



Do's and Don'ts of Activities Related to Bond and Trustee Elections

What laws govern employee communications regarding the bond proposition?

- Section 255.003 of the Texas Election Code prohibits the use of school district resources by an “officer or employee” (includes school board members) of the school system to produce or distribute political advertising in connection with an election. Political advertising is a communication that advocates a particular outcome in an election and can be in the form of any written or broadcast form, such as flier, newsletter, poster, television or radio ad, billboard or internet site. “School resources” include school personnel, supplies, equipment, copiers, fax machines, etc.
- Section 11.169 of the Texas Education Code prohibits the use of state or local funds or other resources of the District to electioneer for or against a candidate, measure or political party.

What communications are permissible?

- Communications by employees while *off duty* and *off* HISD property that advocate the passage or defeat of the bond measure, *with no use of District resources*, are permissible.
- Preparation of HISD-published brochures, fliers, TV/radio/ newspaper ads that provide purely factual information about the election are permissible, *e.g.*:
 - Date/time of election
 - Amount of bonds
 - Purpose of bond election
 - Proposition on the ballot
 - Verifiable (meaning documented facts) information about need for bonds, *e.g.*, current student capacity, age of facilities, growth rates, tax rates, etc.
 - Projects to be funded with bond proceeds
 - Cost of projects
 - Student performance data
 - Information on the establishment of committees to assist management of successful bond programs
 - Voter registration and get-out-the-vote information
 - Voting dates and polling place information
- Board Policy GKDA (Local) and state law permit off-duty HISD employees to distribute materials for electioneering purposes during the time a school facility is being used as a



polling place. Such distribution shall not be within 100 feet of a polling place. Any electioneering materials remaining at the polling place after the polls close shall be removed from District property.

- Communications encouraging people to vote on November 6 are permissible. Such communications should not contain any statements that may be viewed as advocacy regarding the bond election or any other candidate or measure on the ballot.

What is advocacy?

- Advocacy includes more than just express endorsements for or against a measure. Advocacy encompasses, but is not limited to, phrases such as:
 - Vote for
 - Support
 - Defeat
 - Reject
 - Best solution
 - Fantastic
 - State-of-the-art
 - Countless benefits
 - We must do something
 - Put children first
 - Show that you care about our community
 - Every child deserves a good education
 - Good schools are the foundation of a good community
 - Need
 - Horrible Shape

What is prohibited?

- Any involvement by HISD employees in communications or the preparation of material during work hours or using HISD equipment or facilities whereby the employee advocates for or against the bond measure.
- While on District time or while using District-owned equipment, employees may not send emails, make phone calls or prepare written materials that advocate passage or defeat of the bond measure.
- Use of District resources and equipment to advocate for or against the bond measure, including use of District telephones, computers, and copy machines, is not permissible *even after hours* (i.e. evening use of copiers, software, fax machines, etc.).
- It is not permissible to send emails or school communications that contain indirect advocacy, *e.g.*, “Although the law prohibits me from openly advocating for the passage or defeat of the bond referendum, I know how the leaders of this District feel about the issue and urge you to give me a call.”



- Political appearances and speeches on school campuses containing advocacy for or against the bond are not permitted during the school day.
- School principals or staff should not meet with political candidates, committees or action groups during the school day to discuss passage or defeat of the bond proposition.
- District employees (whether on duty or not) should not advocate passage or defeat of the measure while speaking with other District employees who are on duty because such communications may interrupt the District employees from attending to their work duties.

May I make phone calls, use District equipment or send emails supporting passage or defeat of the bond while on my lunch or coffee break or while on vacation?

- Advocacy for or against the bond during a lunch break or coffee break or during vacation or other leave requires documentation that the employee is not on duty. For campus-based employees, signing in and out with the front office constitutes adequate documentation. Employees may not use District equipment or telephones or send emails while on their lunch or coffee breaks supporting passage or defeat of the bond.

What about the distribution of written material containing advocacy?

- Distribution of literature containing advocacy for or against the bond measure is not permitted on school grounds or during school activities, except in accordance with Board Policies GKDA (Legal) and GKDA (Local), copies of which have been attached.
- Placement of advocacy material concerning the bond measure in areas not available to the public is not permissible (e.g., campus mailboxes, private lounges).
- Employees are not allowed to use school cafeterias, playgrounds, fences or marquees to post or distribute material advocating for or against a measure or candidate.
- HISD Board policy permits educational, religious, and civic groups and other organizations to rent District facilities on the same terms and conditions as any other non-school group. See Board Policies GKD (Legal) and GKD (Local) and GKD2 (Regulation), attached. If campus rules designate a specific table or bulletin board where nonschool literature may be displayed or left for students, parents and staff to pick up voluntarily, materials advocating for or against the bond may be distributed or displayed there on the same terms as all other nonschool materials. **Note:** Board Policy requires that nonschool materials be submitted for administrative review if they are likely to fall into the hands of children.
- Material advocating for or against the bond measure may be distributed or displayed on the same terms as all other nonschool materials at after-hours, nonschool-sponsored meeting on school property.



May students distribute material containing advocacy for or against the bond?

- As a preliminary matter, political advertising cannot be placed in areas of the school that are not part of the campus' limited open forum. However, under local policy, students may have the opportunity to distribute nonschool literature, including literature concerning the bond, to fellow students in compliance with Board Policy FNAA (Local). HISD Board Policy FNAA (Local) provides "each campus principal shall designate times, locations, and means by which nonschool literature that is appropriate for distribution ... may be made available or distributed by students to students or others at the principal's campus."

What if I am asked my opinion about whether the community should vote for the bond?

- If you are asked this question while on District property during duty hours, you should state that you cannot inform the person how to vote, but you can provide factual information about the proposed bond projects, the cost of the projects, the tax rate effect, etc.
- If you are asked this question in your capacity as an HISD employee, while off campus but during duty hours, you should state that you cannot inform the person how to vote but that you can provide factual information about the proposed bond projects, the cost of the projects, the tax rate effect, etc.
- If you are asked this question in your capacity as an HISD employee, while off campus and off duty, you may provide your opinion at your discretion.
- If you are asked this question in your capacity as a private citizen, while off campus, during duty hours, you should state that you are answering the question in your capacity as a private citizen and, at your discretion, provide your opinion.
- **Special Note for School Administrators:** Because your duties often include appearing as a district representative at after-school community gathering, you may have a more difficult time than other employees separating your official speech from private speech. Advocacy by a school administrator on a school district election matter may appear to others to be an official statement by the district, and thus a use of district funds. As a general rule, school administrators should either speak only about the factual purposes of an election measure so as not to advocate, encourage, promote or imply that listeners should vote for or against the measure, or limit your personal opinions concerning the measure to times and places that are clearly not associated with the administrator's job duties.