

From: [Oberdorfer, Kirby](#)
To: [CM](#)
Cc: [SS; Teal, Jason; Sidman Martin, Margaret; Johnston, Paige](#)
Subject: Sunshine Law Training Regarding Council Leadership Elections
Date: Monday, February 28, 2022 7:03:30 PM

Good Evening Council Members,

Per Council Rule 1.103(a), the process for City Council President and Vice President elections begins tomorrow. Council Members interested in serving as either Council President or Council Vice President are required to file their intent to be considered for Council leadership between March 1 and March 30.

Please note that Council Elections are subject to the state Sunshine Law. Please review the General Guidance section below for information on how to comply with the Sunshine Law during Council leadership elections. If you have any questions or concerns, please feel free to reach out to our office at any time.

Warm Regards,
Kirby G. Oberdorfer
Ethics Director

COUNCIL LEADERSHIP ELECTIONS GENERAL GUIDANCE

Elections for Council President and Vice President are not procedural matters. They are governed by the Sunshine Law. Ultimately, the City Council **votes** on who will be President and Vice President. Therefore, all communications between Council Members about Council leadership elections need to take place in the Sunshine (i.e. meetings in City Council conference rooms or Council Chambers; notices and minutes taken). You **CANNOT** have back and forth communications (such as discussions, texts, emails, letters, pledges, thumbs up in passing or on social media, etc.) with other Council Members about elections for Council leadership outside of a noticed meeting.

You also CANNOT use another person to “test the waters” or to get information about who is supporting who (ECAs, City staff, lobbyists, etc.). That is using a liaison and may also violate the Sunshine Law.

EXAMPLES OF SUNSHINE LAW DANGER AREAS

1. Collecting pledges from Council Members or giving signed pledges in support of a Council Member outside of a noticed meeting.
2. Communicating the number of signed pledges a Council Member has outside of a noticed meeting. For example, you cannot send out or say anything announcing “I have 10 pledges.”
3. A Council Member invites you to lunch and mentions that he/she wants to run for Council President.
4. A Council Member stops by your office and mentions how he/she would do things differently than the current leadership and that is why he/she is running Council President or Vice-President.

5. An ECA, member of the Mayor's staff, or a lobbyist mentions to another Council Member that you are running and asks for support for your candidacy.

EXAMPLES OF CORRECT PROCEDURE UNDER SUNSHINE LAW

1. Having your ECA set up a noticed meeting for you and other Council Member(s) to discuss Council leadership elections. Pledges can be signed and collected during noticed meetings.
2. Sending a one-directional email/letter telling other Council Members that you are seeking an office and enclosing a pledge form. At the end of the email/letter, be sure to add "Please do not respond in any way to this email/letter and do not send me a signed pledge. I will be setting up a noticed meeting with you to discuss."