

## MEMORANDUM

**To:** Board of Trustees, \_\_\_\_\_ Independent School District  
**From:** \_\_\_\_\_, Superintendent of Schools  
**Date:** \_\_\_\_\_, 20\_\_  
**Subject:** LEGAL AND ETHICAL GUIDELINES RELATING TO BOND ELECTIONS

Below is 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 to be held on \_\_\_\_\_. These guidelines have been prepared and provided in cooperation with our Bond Counsel, Norton Rose Fulbright US LLP.

### Guidelines:

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.
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").
3. Because Board Members are elected, uncompensated representatives of the District, they have more flexibility with respect to electioneering than paid District employees.
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. Though not identified as a clear violation of State law, Board Members should refrain from engaging in electioneering in District facilities to avoid accusations of impropriety.
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 signs on property they own.
  - b. Board Members may attend community events 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).
  - d. Likewise, Board Members may post to 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. Board Members **may** want to add a disclaimer to 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. Remember, factual information calls and those encouraging people to exercise their right to vote **do not** result in electioneering.

It is important the District lead an "information-only" effort, as the District has a responsibility to inform all voters about the election but may not utilize District funds or resources to engage in electioneering (which is prohibited in all circumstances). During bond elections, most complaints filed with the Secretary of State's Office concern violations involving improper use of public resources for advocacy campaigns. This is a direct violation of election law.

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