



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

**BILL NO. 100128
(As Amended, 5/12/10)**

Introduced March 4, 2010

**Councilmembers Tasco, Green, Sanchez, Reynolds Brown, Jones, Goode,
Greenlee, DiCicco, Council President Verna, Councilmembers Kenney,
Miller, Krajewski, Kelly, Clarke and O'Neill**

**Referred to the
Committee of the Whole**

AN ORDINANCE

Amending Chapter 20-600 of The Philadelphia Code, entitled "Standards of Conduct and Ethics," by establishing standards of conduct regarding the political activities of City officers and employees, and providing penalties for violations, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 20-600 of The Philadelphia Code is amended to read as follows:

CHAPTER 20-600. STANDARDS OF CONDUCT AND ETHICS.

* * *

§ 20-616. Political Activities.

(1) *Controlling Law. Pursuant to Section 10-107(7) of The Philadelphia Home Rule Charter ("Charter"), the provisions of this Section 20-616 shall control over any contrary provisions of Section 10-107(3), (4) and (5) of the Charter.*

(2) *Soliciting Political Contributions.*

(a) *Except as provided in subsection (2)(b), no City officer or employee shall directly or indirectly demand, solicit, collect or receive, or be in any manner concerned in demanding, soliciting, collecting or receiving, any assessment, subscription or*

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contribution, whether voluntary or involuntary, intended for any political purpose whatever. Provided, however, that this prohibition shall not extend to ministerial tasks.

(b) Elected City officers and members of boards and commissions may solicit, collect or receive voluntary contributions intended for political purposes, as long as they do not:

(i) Knowingly solicit any contribution intended for any political purposes from any City officer or employee, except that elected City officers may solicit contributions from other elected officers.

(ii) Engage in any such activity while in City Hall or in any other City-owned or leased office space.

(iii) Use any City-owned resources, such as telephones, computers, or other supplies or equipment, in connection with any such activity.

(c) Notwithstanding any of the restrictions set forth in this Section, if an unsolicited communication regarding political fundraising activities is directed to any person subject to subsection (b), or to any employee appointed by such person, while such person or employee is on duty or in City Hall or in any other building which houses City government offices, de minimis use of City-owned resources to redirect the communication to the appropriate non-City person or entity shall not be considered a violation of this Section.

(3) Making Political Contributions. City officers and employees, including officers and members of the Police Department and the Fire Department, may make voluntary contributions for political purposes.

(4) Activity in Political Parties and Political Campaigns.

(a) All City officers and employees may:

(i) Register and vote as they choose.

(ii) Assist in nonpartisan voter registration drives.

(iii) Express opinions about candidates and issues.

(iv) Participate in campaigns where none of the candidates represent a political party.

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(v) Attend political fundraising functions.

(vi) Attend political rallies and meetings.

(vii) Join political parties or clubs.

(viii) Sign nominating petitions.

(ix) Campaign for or against referendum questions, constitutional amendments, and municipal ordinances.

(x) Be a candidate for nomination or election to a public office in a nonpartisan election.

(b) All elected City officers, and all other City officers and employees with the exception of those other City officers and employees listed in subsection (d), below, may:

(i) Be a member of a national, state or local committee of a political party.

(ii) Be an officer or member of a committee of a partisan political club.

(iii) Take active part in the management or affairs of a political party or in a political campaign.

(c) No City officer or employee may engage in the activities listed in subsection (b), above:

(i) While on duty.

(ii) While in City Hall or in any other City-owned or leased office space, unless such space is being used with City permission for a campaign-related event, or, on election day, if such space is being used as a polling place.

(iii) While using any City-owned or leased resources, such as telephones, computers, or other supplies or equipment, in connection with any such activity.

(iv) Unless such officer or employee has completed and filed with the Board of Ethics the required registration statement, which shall include the officer or

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employee's job title, and such other information as the Board of Ethics may require by regulation, provided, however, that this restriction shall not apply to elected City officers.

(d) The following City officers and employees may not engage in the activities listed in subsection (b), above:

- (i) Uniformed or sworn law enforcement or public safety employees.*
- (ii) Employees of the Office of the District Attorney with the power and authority to prosecute criminal cases in court.*
- (iii) Employees who investigate reports of child abuse and neglect.*
- (iv) Employees with the authority to assess the value of real estate or other taxable property.*
- (v) Employees with the authority to impose a fee or fine.*
- (vi) Employees with the authority to grant or deny an application for a license or permit.*
- (vii) Employees with the authority to grant or deny a bid for a contracting opportunity.*
- (viii) Employees with the authority to grant or deny any other permission or request impacting property rights or interests including, but not limited to, payment agreements for tax arrears.*
- (ix) Employees with the authority to decide the appeal of the imposition of a fee or fine or of an application for a license, permit, or other permission.*
- (x) Employees with the authority to represent the City in court as an attorney or enter into settlement agreements on behalf of the City.*
- (xi) Employees of the Board of Ethics, the City Commissioners Office, and Office of Inspector General.*

(e) The Ethics Board shall promulgate regulations indicating, by job title, those City officers and employees to whom subsection (d), above, applies based upon their job duties. The Ethics Board may delegate to the Civil Service Commission the responsibility of determining what City officers and employees are subject to subsection (d), above.

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(5) *Nothing in this Section shall be construed to prohibit or otherwise limit any activity or speech to the extent such prohibition or limitation would contravene the Constitution or laws of the United States or of the Commonwealth of Pennsylvania.*

(6) *Violations of this Section shall be subject to the penalties set forth in §20-612. The penalties set forth in Section 10-109 of The Philadelphia Home Rule Charter shall not apply to any such violations.*

SECTION 2. This Ordinance shall take effect if and when the voters approve the amendment to Section 10-107 of The Philadelphia Home Rule Charter proposed by Resolution No. 100139.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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