

Jacob G. Horowitz
jhorowitz@cityatty.com



**GOREN CHEROF
DOODY & EZROL P.A.**
ATTORNEYS AT LAW

GCDE ETHICS ADVISORY OPINION

To: Commissioner Justin Flippen

From: Kerry L. Ezrol, City Attorney *KLE*
Jacob G. Horowitz, Assistant City Attorney *JGH*

Date: February 25, 2016

Re: City of Wilton Manors ("City") / Code of Ethics – Advisory Opinion-Campaign Fundraising

I. ISSUE AND FACTS PRESENTED

You have indicated that you have agreed to serve on the "Host Committee" of several candidates currently running for office. There are no specific events associated with your service on these host committees, and you do not expect to receive any funds, directly or indirectly, to deliver to the candidates. Your name may be used by the candidates on mailers, endorsement lists, and other electioneering communications related to their campaigns.

You have also indicated that you may, from time to time, volunteer for the campaigns of one or more candidates for office. As a campaign volunteer, you anticipate participating in phone banks, canvassing, and attending events to promote the candidate. You will not be directly or indirectly soliciting or collecting campaign contributions. You will be engaging in all of this activity in your personal capacity and, to the extent legally permissible, may also utilize your status as an elected official.

Based on the foregoing, you have asked whether you are required to disclose any campaign contribution fundraising pursuant to the Broward County Code of Ethics for Elected Officials ("Code of Ethics" or "Code").

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Please reply to Fort Lauderdale Office

Fort Lauderdale Office
3099 E. Commercial Blvd., Suite 200, Fort Lauderdale, FL 33308. T 954-771-4500 | F 954-771-4923

Delray Beach Office
76 N.E. Fifth Avenue, Delray Beach, FL 33483. T 561-276-9400

www.cityatty.com

II. ANSWER

Elected Officials who engage in campaign contribution fundraising on behalf of other candidates for office are required by the Code to disclose such fundraising activity. While there are no specific fundraising events associated with your service on a candidate's host committee, you cannot be certain how your name will be used by the candidate. Since you have authorized the use of your name, which may include the use of your name in fundraising activities by the candidate, you **are legally required** to file the campaign contribution disclosures set forth in the Code of Ethics. The pertinent disclosure obligations in the Code of Ethics relate only to fundraising on behalf of other candidates for office. There is **no disclosure** required when you volunteer to assist the campaign of another candidate for office when such volunteer activities **do not** include fundraising for the candidate. *Section 1-19(C)(5)(b), Broward County Code of Ordinances.*

III. ANALYSIS

The Code of Ethics expressly provides, in relevant part, as follows:

Elected Officials who **solicit** campaign contributions for other candidates for public office **shall disclose**, on a form created by the Office of the County Attorney, the **name of the candidate** for whom they are soliciting, the **location** and **date** of any associated event, and both the **name** and **contribution** amounts of any individual who provided contributions, directly or indirectly, to the Elected Officials for subsequent delivery to the candidate. The form shall be filed for public inspection within fifteen (15) days after the solicitation of funds by the Elected Officials.

You have indicated that you have agreed to serve on the "Host Committee" for several candidates for office, and asked whether such service would result in a disclosure obligation under the Code of Ethics. The Code requires Elected Officials to disclose when they solicit campaign contributions for other candidates for public office. The plain language of the Code suggests that this would include solicitation of contributions for candidates at all levels of government (i.e. local, state, federal, judicial, etc...).

Even if your willingness to serve on a candidate's Host Committee does not result in your direct solicitation of funds on behalf of a candidate, you cannot be certain how the candidate will use your name once you have given them permission to do so. You have specifically indicated that your name may be used by candidates on their mailers, endorsement lists, and other electioneering communications related to their campaigns. Such uses may include fundraising activities by the candidate.

Since candidates for office may generally use the names of their Host Committee members for fundraising purposes, and you have specifically indicated that your name may be used on electioneering communications, the Code of Ethics **does legally require** you to disclose such activities. The form, prepared by the Office of the County Attorney, requires that you identify the candidate for office and the location/date of any event associated the fundraising activity. If there

is no specific event associated with your service on the Host Committee, you can indicate as such on the form. If you are not provided any contributions, directly or indirectly, to deliver to the candidate, you can indicate that on the disclosure form as well.

Notwithstanding the foregoing, in the event that you subsequently engage in direct campaign contribution solicitations on behalf of a candidate which pertain to a specific event or which result in an individual providing you, directly or indirectly, with contributions to deliver to the candidate, you are **legally required to file a supplemental disclosure** detailing such activities.

Please be advised that all necessary disclosures must be filed **within fifteen (15) days** after the solicitation of funds by the Elected Official.

You have also indicated that you may engage in volunteer campaign-related activities on behalf of other candidates for office including participating in phone banks, canvassing, and attending events to promote the candidate. The disclosure requirements set forth in the Code of Ethics are **limited specifically to fundraising** activities. You **are not** required to disclose when you engage in volunteer campaign activities for another candidate for office that do not include direct or indirect fundraising for the candidate.

IV. CONCLUSION

Based on the foregoing, it is the opinion of the City Attorney's Office that the Code of Ethics **legally requires** you to disclose your service on a candidate's Host Committee even if your service is not related to a specific event and you do not expect to receive any funds, directly or indirectly, to provide to the candidates. Moreover, you **are legally required** to file a supplemental disclosure in the event that you subsequently engage in campaign contribution fundraising on behalf of a candidate related to a particular event, or if an individual gives you a contribution to deliver to the candidate.

This advisory opinion is issued pursuant to Section 1-19(c)(8) of the Broward County Code of Ordinances and may be relied upon by the individual who made the request. This analysis is limited solely to the facts presented. Please note that this advisory opinion must be sent in a searchable .pdf format to Broward County (ethicsadvisoryopinions@broward.org) within fifteen (15) days of receipt. Please contact our office if there is any additional information that we can provide.