

## 2018 Board Opinions

Advisory Opinion No.	Date Issued	Brief Description	Key Words
			Citations
<a href="#">2018-002</a>  Non-public Advisory Opinion	05/29/18	Advised an entity regarding its potential activities related to the 2019 municipal election. The request presented many different scenarios, each requiring a highly fact-specific analysis of whether coordination between the entity and a candidate’s campaign would be present under the City Campaign Finance Law such that contribution limits would apply to related expenditures by the entity in support of the candidate. The scenarios included the entity: (1) meeting with a candidate or future candidate and discussing the entity’s support of endorsed candidates in similar past races, an electioneering communications plan, or related budget; (2) republishing a candidate photograph taken by the candidate’s campaign that appears on a website not controlled by the campaign; (3) paying for digital ads promoting and linking to a candidate’s website or Facebook page; and (4) announcing an electioneering communications plan or a field canvassing plan on the entity’s social media platforms. The Opinion cautioned that it was inadvisable for the entity and a candidate or future candidate to meet to discuss information, strategy, or budget related to future expenditures by the entity in support of the candidate if the entity wishes to avoid potential coordination.	CAMPAIGN FINANCE; COORDINATED EXPENDITURE; COORDINATION; CONTRIBUTION LIMITS; INDEPENDENT EXPENDITURE; IN-KIND CONTRIBUTION; EXPENDITURES MADE IN COOPERATION, CONSULTATION, OR CONCERT WITH A CANDIDATE’S CAMPAIGN; EXPENDITURE MADE TO REPRODUCE, REPUBLISH, OR DISSEMINATE CAMPAIGN COMMUNICATIONS OR CAMPAIGN MATERIALS; ELECTIONEERING COMMUNICATIONS; FUTURE CANDIDATE; MEETING WITH A CANDIDATE; REPUBLICATION OF CAMPAIGN COMMUNICATIONS OR MATERIALS; REPUBLICATION OF CANDIDATE PHOTOGRAPH; DIGITAL ADS PROMOTING AND LINKING TO CANDIDATE’S WEBSITE OR FACEBOOK PAGE; ELECTIONEERING COMMUNICATIONS PLAN; FIELD CANVASSING PLAN
			Code Chapter 20-1000; Board Reg. 1

<p><a href="#">2018-001</a></p> <p>Public Advisory Opinion</p>	<p>01/25/18</p>	<p>Advised the Mayor that members of the Board of Education are not subject to the ethics laws over which the Board of Ethics has jurisdiction, while members of the Educational Nominating Panel are subject to these ethics laws. A Solicitor’s Opinion issued to the Board of Ethics and attached to this Board Opinion advised that for purposes of The Philadelphia Home Rule Charter, the Board of Education is not a City board or commission whereas the Educational Nominating Panel is a City board or commission. Similarly, under the City Ethics Code, Board of Education members do not meet the definition of “board or commission members” or “officers or employees.” By contrast, Educational Nominating Panel members qualify as board or commission members and as officers under the City Ethics Code. As the Educational Nominating Panel does not fall within the category of City boards and commissions that exercise significant powers of government, its members are subject only to a limited number of Charter political activity restrictions.</p>	<p>SCHOOL DISTRICT OF PHILADELPHIA; BOARD OF EDUCATION; EDUCATIONAL NOMINATING PANEL; MUNICIPAL FUNCTION; CITY FUNCTION; CITY BOARD OR COMMISSION; BOARD OR COMMISSION MEMBER; OFFICER OR EMPLOYEE; POLITICAL ACTIVITY; SIGNIFICANT POWERS OF GOVERNMENT; GRATUITIES; INTERESTS IN CITY CONTRACTS</p> <hr/> <p>Charter §§ 10-102; 10-105; 10-107; City Code Chapter 20-600; Board Reg. 8; Board Opinions 2014-001 &amp; 2007-006; Dec. 22, 2017 Philadelphia Solicitor’s Opinion; State Ethics Comm’n Advices of Counsel 02-538 &amp; 84-536; State Ethics Comm’n Order No. 1620, Oct. 8, 2013</p>
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