

ENGLISH 101

By Jeff English, CFEE

A Policy for Everything

Festivals and Events attract people. Sponsor people, adult people, kid people, normal people, weird people, political people, and religious people. It's the beauty of what we do. Our events serve as a melting pot of every single kind of person there has ever been or ever will be. Our purpose is to bring all of these people together. For some, it provides them with the unique opportunity to share their beliefs with anyone and everyone who attends.

In 2007, the Kentucky Derby Festival ("KDF") was presented with a challenge. We had a long standing, unwritten policy for our events that disallowed politicians from campaigning, religious organizations of any kind from soliciting or promoting specific religious beliefs, or those advocating on behalf certain issues from purchasing booth space or distributing materials. It's not that KDF doesn't want their support (or their money), but we didn't want our "melting pot" Festival to turn into a political rally or religious revival. We wanted to protect our events as a safe place where everyone could, in theory, get along with one another. Every year there would be a politician or advocacy group which would apply to sponsor a float in the Republic Bank Pegasus Parade. The float would either ask for votes or promote a religious belief. The application would be rejected, but we did not have a written policy, passed by our Board of Directors, which could be referenced as the reason for our decision.

Rather than having to find individually tailored reasons as to why an organization should not be allowed to participate in an event, it was decided that a Political and Issue Advertising Process should be adopted. A committee was formed and the work began. There were several issues that had to be decided, including:

Who makes the call? Is it a committee or the Executive Board, or a combination of the two, which decides whether to accept a participant, individual or organization?

What are the criteria on which a decision is made? We ultimately used the phrase, "Issue Advertising" to encompass what is not allowed at KDF events.

Here is the full text of the policy, with a hypothetical example to follow:

KENTUCKY DERBY FESTIVAL POLICY STATEMENT REGARDING POLITICAL AND ISSUE ADVERTISING

When evaluating the sponsorship or participation by individuals or organizations in Kentucky Derby Festival events, the Kentucky Derby Festival ("Festival") considers how the sponsorship or participation aids the Festival in its mission to... provide creative and unique entertainment and community service for the people of Greater Louisville, that directly contributes to the aesthetic, cultural, educational, charitable and economic development of the area.

Next, the Festival will consider the nature and extent of the sponsorship or participation (i.e. advertising, solicitation, sales, etc.).

Lastly, Festival will not accept, as a sponsor or participant, individuals or organizations that engage in "Issue Advertising." Issue Advertising includes, without limiting the generality of the term:

- Political candidates or those groups who support political candidates; and,
- Individuals or groups who support or oppose any question which could be the subject of a referendum or legislative, executive or judicial determination of a public question; and,
- Individuals or groups who engage in or promote discrimination; and,
- Active interpersonal solicitation for or promotion of specific religious beliefs, as opposed to general promotion of a religious based organization; and,
- Elected government officials, if invited, may participate in Festival events in their official capacity.

Here's a hypothetical example to consider: A political action group called www.BuildtheBridges.com desires to sponsor a hot-air balloon in the U.S.

Bank Great BalloonFest. On the balloon will hang a banner that reads: "*Build the Bridges! Visit www.LouisvilleBridges.com*"

Would this banner violate the Political and Issue Advertising Policy? Yes. The issue of whether to build bridges in Louisville was a hot political topic and was likely the subject of a legislative public question. However, a banner that simply stated, "www.LouisvilleBridges.com" was allowed because they were simply stating the name of their organization and the message on their banner was not directly advocating for or against a public question. The determination was sent to the Event Review Committee for debate and then a recommendation was passed along to the KDF Executive Board, which made the ultimate decision to accept the revised banner.

The above policy isn't perfect, but what it has done is provided KDF with a shield to defend itself against the numerous requests from outside groups which we would prefer not participate in KDF events. The policy is in writing and has the weight of being passed by our Board of Directors. Because KDF is Private Corporation, we have the legal authority to choose who we allow or don't allow to participate in our events. If nothing else, it saves me from several headaches each year!

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