



THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR MICHAEL J. ALBANO

EXECUTIVE ORDER

Equal Access For Announcing Candidacy

WHEREAS, the First Amendment to the United States Constitution prohibits the government from regulating speech in ways which favor some viewpoints or ideas at the expense of others; and

WHEREAS, the First Amendment does not guarantee unlimited access to municipal property simply because it is owned by the City nor does it authorize access which is incompatible with the City's use of the property; and

WHEREAS, Room 220 in City Hall has not traditionally been used as a public forum; and

WHEREAS, the City government must continue to use Room 220 in City Hall for its traditional and usual municipal purposes including, but not limited to: conducting public hearings; holding municipal ceremonies; having municipal meetings; making municipal announcements; and holding municipal press conferences, etc.; and

WHEREAS, it is not the City's intent to create a public forum in Room 220 of City Hall because unlimited, general access to Room 220 for that purpose would disrupt the principal function of City Hall which is to serve as a municipal workplace to perform the City's business; and

WHEREAS, the City's traditional policy and practice of confining the use of Room 220 in City Hall to municipal purposes cannot be reconciled with open access to Room 220 for use as a public forum; and

WHEREAS, permitting individual candidates for public office to apply for reservation of Room 220 in City Hall for the limited purpose of announcing their candidacy for public office is not incompatible with the City's traditional uses of Room 220 and will tend to encourage greater voter interest and participation in the electoral process which is a vital aspect of our governmental system; and

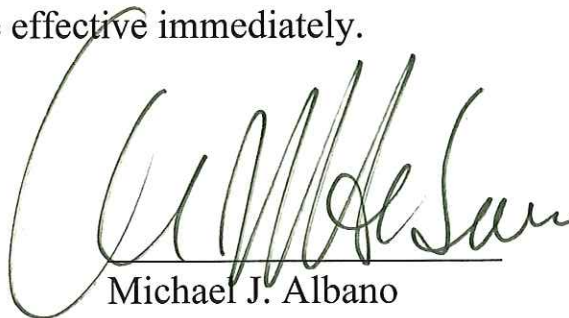
WHEREAS, the City has a substantial interest in regulating its property to avoid interruptions to municipal employees engaged in fulfilling their official duties and therefore intends to preserve City Hall as a nonpublic forum while authorizing individual candidates to have access to Room 220 in City Hall for the limited purpose of announcing their candidacy for public office under a content-neutral, impartially administered permitting process; and

WHEREAS, the law prohibits any person in any building or part thereof occupied for municipal purposes from demanding, soliciting or receiving any payment or gift of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever.

NOW THEREFORE, I, Michael J. Albano, by the authority vested in me as Mayor of the City of Springfield, Massachusetts, on this 22nd day of February, 2000 determine that it is appropriate to authorize Room 220 in City Hall to be used by individuals to announce their candidacy for any federal, state, or local elective public office provided that the time, place, and manner of such use is not incompatible with the City's use of the property and provided further that no demand, solicitation or receipt of any payment or gift of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose shall be permitted on City property. I hereby designate Room 220 to be the exclusive location within City Hall in which individuals may announce their candidacy for public office. In order to preserve the City's interest in using Room 220 for its usual municipal purposes (*e.g.*, ceremonies, hearings, meetings, municipal announcements, press conferences, etc.) any individual desiring to use Room 220 to announce their candidacy for public office shall request and must receive written authorization from the Director of the City's Department of Facilities Management. I direct the Department of Facilities Management to establish content-neutral rules, applications, and forms for regulating the time, place and manner in which individuals may use Room 220 to announce their candidacy for public office.

This Executive Order shall be effective immediately.

2/22/00



Michael J. Albano
Mayor of Springfield