



LAWS & ETHICS

SCHOOL DISTRICT ELECTIONS

OUR DISCUSSION

1 THE LAW

What is
political advertising?

2 SCHOOL DISTRICT GUIDELINES

What can district employees
do and not do during a
bond election?

3 QUESTIONS



one

01 THE LAW



DEFINITION

WHAT IS POLITICAL ADVERTISING?

A **communication** that advocates a **particular outcome** of an election.

FOR OR AGAINST

It can be a communication in almost any written or broadcast form, such as a billboard, flyer, newsletter, poster, television or radio advertisement, email or website.

For more information, visit www.ethics.state.tx.us



SEC. 255.003 UNLAWFUL USE OF PUBLIC FUNDS FOR POLITICAL ADVERTISING.

(a) An officer or employee of a **political subdivision may not** spend or authorize the spending of **public funds** for **political advertising**.

(b) Subsection (a) does not apply to a **communication that factually** describes the purposes of a measure if the communication **does not advocate passage or defeat** of the matter.

(c) A person who violates this section commits an offense. An offense under this section is a **Class A Misdemeanor**.



SEC. 255.0031.

UNLAWFUL USE OF INTERNAL MAIL SYSTEM FOR POLITICAL ADVERTISING

(a) **An officer or employee** of a state agency or political subdivision **may not** knowingly use or authorize the use of an **internal mail system** for the distribution of political advertising.



SEC. 255.003

UNLAWFUL USE OF PUBLIC FUNDS FOR POLITICAL ADVERTISING.

- * Also, it is **not permissible to authorize** the use of the **paid time of school district employees** to create or distribute political advertising. For example, school district staff may not copy, staple or distribute political advertising on work time. Nor is it permissible to have school children work on political advertising during school time.



ETHICS VIOLATION

SWORN COMPLAINT PROCESS

- Any individual may file a sworn complaint with the Texas Ethics Commission alleging a violation of certain laws.
 - A sworn complaint must be filed on a form prescribed by the Commission – starts the process.
 - Includes preliminary review and hearings.
- The commission is authorized to undertake civil enforcement actions, hold enforcement hearings, issue orders, impose civil penalties and refer matters for criminal prosecution.



two

02 DISTRICT GUIDELINES

WHAT CAN DISTRICT EMPLOYEES DO AND
NOT DO DURING A BOND ELECTION?



THE DISTRICT

WHAT IS THE ROLE OF THE SCHOOL DISTRICT?

- The school district is to provide **factual** information.
 - It is permissible to use District resources to produce explanatory material about what is at stake in a measure election.
- Proposed Projects & Costs
 - Voting Times & Locations
 - Growth Rates
 - Performance Data
 - Student Capacity
 - Age/Condition of Building
 - Tax Rate Effects



ADVOCACY

ADVOCACY DEFINED

Most employees and officers violate the ethics laws by engaging in communication that is considered **advocacy**.

Asking for support or rejection of a bond election is advocacy and using statements such as “Vote for X” and “Defeat Y” is also advocacy.



THE DISTRICT

EXAMPLES THAT ARE ALLOWED

- “__ ISD is holding a bond election on [date] to fund the construction of a new high school.”
 - “The proposed bond will allow the district to increase safety and security on __ ISD campuses and provide technology for students.”
- “The bond election has been called for \$_____.”
 - “The estimated tax impact of this bond is \$_____.”



THE DISTRICT

EXAMPLES OF VIOLATIONS

“Our citizens now have the opportunity to support ___ISD children. Please support the vision - our future depends on your commitment.”

Using words like:

- “Best Solution”
- “Fantastic”
- “State-of-the-Art”
- “Countless benefits”
- “Horrible shape”
- “We must do something”



THE DISTRICT

EXAMPLES OF VIOLATIONS

Or words like:

- “Needs”
- “Benefit”
- “Important”
- “Protect”
- “Minimize”

Or slogans like:

- “Our schools are in **bad shape.**”
- “We **need** the space for growth.”
- “It’s the **right thing to do** for our kids.”



ADVOCACY

ADVOCACY PASSAGE OR DEFEAT OF A MEASURE

The following are examples of sentences/phrases that the Texas Ethics Commission has determined advocate passage or defeat of a measure. See political advertising for more information.

Remember: No matter how factual information about the purposes of a bond election is in a communication, **any amount of advocacy is impermissible.**



ADVOCACY

ADVOCACY PASSAGE OR DEFEAT OF A MEASURE

The bond proposal provides the ‘best solution’ to the needs generated by the school district’s population growth.

