limits and put in its place a new Section 3 entitled “Prohibition on Public Financing of Campaigns.” This amendment was placed on the ballot through an initiative petition effort. Limits on contributions to candidates remain in effect (Sec. 1) as does the rest of the article which was left intact due to the severability clause contained in the article.

In **November 2011**, a Charter Amendment was passed by voters which changed some of the filing deadlines which were part of the original Article XIII. The amendment was placed on the ballot by City Council. The amendment eliminated two specified campaign finance reporting deadlines which occurred before the election and which were different from, and in addition to, State of Ohio reporting deadlines. The amendment also added a filing date between a mayoral primary, if held, and the general election.

In **November 2014**, a Charter Amendment was passed by voters which eliminated some obsolete language in Article XIII referencing public financing of campaigns. The amendment was placed on the ballot by City Council.

## **2. Provisions of Campaign Finance Article XIII in Need of Further Investigation and Research**

### **A. Campaign Finance Art. XIII, Sec. 1 – Limits on Contributions**

This section was not on the original CRTF list of issues to be considered. But this Committee believes that it is advisable to look at the various contribution limits in this section to determine whether they are too high or too low and whether they should continue to be subject to “periodic adjustment” as outlined in Sec. (4)(f)(2).

Other Contribution Limit issues in need for further research and discussion:

- Should there be contribution limits?
- Should such limits be in the Charter?
- Who should enforce the contribution limits?

### **B. Campaign Finance Art. XIII, Sec. 2 – Reporting Requirements for Contributions and Expenditures**

- Should reporting requirements be detailed in the Charter or should the details be left to Council ordinances?
- If the details of reporting requirements are left in the Charter, they should be clarified.
- Are reporting requirements sufficient or too cumbersome? Are the reporting dates correct or enough? How is it working now? Are the penalties outlined in **Sec. 2(d)** sufficient? Who enforces these penalties?

On September 14, 2014, Committee member Amy Searcy contacted Jeff Richter, Ohio Elections Commission Director, regarding jurisdiction for campaign violations. Mr. Richter reported that the Ohio Elections Commission ONLY has jurisdiction for state campaign violations under the

Ohio Revised Code: they would have NO authority for any violations of a City Charter. He also recommended that our committee review the City of Akron's charter and campaign rules/regulations enforcement.

Carolyn Miller consulted the Charter of the City of Akron and found that its "Campaign Finance Reform" section was adopted in 1998 and amended in 2010. The Charter language is a general statement that the "Council shall enact campaign finance and ethics regulations" with specific contribution limits listed and direction that Council shall review and amend the contribution limits every two years. The detailed regulations adopted by Council appear in the Akron Code of Ordinances (TITLE 3 – Administration, Chapter 30 – Mayor and Council – Article 2. Campaign Finance). This section of the Akron Code of Ordinances contains subsections on "Definitions," "Limits on noncash monetary and in-kind contribution and loans," "Limits on cash contributions," "Disclosure of employers of contributors," "Friday before election campaign finance reports," and "Penalties."

The Model City Charter (8<sup>th</sup> Edition) recommends a general section on Campaign Finance to provide that the City Council shall enact ordinances providing for the disclosure of candidate financing and, in so far as is permitted by state and federal law, should have the optional authority to enact ordinances designed to limit contributions and expenditures.

The full Task Force should investigate how the local campaign finance filing requirements differ from state requirements.

#### **C. Sec. 2(b)2**

Should there be a de minimis rule (e.g. contributions of less than \$50 do not have to comply with the reporting requirements)?

#### **D. Campaign Finance Art. XIII, Sec. 4 – Cincinnati Elections Commission**

- What purpose does the Cincinnati Elections Commission serve? Is the commission currently active and is it carrying out its duties as outlined in Article XIII?
- If the commission remains relevant, does the appointment process serve its intended purpose – are appointments by Mayor appropriate?
- Should the Cincinnati Elections Commission be eliminated?

The committee recommends talking with the Cincinnati Elections Commission and the City Solicitor's office to get more information on what the Elections Commission does and how often it meets. The Task Force should also check with peer cities of our size to see if they have their own Elections Commissions and to look at their roles.

The Model City Charter (8<sup>th</sup> Edition) recommends that "candidates and candidate committees report in a timely manner to the appropriate city office" leaving the determination of which city office to ordinance and/or administrative code.

