

Bond Election Process, Laws & Ethics



Role of Bond Counsel in Bond Election Process

- Work directly with the City Secretary regarding election documents, including the ordinance calling the election, legal notices, various affidavits and canvass documents
- Advise the City as to ethics rules applicable to City officials and employees
 - No advocacy for or against election while acting in official capacity
 - No use of City funds or resources for advocacy purposes
 - Factual information only
- Assist the City in ensuring election is conducted in accordance with Texas law
 - Timeliness of ordinance calling election and ordinance canvassing election returns
 - Publication of notice of election
 - Posting of notice of election
- Election contest period
 - If no election contest is filed within 30 days of the date the election is canvassed, election becomes incontestable

Section 255.003 of the Texas Election Code

Provides as follows:

- An officer or employee of a political subdivision may not spend or authorize the spending of public funds for **political advertising**.
- This section 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 measure.
- A person who violates this section commits an offense. An offense under this section is a **Class A Misdemeanor**.

Political Advertising Defined



Political Advertising is a communication that **advocates a particular outcome** in an election and includes statements made in writing or orally:

- in a newspaper, magazine or other periodical;
- broadcast by radio or television;
- in a pamphlet, circular, flyer, billboard or other sign, bumper sticker or similar form of written communication;
- emails, posters and newsletters; or
- on an Internet website.

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.

Section 255.003 of the Texas Election Code



- In addition, an officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:
 - the officer or employee knows is false; and
 - is sufficiently substantial and important as to be reasonably likely to influence a voter for or against the measure.

So what does this mean?



An employee or officer who uses any funds or resources of the City to engage in political advertising is in violation of the Texas Election Code.

- City resources include use of the telephone, computers, copiers, facilities, etc.
- The City may not purchase or authorize the purchase of new materials OR use EXISTING materials for use in creating or distributing political advertising.
- Also, it is not permissible to use the paid time of City employees to create or distribute political advertising. For example, staff may not copy, staple or distribute political advertising on work time.

What is the role of the City?



- The City is required to provide **factual** information.
- It is permissible to use City resources to produce explanatory material about what is at stake in a bond election.
 - Proposed projects & costs
 - Current capacity
 - Voting times & locations
 - Age/Condition of facility, streets, etc.
 - Growth rates
 - Tax rate impact

The Good News



**ALTHOUGH YOU MAY NOT USE CITY 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.**

Real World Examples



- Can a city council member authorize the spending of city funds to create a brochure urging support of the bond? **No**
- Can a city council member urge citizens to support the bond at a Kiwanis Club meeting using his or her own time and resources? **Yes**
- Can a city council member use a city copy machine to copy a “Vote Yes” flyer? **No**
- Can a city council member write a Letter to the Editor urging support for the bond using his or her own time and resources? **Yes**

Real World Examples



- Can a city council member use the city credit card to pay for yard signs to promote the bond? **No**
- Can a city council member personally contribute funds to a Political Action Committee to print yard signs advocating for the passage of the bond? **Yes**
- Can a city council member use the PA system at a city park urging visitors to support the bond? **No**
- Can a city council member ask members of his or her church to support the bond using their own time and resources? **Yes**

SAMPLE FLYER



BOND ELECTION TOWN HALL MEETINGS

THURSDAY, DATE | 6 P.M.

JOSHUA CITY HALL

100 South Main | Joshua, TX 76058

THURSDAY, DATE | 6 P.M.

JOSHUA POLICE DEPARTMENT

102 South Main | Joshua, TX 76058

Residents are invited to attend a presentation by City Staff on the 2024 Bond election Propositions for a new Police Department & Municipal Complex and Street Repairs.

For more information,
visit (website address) or
call 817/557-7447



SAMPLE BOARDS



CITY OF JOSHUA



SPECIAL BOND ELECTION
MAY 4, 2024

POLICE DEPARTMENT AND MUNICIPAL COMPLEX
STREET IMPROVEMENTS

www.cityofjoshuatx.us

JOSHUA POLICE DEPARTMENT JOSHUA CITY HALL



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AND
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WWW.WEBSITE.TX.US/BOND 2024

