

**ITEM #42**

(Substitute Exhibit 3)

**ADDITIONAL MATERIAL**  
**Public Hearing**

**MAY 5, 2020**

**SUBMITTED AT THE REQUEST OF**  
**COMMISSIONER BARBARA SHARIEF**

The italicized text in subsection 3(c) below represents language added to what was previously distributed as Exhibit 3.

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not impose any further restrictions on Private Charitable Solicitation.

2. When acting in an official capacity, an Elected Official may solicit funds, goods, or services for charitable causes, individuals in need (as determined by the Elected Official), or educational or humanitarian nonprofit entities that meet the Internal Revenue Code's criteria for charitable organizations ("Official Charitable Solicitation"), so long as there is no quid pro quo or other special consideration, including any direct or indirect exchange of benefits between the parties to the Official Charitable Solicitation.

3. The following do not constitute either Official Charitable Solicitation or Private Charitable Solicitation:

- a. ~~Postings on social media pages that do not have as their primary purpose the promotion of charitable causes or events, provided that such postings do not tag specific individuals or entities in order to call their attention to the postings, and irrespective of whether the postings are boost postings or promoted postings;~~
- b. ~~E-mail correspondence directed at groups of fifty (50) or more individuals referencing charitable causes or events;~~
- c. GoFundMe® or similar online fundraising campaigns;

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

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~~b.~~ d. Newsletters referencing a charitable cause or event where the primary purpose of the newsletters is not to promote charitable causes or events; or

~~c.~~ e. Provided that no specific, identifiable individuals are targeted, statements at publicly noticed meetings of the Elected Official's governmental entity that merely reference charitable causes or events, or that ask for participation in, support of, or contributions to charitable causes or events.

4. Except where otherwise required by law, and as otherwise qualified below, an Elected Official may use staff directly assigned to the Elected Official and may use his or her governmental entity's e-mail and telephone systems and other resources that do not require the affirmative expenditure of public funds (collectively, "in-kind resources") when engaging in Official Charitable Solicitation, provided the use of such resources does not violate any other provision of applicable law. Approval by the Elected Official's governmental entity is required only where the Official Charitable Solicitation involves the affirmative expenditure of public funds through the use of resources other than in-kind resources or where the Elected Official seeks to use staff other than directly assigned staff; however, an Elected Official may choose to seek formal

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approval of the charitable solicitation from his or her  
governmental entity even

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