This bond is the right thing to do for the children of this community.



ADVOCACY

ADVOCACY PASSAGE OR DEFEAT OF A MEASURE

Given today's construction costs and the needs of the district, a long-term bond is the only viable financial solution.



ADVOCACY

ADVOCACY PASSAGE OR DEFEAT OF A MEASURE

It's time to change to meet the needs of our students...

While the [safety issues] may not yet be matters of student safety, they will be soon if the situations are not addressed.



SEC. 255.003

REMINDER...

- * Violation of the law often occur because someone finds it irresistible to wrap a factual explanation with a motivational slogan such as:

Good Schools are the Foundation of a Good Community.

or

Every Child Deserves a Good Education.



SEC 255.003

REMINDER...

* Another common misstep is to include “calls to action” such as:

Put Children First

or

Show That You Care About Education



SEC 255.003

REMINDER...

No matter how much factual information about the purposes of a measure election is in a communication,
any amount of advocacy is impermissible.



SEC 255.003

THE GOOD NEWS

Although you may not use school district resources for political advertising, employees and officers are free to campaign for or against a proposition

on their own time and with their own resources.



DO'S AND DON'TS CARDS

RULES FOR DISTRICT EMPLOYEES

do...

GET TO KNOW THE BOND PROPOSAL

Talk about it with family, friends, etc.
After work, you can express a position.

UNDERSTAND THE PROCESS

What was used to package the bond?

SHARE THE FACTS

Educate people about the bond any time you want.

ENCOURAGE PEOPLE TO VOTE

Don't encourage them "how" to vote.

KNOW BOND INFORMATION RESOURCES

Who to call, online content, print materials, etc.

VOTE!

As a registered voter, it is your privilege to make your voice heard.

RULE OF THUMB

After a school bond election is called, you are not allowed to use district-owned resources to advocate (encourage support or opposition). District-owned resources include your paid time, as well as all district equipment (telephones, computers, printers, copiers). **However, you can share FACTS at any time.**

For more information, visit www.ethics.state.tx.us

RULES FOR DISTRICT EMPLOYEES

don't...

ADVOCATE DURING WORK HOURS

You can share facts only.
After hours, you can advocate if you choose.

SPEND OR AUTHORIZE THE SPENDING OF DISTRICT MONEY FOR POLITICAL ADVERTISING

CONDUCT POLITICAL ADVERTISING USING DISTRICT-OWNED RESOURCES

Includes creating or forwarding pro-bond phone messages, emails, printed materials, etc.

CONDUCT POLITICAL ADVERTISING ON DISTRICT PROPERTY

No pro-bond meetings or pro-bond literature should be at campus or district functions.

BE AFRAID TO SHARE FACTUAL INFO

Talk about the bond and educate people on the facts, but only advocate after-hours.

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BEST PRACTICES

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SPEND OR AUTHORIZE THE SPENDING OF DISTRICT MONEY FOR POLITICAL ADVERTISING



EXAMPLES

Can a school board member or district employee authorize the spending of district funds to create a brochure urging support of the bond?

NO!

Can a school board member or district employee use a district copy machine to copy a "Vote Yes" flier?

NO!

Can a school board member or district employee urge citizens to support the bond at a Kiwanis Club meeting using his own time and resources?

YES

Can a school board member or district employee write a Letter to the Editor urging support for the bond using her own time and resources?

YES



QUESTIONS?

Can I use my district phone or email to contact my friends regarding the bond?

NO!

Can I use the school copier to make fliers?

NO!

Can I have a sign in my yard supporting the bond?

YES

Can I use my home printer to make fliers?

YES



IN ACTION

Can a school board member or district employee use the school district credit card to pay for yard signs to promote the bond?

NO!

Can a school board member or district employee use the PA system at a high school basketball game urging fans to support the bond?

NO!

Can a school board member or district employee personally contribute funds to the Political Action Committee to print yard signs advocating for the passage of the bond?

YES

Can a school board member or district employee ask members of his church to support the bond using his own time and resources?

YES



FOR MORE INFORMATION

Texas Ethics Commission

800-325-8506

<http://www.ethics.state.tx.us/>

Texas Secretary of State

512-463-5600 (Administrative Offices)

<http://www.sos.state.tx.us/>

Texas Secretary of State Elections Division

800-252-8683

<http://www.sos.state.tx.us/elections/index.shtml>

Texas Election Code

<http://www.capitol.state.tx.us/statutes/eltoc.html>



QUESTIONS?

