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**Prohibited Acts**

An officer or employee of the ESC who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the ESC;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the ESC;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

*Civil Practices and Remedies Code 116.001*

**Right to Preserve Use**

A governmental entity, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.* 508 U.S. 384, 113 S. Ct. 2141 (1993)

**Forum for Communication**

A governmental entity may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S. Ct. 948 (1983); *Chiu v. Plano Indep. Sch. Dist.* 260 F.3d 330 (5th Cir. 2001)

A governmental entity is not required to allow persons to engage in every type of speech when it establishes a limited public forum; the governmental entity may be justified in reserving its forum for certain groups or for the discussion of certain topics. The government shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch.* 533 U.S. 98, 121 S. Ct. 2093 (2001); *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.* 508 U.S. 384, 113 S. Ct. 2141 (1993)

**Facilities as Polling Places**

The ESC shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings for the same day and simultaneous use is impractical, the ESC shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of an ESC building for a polling place if the day of

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	<p>the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. <i>Election Code 43.033(a)</i></p>
<b>Political Party Conventions</b>	<p>No charge may be made for the use of a public building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The reimbursing authority is entitled to an itemized statement of expenses before making remittance. <i>Election Code 174.0631</i></p>
<b>Distribution of Literature</b>	<p>Activities such as distributing literature, displaying signs, petitioning for change, and disseminating information concerning issues of public concern are protected by the First Amendment. <u><i>Schenck v. Pro-Choice Network</i></u>, 519 U.S. 357, 117 S. Ct. 855 (1997) (recognizing leafletting and commenting on matters of public concern as protected speech); <u><i>Boos v. Barry</i></u>, 485 U.S. 312, 108 S. Ct. 1157 (1988) (recognizing public issue signs as protected speech); <u><i>Meyer v. Grant</i></u>, 486 U.S. 414, 108 S. Ct. 1886 (1988) (recognizing the solicitation of signatures for a petition drive as protected speech)</p> <p>If the ESC creates a forum for the distribution of outside literature, the ESC may impose time, place, and manner regulations and may reserve its facilities for their intended purposes, communicative or otherwise, as long as the regulation on speech is reasonable and not an effort to suppress expression merely because public officials oppose the speaker's view. <u><i>Perry Educ. Ass'n v. Perry Local Educators' Ass'n</i></u>, 460 U.S. 37, 103 S. Ct. 948 (1983)</p>
<b>Use of Internal Mail System</b>	<p>Unless it has been opened to the public, by policy or practice, an internal mail system is not a public forum. A governmental entity may create a limited public forum in its internal mail system. <u><i>Perry Educ. Ass'n v. Perry Local Educators' Ass'n</i></u>, 460 U.S. 37(1983)</p>
Political Advertising	<p>An officer or employee of an ESC may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising. This prohibition does not apply to the use of an internal mail system to distribute political advertising that is delivered to the premises of the ESC through the United States Postal Service. <i>Election Code 255.0031</i></p>