

Sixth Circuit US Court of Appeals Decision on the Citizen-led 1998 Campaign Finance Reform Initiative

Here's the first part of the decision issued today by the Sixth Circuit US Court of Appeals on the citizen-led 1998 campaign finance reform initiative that has been in the courts for more than 3 years. The court ruled that the campaign contribution limits and regulations passed by voters were valid. The City may appeal to the full Appeals Court but will have a tough sell. It's not over yet but this was an important step in the right direction. Also below are my comments on the decision.

RECOMMENDED FOR FULL-TEXT PUBLICATION

Pursuant to Sixth Circuit Rule 206

ELECTRONIC CITATION: 2002 FED App. 0181P (6th Cir.)

File Name: 02a0181p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

John V. Frank; Marco Sommerville; John W. Valle; Robert G. Konstand; Gerald Holland; Nancy Heslop; Charles Walker,
Plaintiffs-Appellees/
Cross-Appellants,

v.

City of Akron,
Defendant-Appellee,
Bruce Kilby; Mike Parsons; Patricia Longville; Gregory D. Coleridge; the Yes on 11 Campaign,
Intervenors-Appellants/
Cross-Appellees.

Nos. 00-3050/3070

Appeal from the United States District Court
for the Northern District of Ohio at Akron.

No. 98-02862--Dan A. Polster, District Judge.

Argued: November 29, 2001

Decided and Filed: May 22, 2002

Before: MERRITT, CLAY, and GILMAN, Circuit Judges.

COUNSEL

ARGUED: Brian J. Williams, Akron, Ohio, for Appellants. Robert M. Gippin, THOMPSON HINE, Cleveland, Ohio, Cheri B. Cunningham, CITY OF AKRON, DEPARTMENT OF LAW, Akron, Ohio, for Appellees. ON BRIEF: Brian J. Williams, Akron, Ohio, Warner D. Mendenhall, LAW OFFICE OF WARNER MENDENHALL, Akron, Ohio, for Appellants. Robert M. Gippin, Karen Kelly Grasso, THOMPSON HINE, Cleveland, Ohio, Cheri B. Cunningham, Max Rothal, CITY OF AKRON, DEPARTMENT OF LAW, Akron, Ohio, for Appellees.

MERRITT, J., delivered the opinion of the court, in which CLAY, J., joined. GILMAN, J. (pp. 11-15), delivered a separate opinion concurring in part and dissenting in part.

OPINION

MERRITT, Circuit Judge. This case concerns the constitutionality of a campaign finance reform amendment to the City of Akron, Ohio, charter passed by Akron voters in a city-wide referendum. Plaintiffs are a group of city council members and voters who challenge the charter amendment on First Amendment grounds. The district court held that three of the four campaign contribution limitations and regulations were unconstitutional. We believe they are all valid.

Contact: AFSC 330-253-7151

STATEMENT OF GREG COLERIDGE, DIRECTOR OF NORTHEAST OHIO AFSC, ON SIXTH CIRCUIT US
COURT OF APPEALS DECISION ON CAMPAIGN FINANCE REFORM
5/22/02

The decision today by the Sixth Circuit US Court of Appeals on behalf of campaign finance reform is a major victory for citizens of the City of Akron. It affirms what many citizens have been saying since Akron voters passed the citizen-led initiative in 1998 -- that these provisions are legitimate and legal. It also refutes what most city politicians, big money contributors and media pundits argued -- that the law was unconstitutional and those who promoted it were misguided.

The decision, which validates \$300 contribution limits for mayoral and at-large council candidates, \$100 contribution limits for ward council candidates and several disclosure requirements, undermines the recently passed legislation by City Council and signed by the Mayor. That legislation established so-called "limits" of \$1500 in political contributions to mayoral candidates and \$750 in political contributions to ward council candidates.

The decision also sheds light on the total lack of integrity of the City of Akron administration, particularly the Law Department. The 1998 initiative passed by a 2 to 1 margin. It became law. Rather than defend the law, however, the City of Akron Law Department sided with the special interests who opposed the measure. It was citizens and their representatives who had to defend the law and take the case to the Sixth Circuit US Court of Appeals, which ruled that all of the campaign contribution limits and regulations in our citizen-led initiative were valid.

For the past four years, citizens who supported meaningful municipal campaign finance reform have been vilified. We have been called every name in the book. The smear campaign contributed to the defeat in 2000 and 2001 of voluntary full public financing to qualified candidates running for municipal office, which is still needed.

The decision today, however, is not about winning or losing but about what's right and needed to increase credibility in our political system and voices for those without money in Akron politics. The decision affirms that the voices of citizens do count. They counted in November, 1998 when this citizen-led initiative passed. For the voices of citizens to count in any meaningful way in the future, big, special interest money must ultimately be removed from politics. The decision today, is a step in that direction within the City of Akron.

The American Friends Service Committee (AFSC) is a Quaker-related social action organization that educates, advocates and organizes on issues of justice, peace, sustainability and democracy. AFSC assisted the citizen-led campaign finance reform initiative in 1998 which secured enough signatures to gain ballot access. AFSC then supported Yes on Issue 11, the main organization which organized passage of the initiative. AFSC was also a major supporter of the community-wide effort which promoted "Clean Money" (voluntary full public financing of elections) in 2000 and 2001 in Akron.