#### **E. Campaign Finance Art. XIII, entire**

- Do any recent U.S. Supreme Court decisions or other court decisions affect any of the provisions of Article XIII? This question would have to be posed to an attorney familiar with campaign finance decisions.

## Conclusion

While the provisions of this Campaign Finance Article could use additional scrutiny and research, the issues put forward for consideration by this report do not seem to merit high priority status for the Charter Review Task Force given current time constraints. In general, the Committee supports the Campaign Finance provisions of the Cincinnati Charter, but is not clear on whether all the existing provisions are still the best public policy solution to campaign finance interests.

## RECOMMENDATIONS:

1. By a vote of 9-3, the Committee recommends that the Task Force should consider eliminating the Cincinnati Elections Commission as its usefulness/utility is unclear given new reporting requirements and the role of the Board of Elections to ensure transparency/reporting.
2. By a vote of 12-0, the Committee recommends that contribution limits should be maintained and the Task Force should consider whether these limits should be in the City Charter or in the Municipal Code.
3. By a vote of 12-0, the Committee recommends that the Task Force determine a means to provide for the increase in contribution limits for every election cycle, with a new starting contribution limit to begin with the next election cycle.

## E) Term Limits

1. Article IX, Section 2b Council versus Mayoral provisions
2. Article IX, Section 2a Appropriateness

### Term Limits Frame-Up

*"Elections, especially of representatives and counselors, should be annual ... These great men ... should be [chosen] once a year – Like bubbles on the sea of matter borne, they rise, they break, and to the sea return. This will teach them the great political virtues of humility, patience, and moderation, without which every man in power becomes a ravenous beast of prey." - John Adams*

*"To prevent every danger which might arise to American freedom from continuing too long in office, it is earnestly recommended that we set an obligation on the holder of that office to go out after a certain period." - Thomas Jefferson*

Term limits are deeply rooted in both American history and the concept of democracy, but the concept can be divisive and controversial. -

Both the costs and benefits of term limits have been analyzed, with the benefits appearing more obvious in some cases. Term limitations, however, fail to be the all-encompassing solution to political rifts as the dialogue continues. Throughout history, we can follow an ebb and flow of political concern and support regarding service term limitations.

## **History**

In the Ancient world, in the realm of politics, term limitations were integral pieces to a functioning democracy. Greek and Roman officials adhered to term limits, as did many Athenian officials; in Athens, numerous officials were selected by a random lottery in order to avoid extensive terms of service. More recently, the concept of term limitations has been monumental in the creation and structure of the United States' government. Notable figures such as Benjamin Franklin, John Adams, and Thomas Jefferson were proponents of service term limitations. These Founding Fathers believed that in order for the structure of a democracy to remain in-tact, checks and balances on power were critical; such balances of power were maintained by term limitations of public officials .

This concern is present in the Articles of Confederation, whereas drafters introduced a limitation of terms for delegates of three years; such limitations, however, are missing from the Constitution. Without such restrictions, speculation of the possibility of trading one monarch for another heightened political tensions. The fear of tyranny subsided as George Washington set a precedent by enacting a self-imposed limitation that would last for almost 150 years.

## **Arguments in favor of term limits**

Term limitations provide a check and balance of power for those who represent voters.

### **1) Increases ratio of competitive elections:**

The limitation of terms increases the competitiveness of elections. If a limitation is in place, elections with alternating candidates are required. The alternating candidates provide an infusion of vibrancy and competitive spirit into the electoral process.

### **2) Brings in more opportunities to serve in public office, and temporarily should allow for more minorities and women to enter the political sphere:**

An increase in minority representation parallels the enforcement of term limitations. An incumbent candidate can reduce the competitiveness of an electoral race, which consequently reduces the probability of a diverse opposing candidates.

### **3) Curbs the influence of lobbyists:**

While there is no substantive proof of this claim, proponents believe that shorter the terms of politicians makes lobbyist's persuasion less impactful. The subtraction of lobbyists' persuasion from the political equation leaves the political arena to the interests of the constituents. An example of this claim can be found in the California state legislature. In the 1960s, the California state legislature was considered one of the best in the nation, but a decade later the consensus changed and the "professional" legislators were thought to be out of touch. The change in opinion

was directly linked to the career politician's dependency on special interest money and heavily burdened by the task of raising it. This example demonstrates how lack of term limitations can potentially produce career politicians who become isolated and unresponsive to needs of the constituents they represent.

