



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 02/06/2018

Title: Revision to Pima County Public Library Petition Passing Policy D32.11

Introduction/Background:

The current Petition Passing Policy addresses only one type of first amendment activity frequently encountered outside of libraries. Including additional first amendment activities into the policy will aid in the management of all activities that occur outside of a library.

Discussion:

Individuals often take part in first amendment activities not mentioned in the current policy; an example is the sharing of information of a religious nature. Other community members question the legality of these activities, and the library does not have a mechanism by which to manage these activities.

Conclusion:

Revisions to Policy D32.11 will result in a better understanding and management of first amendment activities allowed to occur outside of a library.

Recommendation:

Library Administration and the Library Advisory Board recommend the revisions to Board of Supervisors policy D32.11.

Fiscal Impact:

None.

Board of Supervisor District:

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- All

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PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

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| <u>Subject:</u> Pima County Public Library – Petition Passing <u>and Information Sharing Policy</u> | Policy Number | Page |
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Purpose:

~~To assure that any individual who circulates political petitions to collect signatures is aware of the requirements for doing so on library grounds and to set forth the possible ramifications for violation of policy or law.~~

Background:

~~The Arizona and United States Constitutions and Arizona laws afford persons the opportunity to influence government via the election of candidates and initiative and referendum processes. While library facilities are not traditional public forums for the direct expression of political speech, it may be appropriate for some political activities to occur on library grounds. Individuals seeking signatures on candidate nominating petitions or initiative or referendum petitions may do so outside of a library, so long as library activities are not disrupted and access to the library is not obstructed.~~

~~The Pima County Library District cannot and will not, in any way, control the content of any petition being circulated near any of its libraries. The presence of circulators outside of a library does not constitute the Library District's endorsement of any candidate nor support or opposition of the subject matter of any initiative or referendum. The presence of circulators outside of a library does not constitute the Library District's endorsement of the policies, beliefs or political affiliations of any person or group circulating petitions for signatures.~~

Policy:

The following requirements must be observed by all persons circulating petitions for signatures:

- ~~• Petitions must only be circulated outside of library facilities.~~
- ~~• Petition circulators may not block building entrances, exits or book drop areas.~~
- ~~• Petition circulators may not conduct activities in designated fire or emergency lanes or in parking spaces.~~
- ~~• Petition circulators must be aware of all laws applicable to the circulation of petitions for signatures.~~
- ~~• Petition circulators must follow the policies of any commercial, educational or government complex in which a library is located.~~

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Purpose:

To set forth the requirements for activities outside of the Pima County Public Library District ("PCPL") libraries and to set forth the possible ramifications for violation of policy or law.

Background:

Freedom of Speech: Although PCPL libraries are not traditional public forums for the direct expression of speech, PCPL is committed to the free flow of ideas and information. It may be appropriate for some political and other expressive activities to occur on the public sidewalks and public grounds near some PCPL libraries.

Petition passing: The Constitutions of the United States and the State of Arizona and Arizona law afford persons the opportunity to influence government via the election of candidates and initiative and referendum processes. Individuals seeking signatures on candidate nominating petitions or initiative or referendum petitions may do so outside of a PCPL library, subject to the restrictions set forth below.

Information sharing: Persons seeking to offer information to the public may do so, subject to the restrictions set forth below.

Policy:

The following requirements must be observed by all persons circulating petitions for signatures and persons sharing information (individually or collectively "Speakers"):

- The content of materials being circulated by Speakers is not restricted, provided the materials are not illegal and Speakers are not engaging in unlawful behavior.
- Speakers must follow the policies of any government, commercial or educational complex in which the PCPL library is located.
- Speakers must obtain any permits required by the jurisdiction where the PCPL library is located for the activity being conducted.
- Speakers involved in political petition activity must be aware of and follow all laws applicable to the circulation of petitions for signatures.

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- Speakers cannot:
 - Interfere with the movement of pedestrians on sidewalks or walkways surrounding a PCPL library;
 - Block PCPL library entrances, exits or book drop areas;
 - Impede the flow of pedestrian traffic into and out of the PCPL library in any way;
 - Direct insults or profanity at any pedestrians; or
 - Conduct activities:
 - In designated fire or emergency lanes or in parking spaces; or
 - Under a PCPL library’s covered porches.
- Displays must be:
 - Neat and orderly;
 - Tended at all times; and
 - Removed from the premises when Speakers leave.
- Permanent fixtures or signs are not allowed. Nothing may be affixed to the building or damage the grounds or surrounding landscaping of the PCPL library.
- No loudspeakers, music, sound amplification, yelling, shouting, singing or other activity disruptive to the quiet enjoyment of the PCPL library is allowed.

To ensure undisrupted library operations or for safety purposes, a PCPL Library Manager or designee may:

- Ask that Speakers relocate the activity; and
- Limit the number of Speakers, based on a first-come first-served basis.

PCPL will not:

- Assume responsibility for any harm or injury suffered by Speakers or by those who are signing a petition or engaging with Speakers.
- Provide tables, chairs or any other amenities to Speakers.
- Require registration of Speakers. However, where the local jurisdiction requires a permit, PCPL may ask to see the permit.

Compliance:

Any Speakers who fail to comply with this policy, or any other applicable policy or law, will be asked to leave the premises for the remainder of the day. Law enforcement will be contacted if any Speakers engage in disruptive, disorderly, or potentially unlawful behavior.

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Disclaimer:

PCPL cannot and will not, in any way, control the content of any petition being circulated or information being shared near any PCPL library. The presence of Speakers outside of a PCPL library does not constitute PCPL's:

- Endorsement of or opposition to any candidate;
- Support of or opposition to the subject of any initiative or referendum; or
- Concurrence with or objection to any material, point of view, position, belief or affiliation of any Speaker.

Adopted: August 7, 2007
Revised: _____, 2018