CITY OF SEQUIM

FACT SHEET

Political Use of City Facilities

SUMMARY

The City of Sequim owns different types of property for the benefit of its taxpayers and the general public, including streets and sidewalks, parks, utilities, and facilities. This fact sheet specifically covers ***facilities***[1] that can be rented by members of the public, such as event centers, performance venues, meeting rooms, and banner display structures.

BACKGROUND

Open Public Forums: Some City property is designated as a traditional open public forum for assembling and expressing views, including political and partisan positions, so long as this constitutionally-protected activity does not otherwise violate the law. City parks, streets, and sidewalks are traditional open public forums.

Limited Public Forums: Other City property, such as facilities, are considered *limited* public forums. This means the City may regulate the use of the facility if the restrictions are reasonable, viewpoint neutral, do not discriminate, and are in the public interest.

CURRENT STATUS

The City of Sequim considers the facilities it rents to the public — like the Guy Cole Event Center, James Center for the Performing Arts band shell, and the banner space — to be "limited public forums" subject to a long-standing practice of disallowing political use. In addition, the City complies with state laws that prohibit using City facilities for political use except under specific circumstances. See RCW 29B.45.010.

The City of Sequim and legal advisors interpret "political use" to mean activities or events that are presented by or connected to a particular political party, candidate, campaign, or ballot measure that is designed or intended to exclude the other party or viewpoint.

This is not to say that our facilities can never be used to assemble or discuss controversial — even "politic*ized*" — matters of local, national, or global importance. City facilities could be

[1] Note that in the context of political campaigns or candidates, "City facilities" means more than buildings and infrastructure. See RCW 29B.45.010.

rented to host a "town hall" or other event where all people are invited and all viewpoints are discussed, debated, and contested. City facilities could also be used to host a candidate forum if all candidates were invited to attend and there was no distribution of individual or partisan material such as signs, buttons, and stickers at the facility. The City does not regulate which candidates actually attend those events; it only matters that all candidates were invited.

SCENARIOS/EXAMPLES

If a group wanted to rent a City facility to hold a candidate debate where all candidates would be invited and have equal opportunity to express their views, but only candidates representing one "side" have agreed to attend, the City would allow this use because it is consistent with the City's adopted practice.

A rental for a campaign fundraiser for person(s) running for office will not be allowed in a City facility even if the position is nonpartisan or for a government jurisdiction outside Sequim because it is for a political use.

An existing political office-holder may be allowed to hold a town hall-type event in a City facility to discuss current issues if it will be open to the general public and completely separate from campaign activities.

A banner rental would be denied if the banner contained language prompting support for (or opposition to) a particular candidate, political party, or ballot measure.

SOURCES – CASE LAW

City of Sequim Facility Rental Guidelines

Banner Policy

Perry Education Association v. Perry Local Educators' Association, 460 US 37 (1983) gave governments broad power to determine who can use public property for speech purposes, and said if a government establishes a limited public forum for one category of expressive activity it only needs a reasonable basis for excluding speakers who fall outside of that category.

Faith Center Church Evangelistic Ministries v. Glover (9th Circuit Court of Appeals 2007) stated: "A limited public forum is a sub-category of the designated public forum, where the government opens a nonpublic forum but reserves access to it for only certain groups or categories of speech."