4) Term limits will produce a "citizen legislature" of more ordinary people:

Term-limited representatives would be more oriented to public opinion and their district's constituents' needs. The "citizen legislature" also boasts more former city council members, school board members, and other locally elected officials. In California, the number of former staff people moving up to Assembly and Senate seats has decreased, ensuring safeguards against cronyism and patronage. The freshmen Assembly members bring vibrancy and fresh ideas to the state legislature.

5) Incumbency promotes more spending and bureaucracy:

Correlating relationships between incumbency and spending are evident; spending had soared even before the onset of the 2008 financial crisis when incumbency was prevalent at the Congressional level.

### **Arguments against term limits**

1) Promotes loss of experience:

Incumbent politicians have years of valuable experience that enable them to lead and represent constituents. Term limitations can decrease the accumulation of valuable experience for politicians, consequently removing from office a seasoned and competent representative.

2) Inexperienced leaders will be easy prey for special interests:

It is feared that bureaucrats and permanent staff could dominate newcomers to the political scene. A drawback to term limitations is that the newcomers (ushered in by the curtailing of experienced politicians) will be unable to deal productively with non-term limited leaders' power and experience. This is a concern raised most often at the state level.

3) Term limits remove popular leaders:

A popular leader can be removed from office due to term limitations. An example of this can be found by examining the cases of both Mayor Bloomberg and Mayor Hardberger of San Antonio. While the electoral-college provides safeguards against the demands of the popular vote, there is something to be noted about the leadership of a well-liked individual and how that energy can translate into a vibrant and active political atmosphere.

4) Term limits are undemocratic as they can conflict with the will of the voters:

Voters are in conflict with this issue; Voters generally prefer term limits, even in circumstances when the candidate they support is affected by the constraints of the limit. An example of this paradox of voter opinion can be examined in the case of Mayor Bloomberg of New York. A poll revealed that voters supported both term limitations and Mayor Bloomberg simultaneously. The

poll also revealed that although Bloomberg's approval rating was comfortably high, 38% of the respondents said they would pick another candidate as the next Mayor in the election. This paradigm encompasses the ebb and flow of term limitations in public opinion.

5) Term limits negatively affect the types of projects that elected leaders implement, and the continuity of those projects:

This drawback depends on the types of projects involved and conditionally, if that type of project would/would not be supported by a successor. This is an issue that is also relevant even when term limits are not involved.

#### *At the National Level*

In the United States the 22<sup>nd</sup> Amendment limits presidential terms to two full terms of four years. However, the precedent set by U.S. Term Limits v. Thornton (1995) does not allow states to limit the terms served by their congressional delegations. It is worth noting that Clarence Thomas said in his dissenting judgment, there was no explicit denial of such power to the states in the Constitution. The right to do so "is reserved to the states respectively, or to the people".

#### *At the State Level*

By the mid-1990s, twenty one states had passed term limits on their state legislative delegations. Most chose to limit their state representatives to three terms, and all chose to limit their state senators to two terms in office.

Oklahoma, California, and Colorado were the first states to pass citizen initiatives placing term limits on their legislative delegates. Subsequently 18 other states adopted term limits, however four of these states later had their term limit laws thrown out by their respective supreme courts.

The vast majority of states that have implemented term limits have done so through citizen initiatives. Only twenty four states have a citizen initiative process and of these twenty four, almost all have passed term limits. Only two initiative states have refrained from voting on term limit legislation, in both cases due to the fact that their initiative process restricts term limit issues from taking the ballot. The only two initiative states to not pass term limits are Mississippi and North Dakota.

#### *At the Local Level*

At minimum twenty four local governments are in the process of removing term limits approved in the nineties. Simultaneously many governments are also considering approving new term limit legislation. Of the Nation's top ten largest cities, Chicago is the only one without any term limits for either its mayor and/or city council.

