

VILLAGE OF NEW LONDON
ORDINANCE NO. 2020 - 110

AN ORDINANCE ENDORSING THE STATE POLICY AGAINST USING PUBLIC FUNDS FOR POLITICAL ACTIONS AND AMENDING THE VILLAGE'S EMPLOYEE HANDBOOK RELATIVE TO THE SAME

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW LONDON, HURON COUNTY, OHIO, AS FOLLOWS

Section 1. That this Council does hereby acknowledge and endorse the State policies prohibiting the use of public funds for political actions, specifically as stated in Revised Code Sections 9.03 and 124.61, as follows:

9.03 Newsletters of political subdivisions.

(B) Except as otherwise provided in division (C) of this section, the governing body of a political subdivision may use public funds to publish and distribute newsletters, or to use any other means, to communicate information about the plans, policies, and operations of the political subdivision to members of the public within the political subdivision and to other persons who may be affected by the political subdivision.

(C) Except as otherwise provided in division (A)(7) of section 340.03 of the Revised Code, no governing body of a political subdivision shall use public funds to do any of the following:

- (1) Publish, distribute, or otherwise communicate information that does any of the following:
 - (a) Contains defamatory, libelous, or obscene matter;
 - (b) Promotes alcoholic beverages, cigarettes or other tobacco products, or any illegal product, service, or activity;
 - (c) Promotes illegal discrimination on the basis of race, color, religion, national origin, handicap, age, or ancestry;
 - (d) Supports or opposes any labor organization or any action by, on behalf of, or against any labor organization;
 - (e) Supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue.
- (2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C)(1)(e) of this section. Division (C)(2) of this section does not prohibit the use of public funds to compensate an employee of a political subdivision for attending a public meeting to present information about the political subdivision's finances, activities, and governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting.

(D) Except as otherwise provided in division (A)(7) of section 340.03 of the Revised Code or in division (E) of this section, no person shall knowingly conduct a direct or indirect transaction of public funds to the benefit of any of the following:

- (1) A campaign committee;
- (2) A political action committee;
- (3) A legislative campaign fund;
- (4) A political party;
- (5) A campaign fund;
- (6) A political committee;
- (7) A separate segregated fund;
- (8) A candidate.

(E) Division (D) of this section does not prohibit the utilization of any person's own time to speak in support of or in opposition to any candidate, recall, referendum, levy, or bond issue unless prohibited by any other section of the Revised Code.

(F) Nothing in this section prohibits or restricts any political subdivision from sponsoring, participating in, or doing any of the following:

- (1) Charitable or public service advertising that is not commercial in nature;
- (2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;
- (3) Licensing an interest in a name or mark that is owned or controlled by the political subdivision.

124.61 Abuse of political authority or influence.

No person who holds any public office, or who has been nominated for, or who seeks a nomination or appointment to any public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment, or promotion.

Section 2. Whenever an invoice, expense reimbursement, purchase order, or request for payment is submitted to the Fiscal Officer relative to a publication or communication, or materials or supplies related thereto, the Fiscal Officer shall require a written certification from the Village officer or employee who authorized the expense, demonstrating that the expense is not in contravention of Revised Code Section 9.03, before the Fiscal Officer submits the expense for approval by Council.

Section 3. That the Village's "Employee Handbook and Personnel Policies" be, and hereby they are, amended, by adding the following language:

Restricted Political Activities

Village Officials and Employees are governed by the following provisions of the Ohio Revised Code:

9.03 Newsletters of political subdivisions.

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(1) Publish, distribute, or otherwise communicate information that does any of the following:

- (a) Contains defamatory, libelous, or obscene matter;
- (b) Promotes alcoholic beverages, cigarettes or other tobacco products, or any illegal product, service, or activity;
- (c) Promotes illegal discrimination on the basis of race, color, religion, national origin, handicap, age, or ancestry;
- (d) Supports or opposes any labor organization or any action by, on behalf of, or against any labor organization;
- (e) Supports or opposes the nomination or election of a candidate for public office, the investigation, prosecution, or recall of a public official, or the passage of a levy or bond issue.

(2) Compensate any employee of the political subdivision for time spent on any activity to influence the outcome of an election for any of the purposes described in division (C)(1)(e) of this section. Division (C)(2) of this section does not prohibit the use of public funds to compensate an employee of a political subdivision for attending a public meeting to present information about the political subdivision's finances, activities, and

governmental actions in a manner that is not designed to influence the outcome of an election or the passage of a levy or bond issue, even though the election, levy, or bond issue is discussed or debated at the meeting.

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- (4) A political party;
- (5) A campaign fund;
- (6) A political committee;
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(E) Division (D) of this section does not prohibit the utilization of any person's own time to speak in support of or in opposition to any candidate, recall, referendum, levy, or bond issue unless prohibited by any other section of the Revised Code.

(F) Nothing in this section prohibits or restricts any political subdivision from sponsoring, participating in, or doing any of the following:

- (1) Charitable or public service advertising that is not commercial in nature;
- (2) Advertising of exhibitions, performances, programs, products, or services that are provided by employees of a political subdivision or are provided at or through premises owned or operated by a political subdivision;
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The prohibitions in these statutes extend to and include the use of Village property and machinery (e.g., computers, printers, copiers, phones, e-mail, websites, meeting rooms). In addition to any criminal or financial liability that may apply, the violation of these provisions by a supervisor or employee is grounds for disciplinary action, up to and including immediate termination.

Section 2. That this Ordinance shall take effect at the earliest period allowed by law.

PASSED:

July 13, 2020

ATTEST:

Nancy Howell
Fiscal Officer

John Thomas
Mayor