

Political Advertising

An officer or employee of a political subdivision, including a college district, may not knowingly spend or authorize the spending of public funds for political advertising. The prohibition does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate the passage or defeat of such measure.

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:

1. The officer or employee knows is false; and
2. Is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

It is an affirmative defense to prosecution for an offense under this section or the imposition of a civil penalty for conduct under this section that an officer or employee of a political subdivision reasonably relied on a court order or an interpretation of this section in a written opinion issued by a court of record, the attorney general, or the Ethics Commission.

On written request of the governing body of a political subdivision that has ordered an election on a measure, the Ethics Commission shall prepare an advance written advisory opinion as to whether a particular communication relating to a measure does or does not comply with this section.

Election Code 255.003

Definition

"Political advertising" is a communication that supports or opposes a political party, a public officer, a measure, or a candidate for nomination or election to a public office or office of a political party, and:

1. Is published in a newspaper, magazine, or other periodical in return for consideration;
2. Is broadcast by radio or television in return for consideration;
3. Appears in a pamphlet, circular, flier, billboard, or other sign, bumper sticker, or similar form of written communication; or
4. Appears on an internet website.

The term does not include an individual communication made by email but does include mass emails involving an expenditure of funds beyond the basic cost of hardware messaging software and bandwidth.

Election Code 251.001(16); 1 TAC 20.1(13)

Newsletters

A newsletter of a public officer of a political subdivision is not political advertising if:

1. It includes no more than two pictures of a public officer per page and if the total amount of area covered by the pictures is no more than 20 percent of the page on which the pictures appear;
2. It includes no more than eight personally phrased references, such as the public officer's name, "I," "me," "the city council member," on a page that is 8 1/2" x 11" or larger, with a reasonable reduction in the number of such personally phrased references in pages smaller than 8 1/2" x 11"; and
3. When viewed as a whole and in the proper context:
 - a. Is informational rather than self-promotional;
 - b. Does not advocate passage or defeat of a measure; and
 - c. Does not support or oppose a candidate for nomination or election to a public office or office of political party, a political party, or a public officer.

1 TAC 26.2

Influencing Elections

Restrictions

*Support of a
Candidate*

A state agency, including a college district, may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described above.

A state officer or employee may not use a state-owned or state-leased motor vehicle for the above purpose.

Gov't Code 556.004(a)-(b)

*Election
Interference*

A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose. For purposes of this prohibition, a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful. *Gov't Code 556.004(c)*

<i>Political Expenditures</i>	A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of anything of value to a person or political organization for a political purpose. <i>Gov't Code 556.004(d)</i>
<i>Use of Student Service Fee</i>	Government Code Chapter 556 does not prohibit the payment of reasonable dues to an organization that represents student interests before the legislature or the U.S. Congress from that portion of mandatory student service fees that is allocated to the student government organization at an institution of higher education. A mandatory student service fee may not be used to influence the outcome of an election. [See FD] <i>Gov't Code 556.002(b)</i>
Termination of Employment	A state employee who violates Section 556.004(c) or (d) is subject to immediate termination of employment. <i>Gov't Code 556.007</i>
Compensation Prohibited	A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or who is subject to termination under Section 556.007. <i>Gov't Code 556.008</i>
Information on Restrictions	A state agency shall provide each officer and employee of the agency a copy of Government Code 556.004 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed. A state agency shall maintain receipts collected from current officers and employees under this section in a manner accessible for public inspection. <i>Gov't Code 556.009</i>
Nepotism	A candidate shall not take any affirmative action to influence an employee or another officer of the governmental body to which the candidate seeks election, if the office the candidate seeks is one office of a multimember governmental body, regarding the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of another individual related to the candidate within a degree described by Government Code 573.002. [See DBE(EXHIBIT)] The prohibition does not apply to a candidate's actions taken regarding a bona fide class or category of employees or prospective employees. <i>Gov't Code 573.042</i>