#### List of Larger Cities with Local Term Limits

<b>City Name</b>	<b>Term Limits</b>	<b>Limit</b>
Chicago	No	None

Dallas	Yes	Mayor: Maximum of two four-year terms.
Houston	Yes	Mayor: Maximum of three-two year terms
Los Angeles	Yes	Mayor: Maximum of two four-year terms. City Council: Maximum of four two-year terms
New York	Yes	Maximum two four year terms per position Mayor: Maximum two consecutive four-year terms
Philadelphia	Yes	terms
Phoenix	Yes	Mayor: Maximum two four-year terms City Council: Maximum three four-year terms
San Diego	Yes	Maximum of two four-year terms per position
San Jose	Yes	Maximum two four-year terms per position
San Antonio	Yes	Maximum of four two-year terms

**Conclusion**

The subject of term limits evokes powerful passions on both sides of the argument, as this summary has illustrated. Term limits can facilitate the refreshing of the system, but they are not necessarily blunt instruments. Depending on the shortcomings of each system in question, their use can be helpful, and be one of several mechanisms that could be applied. For Cincinnati, the history of the charter amendment for term limits was rooted in part on the frustration voters felt with career politicians and the inability to hold Council Members accountable at the ballot box. With the 9x election system, an incumbent requires less than 40% support to be returned to Council, and has all the advantages of name recognition and campaign donations to secure that minimal threshold. It is the opinion of the Committee that the Task Force NOT change term limit provisions, unless it was tied to a change in the election system. If more accountability is added to the election system, a moderation or repeal of term limits could be justified.

**RECOMMENDATIONS:**

1. By a vote of 12-0, the Committee recommends that the Task Force consider increasing the current term limit requirement if recommending a change for how we elect Council members to a system involving head to head races.
2. By a vote of 9-3, the Committee recommends that the Task Force consider increasing the Mayoral Term Limit to 3 consecutive terms of 4 years with the requirement to sit out one cycle before eligible to run again.

**F) Election Systems Issues**

1. Election Systems From Peer Cities (from 2011)

City	Population	Election
New York	8,405,837	District
Los Angeles	3,884,307	District

Chicago	2,718,782	District
Houston	2,195,914	Mixed (11 district - 5 at large)
Philadelphia	1,553,165	Mixed (10-7)
Phoenix	1,513,367	District
San Antonio	1,409,019	District
San Diego	1,355,896	District
Dallas	1,257,676	District
San Jose	998,537	District
<b>Austin</b>	885,400	District (used to be at-large, altered 2014)
Jacksonville	842,583	Mixed (14-5)
<b>Indianapolis</b>	843,393	Mixed (25-4)
San Francisco	837,442	District
<b>Columbus</b>	822,553	At-large
Fort Worth	792,862	District
<b>Charlotte</b>	792,727	Mixed (7-4)
Detroit	688,701	Mixed (7-2)
El Paso	674,433	District
Memphis	653,450	District
Boston	645,966	Mixed (9-4)
Seattle	649,495	Mixed (7-2 / used to be at-large, altered 2013)
<b>Denver</b>	649,495	Mixed (11-2)
Washington D.C.	646,449	Mixed (8-5)
Nashville-Davidson (Metro)	634,464	Mixed (35-6)
Baltimore	622,104	Mixed (14-1)
Louisville	609,893	District
<b>Portland</b>	609,456	At-large
Oklahoma City	610,613	District
Milwaukee	599,164	District
Las Vegas	603,488	District
Albuquerque	556,495	District
Tucson	526,116	District
Fresno	509,924	District
Sacramento	479,686	District
Long Beach	479,428	District
Kansas City	467,007	Mixed (6-6)
<b>Mesa</b>	457,587	At-large
Virginia Beach	448,479	Mixed (7-3)
Atlanta	447,841	Mixed (12-3)
Colorado Springs	439,886	Mixed (4-5)
<b>Raleigh</b>	434,353	Mixed (5-2)
Omaha	431,764	District
Miami	417,650	District

