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***Mayor backs off election ad ban
Constitutional questions raised about that part of Akron campaign reform***

By Keith McKnight
Beacon Journal staff writer

Akron Mayor Don Plusquellic has decided to back off a proposal to ban certain campaign advertising in the 10 days before city elections.

Council President Marco Sommerville, D-3, and Rules Committee Chairman John Conti, D-at large, said amendments to the campaign reform measure are in the offing because of questions raised about the constitutionality of the 10-day ban.

"Some of us thought it was unconstitutional," Conti said, "so why even introduce it?... Then that would tie it up in courts and prevent the other provisions from taking effect."

But Plusquellic said this week that he still thinks it is a good idea. "I think it makes a lot of sense," he said, "to control the ability of outside folks to be able to impact an election that close to the actual vote when with TV ads people can make crazy and wild accusations without any opportunity for the candidates to be able to defend themselves."

Plusquellic's proposed ban was included in legislation he sent to the council last month to "create a level playing field" in the regulation of campaign spending.

His proposal came after losing a four-year legal battle to avoid the strict limits on contributions that voters approved in a 1998 charter amendment.

The mayor and all 13 council members -- 10 of whom are seeking re-election this fall -- are Democrats.

Plusquellic, who is seeking a fifth four-year term as mayor, is being opposed by Republican state Rep. Bryan Williams.

The voter-imposed restrictions -- said to be among the most stringent in the country -- capped individual contributions for candidates for mayor and council at large at \$300. Ward council candidates can accept no more than \$100 from each contributor.

But Plusquellic said the charter amendment has an obvious loophole: It restricts contributions to candidates but does not affect political parties and advocacy groups that are allowed to spend freely and anonymously.

To keep tabs on the flow of money, Plusquellic's proposal would require disclosure of donors' names within 48 hours for any ads that appear on behalf of candidates in the 45 days before an election. The legislation also sets out a penalty section making a violation a first-degree misdemeanor.

But it was the ban on advertising by political parties and support groups in the 10 days before city elections that raised free speech concerns among critics.

“I’m willing to have council drop that,” Plusquellic said. “I indicated my willingness to back off of that issue. I still think it might make sense to put something in there.”

Warner Mendenhall, an Akron lawyer and former city councilman who worked on behalf of the Dollars for Democracy group that pushed the 1998 charter amendment, said Tuesday that the 10-day provision is the only part of the Plusquellic legislation he opposes.

“People should be allowed to communicate with voters at will at that point,” Mendenhall said.

Mendenhall said he and others involved in the charter change view the new proposal as an interesting experiment that may well need “tweaking” if problems arise.

But it was the issue of contributions to groups being used to buy advertising independent of candidates’ campaigns that drew Plusquellic’s fire. And that issue wasn’t addressed in the charter amendment.

Plusquellic’s ban, as first proposed, appeared to be aimed at heading off last-minute fund-raising moves by Summit County Republican Chairman Alex Arshinkoff.

But Mendenhall said that, as the law stands, “Democrats can also make independent expenditures through the Democratic Party.”

“You can’t deal with everything, and no law is perfect,” Mendenhall said. “We were trying to make a reform and have an impact, and we have done so.”

Keith McKnight can be reached at 330-996-3734 or kmcknight@thebeaconjournal.com