



City of Austin Boards and Commissions 2012 Election Activity

As a member of a city commission, committee, board, or task force, you are considered a city official (City Code 2-7-72(3)). Due to your status as a city official, certain election activity guidelines that apply to city officers and employees also apply to you.

Election activity guidelines

State law prohibits City officers or employees from spending or authorizing the spending of City funds for political advertising; political advertising is a communication supporting or opposing a ballot item, that appears on a website, in a written communication, or via paid media (Tex. Elec. Code 255.003). The City Charter also prohibits City officers and employees from contributing or using city resources, equipment, or money for election campaigning (City Charter Art. 7 Sec. 2).

What *cannot* be done?

This prohibition means that City resources cannot be used to produce political advertising and that City resources – such as staff, facilities, and the city website – cannot be used to copy or distribute political advertising or campaign messages.

To avoid the unlawful use of City resources, City officers and employees should not use any of the following to advocate or oppose a ballot measure:

- City email system
- City internet web pages
- City equipment or resources - copiers, supplies, staff, Channel 6
- City funds
- City postage or stationary
- City bulletin boards

Authorizing the use of government resources for political advertising is a Class A Misdemeanor (up to one year jail time and a \$4,000 fine). In addition, the Texas Ethics Commission has jurisdiction to hear complaints on this and to levy civil fines up to \$5,000 or three times the amount at issue. Each person and each event can be fined separately.

What *can* be done?

The prohibition on political advertising does not apply to a communication that factually describes the purposes of a measure, so long as the communication does not advocate passage or defeat of the measure. This sounds easy, but in practice it is very tricky.

As an individual, you have a First Amendment right to speak out on a personal basis (not on City time), and have a right to contribute personal money to a political campaign on a ballot measure. If you are speaking for yourself, please make sure that your audience understands you are not speaking for the City.

Note that Council members can speak on ballot issues so long as they don't use City resources. Ordinary deliberation in the course of a Council meeting would not be considered a violation of the prohibition.

For more information, please contact the City's Ethics & Compliance team, at 974-2180.