Oakland	406,253	Mixed (7-1)
Tulsa	400,070	District
<b>Minneapolis</b>	398,121	District
Cleveland	390,113	District
Wichita	386,552	District
Arlington	379,577	District
New Orleans	378,715	Mixed (5-2)
Bakersfield	363,630	District
Tampa	352,957	Mixed (4-3)
Honolulu	347,884	District
Anaheim	345,012	At-large
Aurora	345,803	Mixed (6-4)
Santa Ana	334,227	At-large
<b>St. Louis</b>	318,416	Mixed (28-1)
Riverside	316,619	District
Corpus Christi	316,381	Mixed (5-3)
<b>Pittsburgh</b>	308,428	District
Lexington	305,841	Mixed (12-3)
Anchorage	300,950	District
Stockton	298,118	District
Cincinnati	297,517	At-large
St. Paul	294,873	District
Toledo	282,313	Mixed (6-6)
Newark	279,639	Mixed (5-4)
Greensboro	278,427	Mixed (5-3)
Plano	274,409	At-large
Henderson	270,811	At-large
Lincoln	268,738	Mixed (4-3)
Buffalo	258,959	District
Fort Wayne	256,496	Mixed (6-3)
Jersey City	257,342	Mixed (6-3)
Chula Vista	256,780	At-large
Orlando	255,483	District
St. Petersburg	249,688	District
Norfolk	246,139	District
Chandler	249,146	At-large
Laredo	248,142	District
Madison	243,344	District
Durham	245,475	Mixed (3-3)
Lubbock	239,538	District
Winston-Salem	236,441	District
Garland	234,566	District

Glendale	234,632	District
Hialeah	233,394	At-large
Reno	233,294	Mixed (5-1)
Baton Rouge	299,426	District
Irvine	228,918	At-large
Chesapeake	230,571	At-large
Irving	228,653	Mixed (6-2)
Scottsdale	226,918	At-large
North Las Vegas	226,877	At-large
Fremont	224,922	At-large
Gilbert	229,972	At-large
San Bernardino	213,708	District
Boise	214,237	At-large
Birmingham	212,113	District

Red font shows Chamber of Commerce Peer Cities  
Color highlights demonstrate type of election system

*Summary of Peer Cities*

If we just look at the 27 cities over 250,000 population who completed the 2011 survey, then none use at large elections, 41% use ward/district elections and 59% use a mixed system. Please note that 16 of the 28 cities completing the 2011 survey with a population over 250,000 were mayor-council cities and 12 were council-manager cities. One of the 28 cities with a population between 250,000 and 499,999 did not answer the question about electoral systems, so that is why data from only 27 cities are reported. Assume that this city is Columbus.

**Potential Changes from the 9X Election System**

In reviewing potential changes to the 9X system, the Committee considered each of the following systems and discussed the advantages and disadvantages of each.

Existing 9x

Describe: Candidates run for City Council in a field race, with all the candidates who qualify listed on the ballot. Voters can vote for up to 9 candidates, and the top 9 candidates with the most votes win a seat on City Council.

Advantages: It is the system we already have. We seem to end up with a council that is fairly representative of the city. Candidates must campaign throughout the City and must build coalitions that traditionally cross neighborhood, racial and political lines to assure their election. This requirement results in Council Members who must look out for the overall health of the City.

Disadvantages: It is expensive and difficult for newcomers to break through. Some neighborhood residents feel that they do not have a particular representative for their interests - someone they know to advocate for neighborhood issues. Critics of the 9X system state that many neighborhoods

have traditionally been under represented or not represented on Council. These critics point out that Council Members routinely come from a relatively small number of neighborhoods – Hyde Park, Clifton, Bond Hill, North Avondale and Mt. Lookout, to name a few, while many other neighborhoods have never had a Council Member elected who resides there. In addition, there is a higher cost of running City wide, rewarding candidates who can raise money and putting an emphasis on fundraising. This limits many civic leaders who simply cannot raise the high cost. With its large field of candidates, the 9x system allows a candidate to be elected to Council with a small minority (about 33%) of the citywide vote. As a result, the 9x system does not easily allow voters to hold incumbents accountable for their actions/inaction and does not allow clear electoral choices as a head to head race would permit.

### Proportional Representation

Describe: In a PR-styled At-Large system (also known as Preference Voting), each voter ranks candidates in order of preference. For example, with 9 council members to be elected, the voter would select 9 choices from all the candidates running indicating their 1st choice through their 9th choice. When the votes are counted to determine the winners for council, a voter's lower choice will never count against a higher choice of that voter in determining a winner. This is in contrast to a Plurality At-Large system (like our current 9X system). In this system, the only way to avoid such an occurrence is to "bullet vote" (i.e., vote for only 1 candidate) or limit the number of candidates.

