Political Advertising and Elections

1. What is the definition of "political advertising"?

"Political advertising" is defined as a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure. Such communication is considered political advertising if it:

a) is published in a newspaper, magazine, or other periodical in return for consideration;

b) is broadcast by radio or television;

c) appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or

d) appears on an internet website.

Political advertising applies to candidates for the school board or other governmental offices, to school bond propositions, and to other state or local propositions.

Items that are considered political advertising must contain a disclosure statement which should include the following:

a) the words "political advertising" or a recognizable abbreviation such as "pol. adv."; and

b) the full name of one of the following:

   1) the person who paid for the political advertising;

   2) the political committee authorizing the political advertising; or

   3) the candidate or (specific) committee supporting the candidate.

Items not required to contain the political advertising disclosure statement include the following:

a) balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, candy wrappers, and similar materials;

b) invitations or tickets to political fundraising events or to events held to establish support for a candidate or officeholder;

c) an envelope that is used to transmit a political advertisement, provided that the political advertisement in the envelope includes the disclosure statement;

d) circulars or fliers that cost in the aggregate less than $500 to publish and distribute; and

e) political advertising printed on letterhead stationery, if the letterhead includes the disclosure statement information specified above.

2. Can public funds be spent or authorized for political advertising?

No. School districts and school district employees are prohibited from spending or authorizing the spending of public funds for political advertising. This includes the use of:

a) paper and supplies;

b) a school district employee's work time;

c) the use of school district equipment (copiers, printers, computers, telephones, etc.);

d) the use of facilities; and

e) the use of the internal mail system.

School district resources may, however, be used to provide details regarding a school-related election including dates and times of polling locations, and/or factual information about the candidates and/or a bond proposal. These materials may not support or oppose a candidate or a bond proposition.

3. Are email messages considered a political advertisement?

The Texas Ethics Commission has ruled that communications made by email are not considered a form of political advertising (for candidates or propositions) which would require a disclosure statement to be printed on the material. **However,** while email messages are not considered political advertising and are not prohibited from being sent from an external source to the email address of a district employee, the use of school district equipment to generate, send, forward, and print email messages supporting or opposing a candidate or bond proposition would require the use of public resources which is inappropriate. Simply stated, an employee has no control over the content of incoming messages; therefore, the employee should not be concerned when receiving a message supporting or opposing a candidate or proposition – only when the employee generates, sends, forwards, or prints the message has the employee then used public resources which is prohibited.

4. Can political advertising be distributed through the District's internal mail system?

No. Political advertising materials may not be distributed through the District's internal mail system because it is operated by paid district employees which would be a use of public funds. Campaign materials that are sent through the U.S. mail system, however, may be

delivered through the internal mail system in the same manner that all other U.S. mail is delivered.

5. Can a district facility be used for a pre-election function for candidates or propositions?

The District cannot sponsor such an event; however, district facilities may be reserved or rented by non-school groups such as a PTA, booster club or other community group as provided in Board policy. The parameters for the event would be the responsibility of the sponsoring organization.

6. Can a teachers lounge be used to distribute political advertisements?

No. School facilities, including those portions that are not accessible to the public, cannot be used for political advertising. Since the teachers lounge is not accessible to the public, fliers would have to be carried by school employees to be placed in the lounge, therefore, the employee's time would be considered a use of public funds which is prohibited.

7. Can election campaigning occur on District property?

Candidates, political action groups, and their representatives may distribute political literature or post signage at a polling place or early voting place during the voting period. However, such activities must occur outside of the 100 foot marker prescribed by law. This language is consistent with the revisions made by HB 259 and Board Policy BBB (LEGAL). Current law, as has always been the case, allows the District to enact reasonable regulations regarding the time, place, and manner of electioneering.

Since Board meetings are the official business meetings of the District Board candidates are not allowed to use these meetings as a forum to campaign. For example, candidates should not wear attire, distribute fliers or have any signage that would be considered campaigning or electioneering.

8. Can district employees participate in political advertising during working hours?

No. Employees participating in political advertising during work hours would be considered a use of public funds.

9. Can district employees participate in political advertising after working hours?

Yes. As private citizens, District employees can support or oppose a candidate or proposition. However, employees may not use their capacity with the District in such support. If an employee wants to be identified in political advertising, he or she may state:

"Jane Doe, educator, 12-years experience," rather than "Jane Doe, Katy ISD (or name of

campus) teacher for 12 years."

10. Can district employees use personal resources for political advertising?

Yes. District employees can use personal resources for political advertising.

11. Are there criminal or civil penalties for violating prohibitions against political advertising?

Yes. It is a Class A misdemeanor which could result in a fine or imprisonment, and civil fines may be imposed by the Texas Ethics Commission.

Please refer to the Texas Ethic Commission's website for additional information regarding political advertising and elections:

Political Advertising "What You Need to Know"
(https://www.ethics.state.tx.us/data/resources/advertising/Gpol_adv.pdf)

A Short Guide To the Prohibition Against Using School District Resources for Political Advertising in Connection with an Election
(https://www.ethics.state.tx.us/data/resources/advertising/Bsch_adv.pdf)