

CITY OF LAUDERHILL
POLICY
REGARDING
USE OF CITY BUILDINGS AND FACILITIES
FOR POLITICAL CAMPAIGN ACTIVITIES

Prohibition on solicitation of knowing acceptance of political contributions in city buildings.

Fla. Stat. 106.15(4) prohibits any person from making, soliciting, or accepting *any* political contribution in a building owned by a governmental entity. “Accept” means hand delivery from a contributor or contributor’s agent. “Soliciting” includes correspondence such as mail, email, fax – so be sure to remove any addresses/links from any campaign distribution materials that are handed out within a public building.

- There is an EXCEPTION – if the public building is privately rented (rental is paid for) for the specific purpose of holding a campaign fundraiser – then acceptance of contributions at the private event is permitted.

There is no express prohibition on candidates doing other permissible political campaign activities (so long as it is not expressly prohibited by law). There is no restriction on candidates from doing community events. Under the City Ethics Code Sec. 8-10(c), no candidate is to use any position they hold in a civic organization for special gain for public office. However, there is no prohibition for community leaders to continue to be involved in their community activities. They can introduce candidates. There is no legal prohibition to introducing themselves as candidates or handing out flyers/literature in public buildings. Just can’t solicit or accept contributions.

Public access (including candidates) to city buildings.

City-owned buildings are intended to be open to the public, so they shall also be open to candidates for office during public events. City staff should not prohibit candidates from entering public facilities to conduct campaign activities unless they are prohibited by law (ie. No soliciting/accepting contributions).

HOWEVER, if a public building (or portion thereof) has been rented or leased for a PRIVATE EVENT, then it is NOT “open to the public” and members of the general public nor candidates are permitted to have general public access to the event (i.e. if it is a ticketed event or invitation only, only those with tickets or invitations are permitted access).

Candidates are permitted to conduct campaign activities in privately owned facilities if a private facility is rented for the event or even if a private facility is rented by the city to host an event that is open to the public.

City employees and city assets.

City employees, city staff, and any city assets (supplies, personnel, materials, copies, paper) are NOT permitted to be used by candidates in their campaigns. Fla. Stat. 104.31(2) prohibits a city employee from participating in any political campaign for an elective office *while on duty*.

City employees are entitled to exercise their First Amendment rights and can assist or campaign for any candidate after hours when NOT within the course and scope of their employment. A candidate may NOT use the services of any state, county, municipal or district officer or employee during working hours Fla. Stat. 106.15(3). No candidate should put undue pressure on an employee. City Code 8-10(o). Candidates are not permitted to use any city facilities (unless privately rented), supplies, photocopiers, paper, any services, equipment, city computers, telephones or vehicles for political purposes. Code 8-10(p).

No current public official can use any city resources to promote themselves personally within 90 days of an election, unless otherwise permitted by law. Code 8-10(q).

Use of City Staff

- Police, Fire, Code Enforcement, nor any other City departments nor City staff should be mandated to participate in an event for a candidate, other than for providing approved security or enforcement for approved city events or as specifically stated in an approved special event permit or license. No staff shall accompany a candidate for any campaign related activities during the course and scope of their employment.

Can't post signs in Right of Way

No candidates shall post signs on city property, city parks or city rights-of-way. Code 8-10(r)

No candidates shall post signs on private property without first obtaining permission from the legal owner or their legal representative. Code 8-10(s).

Can't solicit within 150 feet of an election polling place.

No candidate can interfere with the ability of the electorate to vote on election day, including blocking entrance to voting precincts; arguing with voters, works, or other candidates; or displaying any behavior which would bring disrespect to the electorate or any other present. Code 8-10(h). Fla. Stat. 102.031.

Negative Campaigns/Negative Inferences

No candidate shall conduct a campaign by creating negative inferences about their opponent which are false and misleading. Code 8-10(j).

All candidates for elective office shall, prior to communicating any information about their opponent, satisfy to a reasonable degree, the truth of the information. Code 8-10(k).

All candidates should seek to avoid "negative campaigns" which would merely cause to discourage the electorate from voting and cause a negative perception to the public concerning the elective process.

Showmobile rental – the City showmobile is permitted to be rented for political/election-related purposes so long as it is paid for. A disclosure has been added to the city website and application providing that "The rental of the city showmobile in no way represents the City of Lauderhill's endorsement or support of the person, entity, company, group, product, campaign, or

purpose for which it is rented and the renter shall not make any such representation unless expressly authorized by the City in writing to do so.”

Equal Time

There are laws on “equal time” that apply if a location is inviting candidates to speak they are supposed to allow all candidates “equal time”.

There are also “FCC” requirements regarding air time that need to be complied with.