Advantages: A PR At-Large system enhances the number of effective votes, i.e., it maximizes the opportunity for each voter to have his/her vote help elect a candidate; reducing wasted votes where one's vote doesn't matter in electoral outcomes, as is especially the case in some of the other election system alternatives. This, in turn encourages people to vote. It also encourages more groups and parties to run candidates with a realistic chance of winning and provides elected councils that are a more representative reflection of the electorate in terms of race, ethnicity, gender, partisanship and ideological preferences.

Disadvantages: PR suffers from the same issue as the 9X system. Because PR does not have head-to-head races, accountability is harder to come by. You can't easily vote against a candidate. PR would be expensive as will cost City taxpayers as much as \$3 million to pay for the complicated new voting equipment and technology if approved. According to the Board of Elections, these expenses will be legally required to be paid by the City of Cincinnati. This proportional representation system is not used in any major City in the country – currently, only 1 city in the United States (Cambridge, MA) with a population less than a third of that of Cincinnati uses this PR system. Some have offered that PR is complicated for the voter to understand, in the past requiring 4 pages of voter instructions. Solves a problem that doesn't necessarily exist as the argument that PR does a better job of assuring minority representation seems no longer compelling given changes in the population and voting patterns over the last 15 years. Has been defeated by the voters of Cincinnati in 1988, 1991, 1993 and 2008. This system encourages Council in-fighting and negative campaigns in order to be ranked #1 by some voters. The return of narrow, extreme Council members would come at a time when chaos is gone from City Hall as Council and the Mayor are working cooperatively to improve

the City. PR could make it more difficult for economic development projects like The Banks and business growth/retention initiatives to pass City Council, as Council members are rewarded for playing to their ideological base and penalized by that narrow base if looking out for whole City

### 9 Districts

Describe: All Council Members elected from 9 contiguous neighborhood based districts. By federal law, all districts would be required to be within 10% of population based on the latest Census. Would require that neighborhoods are kept within a district to the extent possible, and not divided into multiple districts,

Advantages: Races are head-to-head, so voters can vote against bad candidates/ideas. Probably makes elections less expensive. Ensures representation of all parts of the City. Council Members elected from a geographic area of contiguous neighborhoods would require that they be more focused on improving the quality of life in the neighborhoods they represent. Neighborhood residents that do not believe they are well represented in the 9x system support the ability to hold elected representatives accountable for the basic delivery of services and attention to the quality of life there. Allows non-establishment candidates to rise more easily. District elections allow neighborhoods to groom leaders as they can see a district election as open and available to all citizens, not just those with access to money. Even neighborhoods that have traditionally been powerless could motivate residents to get involved because their individual voices and actions matter much more in a District election. Under a system with 9 council members, this would keep districts the smallest they could possibly be and thus each member would represent a smaller, more manageable constituency. Smaller constituency makes it possible for inexpensive, grassroots campaigns to break through.

Disadvantages: Might cause an unnecessarily strong degree of parochialism. Our city needs to spend less time thinking about how east is different from west and more time thinking about how we are all in this together. The electoral incentive for council members is to focus almost exclusively on the geographic area of the city they represent which can create barriers to cooperation among council members to address city-wide issues. In other words, district elections increase the likelihood of fragmented councils. All district systems could make it more difficult for economic development projects like The Banks and business growth/retention initiatives to pass City Council, as Council members are rewarded for playing to their geographical base and penalized by that base if looking out for downtown or the whole City. District elections can attract people who see their primary purpose as being ombudsman for their supporters; that is, helping constituents get questions answered, service problems corrected and so on, rather than focusing on mission and policy concerns, as well as constituent service. Drawing the boundaries of districts every ten years is often a difficult task, because of the need to balance the different criteria relevant to designing districts, such as race, neighborhood integrity, political party, and so on. Voters only get to elect one member of City Council.

### 5 Districts + 4 Citywide

Describe: The nine Council Members could be elected from a hybrid system where 5 Members are chosen in elections within 5 separate neighborhood based districts, while 4 Members are elected in Citywide races. These Citywide races could either be 4x (4 top vote getters) or 4 head to head candidate races.

Advantages: Blends need for more localized attention/representation with members of council that keep the city-wide view at heart. If the City-wide elections are head-to-head, this has the advantages of district races and mitigates some of the problems. The city-wide races reduce parochialism concerns and give voters the opportunity to vote for 5 candidates (4+1 district), a majority of Council. Many cities utilize hybrid systems.

