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ATTORNEYS AT LAW

To: Board of Trustees, Buckholts Independent School District
From: Leon Alcala, PLLC
Subject: Legal and Ethical Guidelines Relating to Bond Elections

Now that the Board has called a bond election, the District is charged with conducting its election in accordance with state legal requirements, which include a prohibition against certain forms of advocacy with respect to each ballot measure. This memorandum provides an overview of legal and ethical guidelines that will impact members of the District's Board of Trustees when sharing information about the bond election.

1. The District and its officials are responsible for informing the public about the bond measure and to encourage voter registration and participation. District resources **may** be used to satisfy this obligation. These communications must be factual in nature only; even indirect messages, such as using language or images that indirectly support the bond measure, may run afoul of ethics rules. We are happy to review any proposed communications before they are posted or published.
2. Public funds, including District employees' time on the job, **may not** be used to promote or discourage the passage of this bond measure (referred to as "electioneering"). The term "public funds" is construed broadly and includes use of school district resources such as copiers, email servers, bulletin boards, and school district letterhead/logos.
3. Because Board Members are elected, uncompensated representatives of the District, they have more flexibility with respect to electioneering than paid District employees. Trustees acting in their individual capacities may communicate with constituents about the bond election, including advocating for the passage of the bond measure, so long as the trustee: (1) makes clear that he or she is acting in the capacity of a citizen rather than a school board trustee, and (2) does not use District resources in connection with such communications.
4. Because the election has been called, each Board Member, when sitting at the dais and acting in an official capacity, must remain purely factual and refrain from advocating for or against the passage of the bond election. Board Members should refrain from engaging in electioneering in District facilities to avoid concerns about improper use of public funds.
5. As a Board Member, you can comfortably express your support for the bond measure (which includes asking citizens to vote "yes") while OFF campus (that is, not in District-owned facilities).
 - a. Board Members may display political signs on property they own.
 - b. Board Members may attend community events that are hosted off District property and publicly advocate for the bond measure.
 - c. Board Members may talk to the media – radio/newspapers/television – and ask people to support the bond, so long as it does not occur on school property or at a school function.

Additionally, Board Members can write “letters to the editor” and identify themselves as Board Members, even if the message supports the bond measure, so long as the publisher receives no consideration from the District for the publication. (Advertisements must be paid from private funds, which may be personal funds of the Board Member, and Board Members should be cognizant that certain statutory requirements may apply to such advertising and that the District and its counsel may not advise Board Members on matters related to such advertising).

- d. Board Members may post pro-bond messages to their personal social media (including blogs, micro-blogs, networking sites, wikis, and photo/video sharing sites) but should do so off (and not otherwise utilizing) District-owned property. If you have an official school trustee social media platform, do not use it for advocacy. Board Members may want to add a disclaimer to their personal email or social media postings: “Please note this message is personal, rather than official school district business, and was created using personally owned equipment and accounts.”
 - e. Under no circumstances may District resources (including email accounts, laptops, printers, copiers, etc.) be utilized to produce or disseminate a message of advocacy.
6. Providing voters with factual information and encouraging people to exercise their right to vote are not considered electioneering and can occur both on and off school property.

If you have any questions at all about the bond election process or potential communications related to the election, please do not hesitate to call. We are happy to work with the District to ensure compliance with these rules.