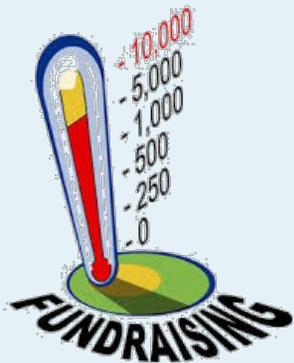


Elected Officials’ Fundraising

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

This publication is intended only to summarize the provisions of the Ethics 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.



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200 copies of this public document were promulgated at a gross cost of \$80 and \$0.35 per copy, to provide ethics 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 charitable solicitation that has been formally approved by your governmental entity;
- in your private capacity, for any charitable organization, nonprofit entity, or individual;
- in your official capacity, for any charitable cause, individual in need, or educational or humanitarian nonprofit entity that is an IRS 501(c)(3) organization; or
- any candidate for public office (including yourself).

The Broward Code of Ethics for Elected Officials, Section 1-19 of the Broward County Code of Ordinances (the Ethics Code), restricts how you may solicit for charitable causes and election candidates, as we explain below and to the right.

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 Ethics Code to the right. Other laws, such as Florida ethics and elections laws, do apply. You must follow those, too. If you have questions, you should seek advice from your county or municipal attorney.

Second, complete and file the applicable disclosure form with your County Administrator or Municipal Clerk. The necessary forms are available from the County Attorney. You can find them through a link at www.BrowardIG.org/ethics.

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 either entered into a searchable internet database of your governmental entity or linked from your governmental entity’s website to another searchable internet database.

B.C.C. § 1-19(b)(4).

Charitable Fundraising

1. **Is all charitable fundraising regulated by the Ethics Code?** No. If you want to conduct a charitable solicitation that your governmental entity has formally approved, the requirements and prohibitions of the Ethics Code do not apply. B.C.C. § 1-19(c)(5)a.5.
2. **What other charitable causes can I fundraise for?** For a “Private Charitable Solicitation,” when you are acting in your private capacity, you may solicit on behalf of any charitable organization, nonprofit entity, or individual. B.C.C. § 1-19(c)(5)a.1. For an “Official Charitable Solicitation,” when you are acting in your official capacity, you may solicit only for a charitable

cause, individual you determine is in need, or educational or humanitarian nonprofit entity that meets the IRS’s criteria for charitable organizations, so long as there is no quid pro quo (“something for something”) for your efforts. B.C.C. § 1-19(c)(5)a.2. You must disclose both these types of charitable fundraising. B.C.C. § 1-19(c)(5)5.c.

The following are neither “Official Charitable Solicitations” nor “Private Charitable Solicitations”:

- Social media posts on pages where the promotion of the charitable cause or event is not the page’s primary purpose and you don’t tag any specific individual or entity to call their attention to the post. B.C.C. § 1-19(c)(5)a.3.a.
 - E-mails directed at groups of 50 or more individuals that reference a charitable cause or event. B.C.C. § 1-19(c)(5) a.3.b.
 - GoFundMe or similar online fundraising campaigns. B.C.C. § 1-19(c)(5)a.3.c.
 - Newsletters that reference a charitable cause or event if the primary purpose of the newsletter is not to promote the charitable cause or event. B.C.C. § 1-19(c)(5)a.3.d.
 - Statements at publicly noticed meetings of your governmental entity that merely reference a charitable cause or event or ask for participation, support, or a contribution, as long as you do not target any specific, identifiable individual. B.C.C. § 1-19(c)(5)a.3.e.
3. **Can I use my staff, office, or any government resources?** Yes, but only if either your local governmental entity has formally approved the solicitation, you are conducting an “Official Charitable Solicitation” and don’t use more than “in-kind resources,” or you obtain a legal opinion.
 - Neither you nor your direct staff may represent or imply to anyone that any solicitation is on behalf of or has been approved or endorsed by your governmental entity when it has not been formally approved. B.C.C. § 1-19(c)(5) a.5.a.
 - For an “Official Charitable Solicitation,” you may only use “in-kind resources” that don’t affirmatively spend public funds, such as your email access or direct office staff, if such use doesn’t violate any other provision or law. B.C.C. § 1-19(c)(5)a.4.
 - If you specifically solicit from identifiable, private individuals or for-profit entities, you may not use any governmental entity staff or resources unless you first obtain a written statement from your county or municipal attorney that the solicitation comports with applicable law and serves a public purpose. B.C.C. § 1-19(c)(5)a.5.b.
 4. **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.6.

Don’t forget that, within 15 days, you must “file for public inspection” any successful or unsuccessful “Private Charitable Solicitation” or “Official Charitable Solicitation” for an organization or event that is not already formally approved by your governmental entity. B.C.C. § 1-19(c)(5)a.5.c.

Campaign Fundraising

1. **Can I fundraise for any candidate for election?** Yes. The Ethics Code does not restrict for whom you may solicit campaign contributions.
2. **Does the 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. 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. **Must I report all the endorsements I make?** No. The disclosure requirements don’t apply (1) where you merely endorse a candidate and don’t expressly allow the candidate to use your name in fundraising efforts or (2) where you merely attend or speak at an event, don’t ask others to make financial contributions to the candidate’s campaign, and don’t receive any campaign contributions. B.C.C. § 1-19(c)(5)b.3.
5. **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 (that is, contributions you bundle). B.C.C. § 1-19(c)(5) b.3. Whenever you, as a candidate, file an original campaign finance report with your qualifying official (the supervisor of elections or municipal clerk), you must also file a copy for public inspection. B.C.C. § 1-19(c)(5)b.2.
6. **Must I report each time I make fundraising efforts for another candidate?** Generally, yes. But if a campaign contribution results merely from your being listed as a member of a host committee or from your written consent to use your name in fundraising (each an “Indication of Support”), one disclosure of such an “indication of support” is good for two years or until the election, whichever comes first. B.C.C. § 1-19(c)(5)b.3.

Don’t forget that, within 15 days after each solicitation of campaign funds for other candidates or “Indication of Support,” you must “file for public inspection” the necessary disclosure form. And, at the same time that you file your own campaign finance reports with the qualifying official, you must also “file for public inspection” copies of those reports. B.C.C. § 1-19(c)(5)b.2. and 3.