Disadvantages: See above for disadvantages to 9 Districts. This system would still face challenges and potential controversies over district lines. Still promotes some level of parochialism. Although the larger districts provide for less parochialism, they would also reduce the level of attention on constituent services and could lead more expensive campaigns.

#### 9 City-wide seats (head to head)

Describe: Similar to judicial elections, candidates run for a particular seat (incumbents would run for re-election to that seat). Opponents would file to run for a particular seat, so voters would have choices for each Council seat.

Advantages: Dramatically increases accountability as voters can decide if an elected member is doing his or her job, delivering on campaign promises, etc. Makes it easier to run against a specific member of council if that member is not doing his/her job. Democracy is about choices and this system provides clear choices within a citywide rather than district based system. Still would need to campaign city wide and build coalitions. In theory, members retain citywide orientation on Council.

Disadvantages: The primary disadvantage is that people will claim to have a tough time sorting out who will run against whom. But we handle this in judge races all the time. Most vulnerable members could be constantly under attack while stronger, better funded members see weaker/sacrificial opponents. Political minorities could lose a voice because each member would need 50%+1 votes. City-wide head to head races could ultimately prove more expensive and acrimonious than the 9x system. And could involve what some perceive as negative campaigns.

#### 9 District-Based Citywide Seats

Describe: Draw 9 districts and hold a primary election in each district for top two candidates, who then run against each other for the district seat in a city-wide general election.

Advantages: Promotes wider geographic diversity and representation while forcing candidates to still campaign, run and govern city-wide. This is the best combination of the advantages of head-to-head races and district races. It ensures representation from each part of the City, but requires councilmembers to pay attention to the needs of the entire City. It allows voters to vote against

candidates. It also allows lesser known candidates to rise in the City's consciousness (in the district primary), but provides a check against fringe candidates ultimately winning (through the general election). It probably guarantees a good mix of political groups and ensures diversity.

Disadvantages: City-wide head to head races could be more expensive and acrimonious than 9x. Also, a disadvantage is the fact that it is new and needs to be explained. It's not quite intuitive.

RECOMMENDATIONS: The Committee discussed each of these options and concluded the following:

1. By a vote of 12-0, the Committee takes the position that there is not majority support for moving to a PR-styled system.
2. By a vote of 11-1, there was support for moving away from 9x to a system where voters could more easily hold candidates accountable and lessen the advantages of incumbency.
3. By a vote of 12-0, there was no consensus on which of the above-outlined alternatives would best serve the values identified by the Task Force.
4. By a vote of 12-0, the Committee agreed that the Task Force should evaluate each of the final four alternatives in how they meet the values, and also talk to voters through community forums, public opinion polling and interest group outreach to determine the best recommendation to a new system that can serve Cincinnati into the future.
5. By a vote of 12-0, although there was limited discussion, there was no consensus on whether the Task Force should increase or decrease the number of Council Members or whether nine members is most appropriate.

#### Process for District Line Drawing

We have not discussed in Committee the process for drawing districts, should they be required by a change in election method. Consequently, we are not recommending a process to the Task Force. We advocate that if the Task Force will recommend districts, the initial districts must be created to allow for transparency and voter consideration as part of the proposal. Technology now allows voters to offer their own districts and the Task Force should create such a process for voter engagement. Any district proposal must meet federal voting rights requirements. The system for line-drawing after a decennial census should be limited to getting back into compliance with federal requirements after population gains or shifts. The group charged with updating district boundaries should reflect the diversity of the city and have a level of accountability to the voters.

RECOMMENDATION:

- 1) By a vote of 12-0, the Committee agreed that, at a minimum, if the Task Force is to follow the above recommendation and consider some form of districts, there should be retention of an expert who can help put the technology on line to allow citizens to draft and submit district plans.

### Staggered versus Straight 4-year Terms

The Charter provides for straight 4-year terms. However, nationally 85% of cities with 4-year terms stagger those terms. Many have recall provisions. Most have election systems where voters directly choose winners to council seats in head to head races, versus at-large top vote getter systems. *See attached report on 4-year terms.*

#### RECOMMENDATION:

- 1) By a vote of 11-1, the Committee agreed that, at a minimum, if the current election system is not changed by the Task Force, the 4-year term should be staggered and maintain voter elections every two years.

