

Sec. 2-11.1.1. - Ethical campaign practices ordinance.

- (A) *Applicability of Ethical Campaign Practices Ordinance.* The Ethical Campaign Practices Ordinance shall extend to: (i) candidates, and their respective campaign staffs, for the Miami-Dade County Commission or Mayor; (ii) candidates, and their respective campaign staffs, for the Miami-Dade Fire and Rescue Service District Board; (iii) candidates, and their respective campaign staffs, for Miami-Dade County Community Councils; (iv) candidates, and their respective campaign staffs, for any municipal elective office within Miami-Dade County; (v) Candidates, and their respective campaign staffs, for the Property Appraiser of Miami-Dade County; and (vi) any candidate, and his or her campaign staff, for elective office with a constituency in whole or in part in Miami-Dade County who agrees to abide by the mandatory and/or voluntary fair campaign practices provided in subsections (C) and (D). As used herein, "candidate" means any person to whom any one (1) or more of the following applies:
- (1) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her election to, or retention in, public office.
 - (2) Any person who appoints a treasurer and designates a primary depository.
 - (3) Any person who files qualification papers and subscribes to a candidate's oath as required by law.
- (B) *Miami-Dade County Commission on Ethics and Public Trust.* The Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission") shall have jurisdiction over the Ethical Campaign Practices Ordinance. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the mandatory and voluntary fair campaign practices provided in subsections (C) and (D).
- (C) *Mandatory Fair Campaign Practices.*
- (1) *Prohibitions.* A candidate, and his or her campaign staff, for the Miami-Dade County Commission, Mayor of Miami-Dade County, Property Appraiser of Miami-Dade County, Miami-Dade Fire and Rescue Service District Board, Miami-Dade County Community Councils or for any municipal elective office within Miami-Dade County shall not:
 - (a)

With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;

- (b) With actual malice publish or cause to be published by writing, printing, picture, effigy, sign or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;
 - (c) Willfully injure, deface or damage or cause to be injured, defaced or damaged by any means any campaign poster, sign, leaflet, handbill, literature or other campaign material of another candidate;
 - (d) Knowingly obtain, or cause to be obtained the campaign property of another candidate with the intent to, temporarily or permanently, deprive the candidate of a right to the property or a benefit therefrom; or
 - (e) Knowingly file with the Ethics Commission a groundless or frivolous complaint against another candidate.
- (2) *Agreement to abide by Mandatory Fair Campaign Practices.* A candidate for any elective office with a constituency in whole or in part in Miami-Dade County who is not required to comply with the mandatory fair campaign practices as provided in subsection (C)(1) may at any time declare that he or she agrees to abide by the mandatory fair campaign practices, and that he or she recognizes as compulsory the jurisdiction of the Ethics Commission (a) to decide whether said candidate has violated the mandatory fair campaign practices and, if so, (b) to impose the appropriate penalty, if any. The declaration shall be on a form approved by the Ethics Commission and shall be irrevocable. Copies of the declaration form shall be on file with the Ethics Commission, the Miami-Dade County Supervisor of Elections and the Clerk of the Board of each municipality within Miami-Dade County.

(3)

Penalties. In addition to any other penalty provided by law, a finding by the Ethics Commission that a candidate or a member of his or her staff has violated one (1) or more of the mandatory fair campaign practices shall subject said candidate, a member of his or her staff, or both, to an admonition or public reprimand and/or a fine of five hundred dollars (\$500.00) for the first such violation and one thousand dollars (\$1,000.00) for each subsequent violation. The Ethics Commission may also order a person who violates a mandatory fair campaign practice to pay restitution when the person or a third party receives a pecuniary benefit as a result of the person's violation. The procedure for determining restitution shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

(D) *Voluntary Fair Campaign Practices.*

- (1) *Statement of Fair Campaign Practices.* The following voluntary Statement of Fair Campaign Practices shall guide candidates for public office in Miami-Dade County:

STATEMENT OF FAIR CAMPAIGN PRACTICES

As a candidate for public office in Miami-Dade County, I believe that political issues can be freely debated without appealing to racial, ethnic, religious, sexual or other prejudices. I recognize that such negative appeals serve only to divide this community and create long-term moral, social and economic problems.

Therefore:

1. I shall not make my race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
2. I shall not make my opponents' race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
3. I will condemn any appeal to prejudice based on race, creed, national origin, religion, gender, physical disability or sexual orientation.
4. I shall not without just cause attack or question my opponent's patriotism.
5. I shall not publish, display or circulate any anonymous campaign literature or political advertisement.

6. I shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics I condemn.
 7. I shall run a positive campaign emphasizing my qualifications for office and positions on issues of public concern.
 8. I will limit my attacks on an opponent to legitimate challenges to that person's record, qualifications, and positions.
 9. I will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor will I make or condone unfounded accusations discrediting that person's credibility.
 10. I will take personal responsibility for approving or disavowing the substance of attacks on my opponent that may come from third parties supporting my candidacy.
 11. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.
- (2) *Agreement to abide by Statement of Fair Campaign Practices.* A candidate for public office in Miami-Dade County as described in subsection (A) may at any time declare that he or she agrees to abide by the Statement of Fair Campaign Practices, and that he or she recognizes as compulsory the jurisdiction of the Ethics Commission (a) to decide whether said candidate has violated the Statement of Fair Campaign Practices and, if so, (b) to impose the appropriate penalty. The declaration shall be on a form approved by the Ethics Commission and shall be irrevocable. Copies of the declaration form shall be on file with the Ethics Commission, the Miami-Dade County Supervisor of Elections and the Clerk of the Board of each municipality within Miami-Dade County. Declarations shall be filed with the Ethics Commission.
- (3) *Penalty.* In addition to any other penalty provided by law, a finding by the Ethics Commission that a candidate has violated one (1) or more of the voluntary fair campaign practices shall subject said candidate to an admonition or public reprimand.

(E)

Procedure. The procedures provided in Chapter 2, Article LXXVIII of the Code of Miami-Dade County shall govern all complaints or requests for advisory opinions brought pursuant to the Ethical Campaign Practices Ordinance. Notwithstanding the foregoing, the Ethics Commission may conduct an expedited proceeding, with the assistance of hearing examiners, when a complaint is filed pursuant to the Ethical Campaign Practices Ordinance within fifty (50) days of a primary, general or special election. Expedited proceedings shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission. No action may be taken on a complaint filed more than one (1) year after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

(Ord. No. 98-94, § 1, 7-7-98; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 06-157, § 1, 10-24-06; Ord. No. 08-62, § 1, 5-20-08)