

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Tuesday, July 17, 2012 11:19 AM  
**To:** Lopez, Carolina D. (Elections)  
**Cc:** Batista, Sylvia (COE)  
**Subject:** County Campaign Ordinance (INQ 12-120)

Hello Carolina,

The County Ethics Commission enforces Sec. 2-11.1.1 of the County Code titled “Ethical Campaign Practices Ordinance.” There are two types of provisions under this ordinance—MANDATORY and VOLUNTARY. You’ll notice that some of the County’s mandatory provisions are similar to prohibitions under state election law.

Under the County’s MANDATORY provisions, candidates and their staffs shall not—

- (a) With actual malice make any untrue oral statement about another candidate or a member of his or her family or staff that would expose the person to hatred, contempt, or ridicule or would cause the person to be shunned or avoided, or injured in his or her business or occupation;
- (b) With actual malice publish any untrue statement about another candidate or a member of his or her family or staff that would expose the person to hatred, contempt, or ridicule or would cause the person to be shunned or avoided, or injured in his or her business or occupation;
- (c) Willfully injure, deface or damage any campaign poster, sign, leaflet, handbill, literature or other campaign material of another candidate;
- (d) Knowingly obtain the campaign property of another candidate with the intent to deprive the candidate of the property or
- (e) Knowingly file with the Ethics Commission a groundless or frivolous complaint against another candidate.

The County also has a VOLUNTARY Fair Campaign Practices Ordinance, which candidates may **choose** to abide by, **but are not required to abide by**. Unless a candidate has signed a form agreeing to abide by the voluntary statements, the following cannot be enforced:

1. I shall not make my race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
2. I shall not make my opponents’ race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
3. I will condemn any appeal to prejudice based on race, creed, national origin, religion, gender, physical disability or sexual orientation.
4. I shall not without just cause attack or question my opponent’s patriotism.
5. I shall not publish, display or circulate any anonymous campaign literature or political advertisement.
6. I shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics I condemn.

7. I shall run a positive campaign emphasizing my qualifications for office and positions on issues of public concern.
8. I will limit my attacks on an opponent to legitimate challenges to that person's record, qualifications, and positions.
9. I will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor will I make or condone unfounded accusations discrediting that person's credibility.
10. I will take personal responsibility for approving or disavowing the substance of attacks on my opponent that may come from third parties supporting my candidacy.
11. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.

I hope this helps.

Regards,

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

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**From:** Batista, Sylvia (COE)

**Sent:** Monday, July 16, 2012 5:22 PM

**To:** Frigo, Victoria (COE)

**Subject:** Voter Fraud

Good morning Victoria,

I spoke with Carolina Lopez of the Dept. of Elections who said that she automatically refers all telephone calls related to voter fraud to us. However, as you know, we do not deal with criminal voter fraud which is what a particular caller was calling about last night. Carolina asks that you call her so that she can understand which callers she should forward to us and which others need to go to the State Attorney Office. I reached her directly at (305) 499-8410. Thanks.

**Sylvia Batista, Investigator**

**Miami Dade County Commission on Ethics and Public Trust**

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