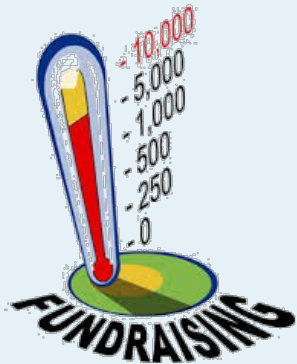


Elected Officials' Fundraising

B.C.C. § 1-19 (Broward Code of Ethics for Elected Officials) applies to Broward's elected county and municipal officials.

This brochure is intended only to summarize the provisions of the Code restricting how and when Broward's municipal and county Elected Officials may engage in soliciting contributions for charities and campaign candidates, including themselves. This does not serve as a legal opinion.

Citations to the Broward County Code of Ordinances are abbreviated herein as "B.C.C. §," followed by the section number.



Inspector General John W. Scott

Broward Office of the Inspector General
One North University Drive, Suite 111
Plantation, FL 33324
Phone: (954) 357-7873
Fax: (954) 357-7857
E-mail: InspectorGeneral@broward.org
www.browardig.org

Follow us on Twitter [@BrowardIG](https://twitter.com/BrowardIG)

300 copies of this public document were promulgated at a gross cost of \$105.00 and \$0.35 per copy, to provide ethnics education information.

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Broward Code of Ethics for Elected Officials

Charitable and Campaign Fundraising



“Can I fundraise?” “What are my restrictions?”

As an elected official in Broward County, you may fundraise for any charity or event that is formally approved by your governmental entity, any charity that is an IRS 501(c)(3) organization, and any candidate for elective office. The Ethics Code, Section 1-19 of the Broward County Code of Ordinances, restricts how you may solicit for candidates for public office (including yourself) and IRS 501(c)(3) charities. B.C.C. §1-19(c)(5).

First, make sure that the fundraising you want to do complies with applicable law. For charitable fundraising and campaign fundraising, see the separate summaries of the Broward ethics code to the right. Other laws, such as the state elections laws, do apply. You must follow these, too.

Second, complete and file the applicable disclosure form with your County Administrator or Municipal Clerk. The two forms necessary to disclose fundraising for charities and other candidates are available from the County Attorney. You can find them through a link at www.BrowardIG.org (go to Programs, Ethics, Forms). The campaign finance report forms for your own fundraising efforts are available from the supervisor of elections or your clerk.

Third, ensure that these forms are “**filed for public inspection**” within 15 days. This means that a copy of the completed disclosure form or all its information is entered into (1) a searchable internet database of your governmental entity or (2) (for campaign finance reports) a searchable internet database linked from the website of your governmental entity. B.C.C. § 1-19(b)(4) and (c)(5)b.2.

Charitable fundraising

- 1. Is all charitable fundraising regulated by the Ethics Code?** No. If you want to fundraise for an organization or event that is already formally approved by your governmental entity, the requirements and prohibitions of the Ethics Code (summarized below) do not apply. B.C.C. § 1-19(c)(5)a.4.
- 2. Can I fundraise for any cause I think is worthy?** No. Under the Ethics Code, *either* the charity or fundraiser must be formally approved by your governmental entity *or* the group must be an IRS-designated 501(c)(3), tax exempt charity. B.C.C. § 1-19(c)(5)a.
- 3. Can I get or give a benefit by fundraising for charity?** No. There can be no *quid pro quo* (“something for something”) for your efforts. You may not receive any special, direct or indirect benefit from the charitable organization or its people, nor may you give any special, direct or indirect benefit to any individual or entity that makes a contribution. B.C.C. § 1-19(c)(5)a.1.
- 4. Can I use my staff or office?** No. In soliciting contributions for a qualifying non-profit, you may not use staff or any other resources of the local government that you serve. This includes telephones, computers, e-mail accounts, office equipment, supplies, and the like. B.C.C. § 1-19(c)(5)a.3.
- 5. What if I have a job working for a non-profit charitable organization?** Your salary is not considered a *quid pro quo* or special consideration, and you do not have to disclose the fundraising efforts you do as part of your job. B.C.C. § 1-19(c)(5)a.5.

Don't forget to “file for public inspection” any charitable fundraising efforts (successful or not) for organizations or events that are not already formally approved by your governmental entity, within 15 days. B.C.C. § 1-19(c)(5)a.2.

Campaign fundraising

- 1. Can I fundraise for any candidate for election?** Yes. The Ethics Code does not restrict for whom you can solicit campaign contributions.
- 2. Does the Broward Ethics Code restrict how I can raise campaign funds?** Yes. While you may fundraise for any candidate you like, you must follow the state election laws and the Ethics Code about how. B.C.C. § 1-19(c)(5)b.
- 3. Can I use my staff, office, or any government property?** No. In soliciting campaign contributions for yourself or another, you may not use staff or any other resources of the local government that you serve. This includes telephones, computers, e-mail accounts, office equipment, supplies, and the like. B.C.C. § 1-19(c)(5)b.4. You are also responsible to ensure that no campaign or political contribution is made, solicited, or accepted by anyone in any government-owned building. B.C.C. § 1-19(c)(5)b.5.
- 4. What information must I report?** You must disclose all fundraising efforts (successful or not) that you make on behalf of other candidates. You must list the candidate's name, the location and date of any event, and the donor names and amounts for any contributions made through you (“bundled” by you). B.C.C. § 1-19(c)(5)b.3. You must file a copy of your own campaign finance reports for public inspection at the same time that you file the originals with the elections qualifying official. B.C.C. § 1-19(c)(5)b.2.

Don't forget to “file for public inspection” any campaign fundraising efforts for other candidates, as well as your own campaign finance reports that are required by state law, within 15 days. B.C.C. § 1-19(c)(5)b.2. and 3.

