

A MODEL LOCAL LAW PROHIBITING POLITICAL
FUNDRAISING ON OR BY USE OF PUBLIC PROPERTY

Section 1. Short Title

An ordinance banning the use of government buildings and government equipment for political fundraising.

Section 2. Purpose

WHEREAS political contributions have a profound impact on government decision making; and

WHEREAS a conflict may arise between the business of political fundraising and the business of government in town hall and other government- owned premises, and this may cause a distraction from the People' s business; and

WHEREAS, the most appropriate method to prevent this conflict and to insure the integrity of government decisions is the prohibition of political fundraising on or by use of public property.

THEREFORE, it is accordingly found and determined that the paramount public interest in a clean and accountable government requires the prohibition of political fundraising on public property or by use of public facilities.

Section 3. Definitions

A. Candidate- Any individual seeking election to a public office of the federal government, state, county, municipality, school district or political organization at an election.

B. Contribution- Includes all loans and transfers of money or other thing of value to or by any candidate elected official or political organization and all pledges or other commitments or assumptions of liability to make any such transfer. Contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

C. Political Organization - Means any two or more persons acting jointly, or any corporation, partnership or any other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of an candidate or candidates for federal, state, county, municipal or school board office. "Political organization" includes, but is not limited to, organizations otherwise defined as "political committee," "joint candidates committee," and "legislative leadership committee."

D. Municipality - This municipality and any officer, department, board, commission, or agency thereof.

E. Municipal official, employee and appointee- Any person holding elective municipal office or holding an appointed position in the municipal government, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated:

and any employee of municipal government or in any agency, commission, board, or office thereof, whether the position is full time or part time.

F. Solicit - To seek by oral or written communication a Contribution as same is defined herein.

G. Property of the Municipality- Buildings, land, vehicles, phones, fax machines, computers or other office equipment or supplies and other real or personal property owned, leased or controlled by the municipality, except for public roads and open park land.

Section 4. General Regulations

A. Prohibition Against Soliciting or Accepting Political Contributions on Public Property.

1. No person shall make a contribution to a candidate or officeholder and no candidate or officeholder shall solicit or accept a contribution in the City Hall located at _____, the City Council Chambers located at _____, or other structures designated by the City Council as City Hall or City Council Chambers.
2. This restriction shall not apply to acceptance of contributions mailed to officeholders at a city mailing address. A knowing violation of this section is an offense.

B. Prohibited Forms of Fundraising

1. Prohibited forms of fundraising shall include but are not limited to:
 - a. Soliciting or accepting contributions using municipal telephones, fax machines or computers.
 - b. Soliciting or accepting contributions using personal telephones while on the Property of the Municipality.
 - c. Soliciting or accepting contributions through the use of publicly-owned computers or privately-owned personal computers while on the Property of the Municipality.
 - d. Using municipal letterhead to solicit or accept contributions.
 - e. Face-to-face soliciting of an individual or an owner or representative of a business entity while on the Property of the Municipality
 - f. Use of automobiles owned or leased by the Municipality to accept or solicit contributions.

C. Reporting Requirements: It shall be the responsibility of any employee, appointed, or elected official who observes any prohibited forms of fundraising to report such conduct to the municipal

ethics board, if one exists, or in the alternative, to the municipal prosecutor and the municipal clerk who shall report same to the governing body.

D. Whistleblower Provision: It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with the reporting requirements mandated by the ordinance.

Section 5. Penalties for offenses.

A. A violation of this article is hereby declared to be an offense, punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$350 nor more than \$700 or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

B. In addition to the penalties provided above, any person violating this article shall be subject to a civil penalty enforceable and collectible by the Town not exceeding \$1,000.00 for a first offense; for a second violation committed within five (5) years next following a first violation, by a civil penalty enforceable and collectible by the Town not exceeding \$2,000.00; for each subsequent violation, by a civil penalty enforceable and collectible by the Town not exceeding \$3,500.00.

C. In addition to the penalties above provided, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

F. No penalty provided for by this Chapter shall be deemed exclusive. The Town Board shall have discretion to seek one or more of the penalties provided herein in a court of competent jurisdiction.

Section 6. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State.