

STATE OF GEORGIA
 FULTON COUNTY
 CITY OF EAST POINT

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF EAST POINT, GEORGIA CODE OF ORDINANCES TO REGULATE CANDIDATE CONDUCT IN ELECTIONS REGARDING REMARKS FROM PUBLIC AND USE OF CITY PROPERTY FOR POLITICAL CAMPAIGNS

WHEREAS, the City Council of East Point encourages the participation of members of the public in the legislative process, including by making public comment at meetings of the City Council and its committees; and

WHEREAS, the City Council of East Point desires to make the public comment opportunity in its meetings accessible to as many members of the public as possible, and to remove barriers to participation in local democracy; and

WHEREAS, the City Council of East Point desires to ensure the efficient and equitable conduct of the public comment section of the agenda; and

WHEREAS, the City Council of East Point desires to regulate conduct in elections; and

WHEREAS, the City Council of East Point has reasonably determined that allowing discussion of candidacy or incumbency during public comment could be disruptive to the business of the City; and

WHEREAS, the City Council of East Point has reasonably determined that allowing the use of city property for candidates to campaign provides an unfair advantage; and

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EAST POINT as follows:

Section 1. The Code of Ordinances of the City of East Point is hereby amended revising Part 2, Chapter 3, Section 2-3014 and Section 2-3015 to read as follows:

Sec 2-3014. - REMARKS FROM PUBLIC

- (a) Any member of the public may speak to the council on matters of public concern, including matters of general policy, efficiency, and the conduct of city government, provided that the president may rule out of order personal, abusive, or indecorous language. This includes using such time support or campaign for any political candidate. No person shall cede his/her time to another person who has not previously signed up to speak. However, a

speaker may yield his/her time to another speaker on the list; provided that the person to whom time has been yielded may be placed at the end of the speakers' list; provided, however, that no speaker to whom time has been yielded shall speak for more than ten minutes.

- (b) Speakers are prohibited from identifying themselves as candidates during the public comment portion of the City Council and Committee meetings.
- (c) Incumbent members of the City Council are prohibited from identifying themselves as candidates during the City Council and Committee meetings.
- (d) The presiding officer of the City Council is hereby authorized to disallow members of the public from attendance at two future meetings of the city council under the following circumstances:

- (1) Where the person has previously engaged in inappropriate, unseemly, obstructive behavior causing the presiding officer of the city council to remove the person from two consecutive city council meetings; or
- (2) Where the person engages in behavior so extremely hostile and rancorous that the announced purpose of the meeting is frustrated.

(c) Upon a finding that the penalty in subsection (a) of this section shall be imposed, the presiding officer of the city council shall notify the affected person in writing that he (she) is prohibited from attending certain future council meetings and the effective dates of the prohibition. Notification shall be served by certified mail and by regular mail.

(d) This section is adopted as a ban against any person or persons engaging in behavior deemed inappropriate, unseemly and obstructive and not aimed at any one individual or set of individuals nor at the content of the person's speech or expression.

(e) The person or persons disallowed from attending future meetings of the City Council are by no means or fashion banned or forbidden from engaging in the expression of ideas with any other member of the public on any street, sidewalk, other parts of the public buildings owned or occupied by the city, before any standing committee allowing an opportunity for such expression to be heard, or by any other alternative channel permitted by any other law or ordinance.

(f) Those persons disallowed from attending future meetings of the City Council are by no means or fashion banned or forbidden from obtaining the minutes or any other recorded version of those proceedings that are maintained and made available to the public.

Section 2-3015. - USE OF CITY PROPERTY FOR POLITICAL CAMPAIGNS

(a) The City of East Point bans the use of city property for private advantage during elections and campaigning for all candidates. To assist elected officials, employees, and candidates for municipal office, the City of East Point has established the following guidelines that apply to the use of city property during campaigns:

(1) *City Website*. No city official or employee may use the City of East Point's website to solicit campaign contributions, seek volunteers, advertise a campaign, or provide a link to any campaign website.

(2) *City Email Addresses*. No official, candidate, or employee may use the city's email directory or city email addresses to solicit political support or be used for campaign-related purposes.

(3) *City Facilities*. A candidate may use a city facility during a campaign if the property is a public forum open to all members of the general public, such as the City Hall steps, sidewalks, or public parks. Campaign events in public parks are subject to the same rules as any other event in a park and may require an application or fee depending on the size of the event and the use of a stage, tent, or amplification. City

buildings may be used for political forums when the forum is open to all candidates in a specific race and the general public is invited to attend the event. A candidate may not campaign, distribute, or post political campaign literature in any city building or on a city vehicle.

(4) *City Funds.* City funds may not be used for campaign purposes.

(5) *City Social Media.* City-funded materials, such as council newsletters and city event flyers, may not contain links or references to the social media account of candidates for municipal office when the account is used for political campaign purposes such as fundraising or soliciting votes for municipal office.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of East Point.

Section 4. The effective date of this Ordinance shall be the date of adoption unless otherwise specified therein.

BE IT ORDAINED by the City Council of East Point, this _____ day of _____, 2023.

First Reading: _____

Adoption: _____

Approved: _____
Mayor City of East Point

City Attorney

City Clerk