### **Excerpts from the *Cincinnati Electoral Commission Report, March 10, 2004:***

Some of us believe that in a system with an executive Mayor and Council Districts, the Mayor could focus more on the overall best interests of the City. Council members could work with the Mayor and the City administration to make sure that services are properly delivered to their Districts. Such systems work effectively in many successful American cities with the type of racial diversity we enjoy in Cincinnati. In fact, if the City adopts a mayor/council form of government, we would be one of a very few large cities that elects Council at large unless we adopt some form of district elections.<sup>2</sup>

Those of us who supported the District plan believe that Cincinnati would be better served with Council members elected from neighborhood-based Districts. Many Cincinnatians currently live in poor and/or segregated neighborhoods (Districts). These communities contend they exercise little power in the current at-large Council election system. Powerlessness in poor and/or segregated neighborhoods results partly from the inability of residents of these neighborhoods to successfully elect candidates to council and hold them directly accountable.

Neighborhood-based districts allow similarly situated Cincinnatians of comparable social stature, economic means and political interests to bring together their collective power on Election Day – aggregating, organizing and leveraging their political interests – to define and determine their own political leadership and hold that leadership accountable with the ultimate electoral sanction, a direct vote. District elections would provide a logical entry point for citizens' involvement in local government. A Cincinnatians who wants to serve his or her neighborhood and City should not be expected to compete City-wide and raise \$100,000 plus to have a chance to win. This requirement makes for a terribly high barrier for local government participation.

Moreover, the financial costs of running for Council are exorbitant. According to the October 2002 report of Ohio Citizen Action, 26 candidates spent \$1.9 million during the 2001 Council campaign. The nine winning candidates spent an average of more than \$168,000 per candidate, or nearly 80% of total dollars raised. Incumbent candidates raised 3.7 times more than non-incumbents. The results can be Council members overly reliant on wealthy contributors and

special interests, and largely immune from defeat due to the financial and name recognition advantages that are necessary in the at-large system.

Courts have consistently struck down government imposed campaign spending limits as unconstitutional. Serving as a form of *de facto* campaign finance reform, neighborhood-based Council Districts address this seemingly intractable problem in a practical manner.

Neighborhood-based Districts will drastically change the financial dynamics of Council campaigns. By reducing to a more manageable amount the number of residents that Council candidates must reach in a campaign – to around 37,000 for nine Districts – the financial threshold of campaign dollars needed to effectively compete for Council seats will be significantly lowered. Under the proposed form, Council candidates cannot justify to either their contributors or constituents a need for large expenditures for television and radio advertisements. Council campaigns would necessarily become more “grass-roots” oriented. Quality candidates in touch with voters could win election through hard work and grass roots campaigning. Money would no longer be the most important factor.

As executive power in the Office of Mayor increases, legislative power should be fairly shared throughout each Cincinnati neighborhood. Consolidation of executive power and dispersion of legislative power is wholly consistent with our republican form of government, and its separation of powers.

Opponents argued that Districts would necessarily “divide” or “balkanize” the City, pitting neighborhood against neighborhood. Some expressed the concern that downtown, which is a significant source of City revenue, would necessarily be ignored by a Council elected by Districts. But many believe that the current 9X system already balkanizes the City. It balkanizes the City where Council members support the political interests of those who helped them get elected. In our at-large system, those municipal interests may not be wholly based on geographic constituents, but relate to the demands of the interest groups or contributors providing the base of a member’s electoral support.

True, some neighborhoods believe they have been well-served by the current 9X system. That may be because those neighborhoods have long been well represented on Council. For example, from 1967 to 1997, 135 council seats were available. Of 135 council seats available, 81 (60%) were filled by residents of just four (8%) of Cincinnati’s 52 neighborhoods: Mt. Lookout, North Avondale, Westwood and Clifton.

During that same 30-year period, 32 (61%) of Cincinnati’s 52 neighborhoods did not have even one of their residents elected. This historic trend illustrates that the ability to be elected to council has been substantially concentrated or “balkanized” into only a few neighborhoods.

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<sup>2</sup> Of all cities above 330,000 population, 21 elect Councils at large; 42 by District; and 37 have a Mixed District/At-Large system. (Dr. Wheeland’s Supplemental Report.)