



# Bond Election Guidelines

## 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,” which includes school board members of the school system to produce or distribute political advertising in connection with an election.

“School district resources” include school personnel, supplies, equipment, copiers, fax machines, etc. “Political advertising” is a form of communication that advocates a particular outcome in an election. Political advertising can be generated in written or broadcast form, such as fliers, newsletters, posters, billboards, internet sites and television or radio ads.

Section 11.169 of the Texas Education Code prohibits the use of state or local funds or other resources of the district to campaign for or against a candidate, measure or political party.

## What communications are permissible?

Communications by employees while off duty and away from WFISD property that advocate the passage or defeat of the bond measure, with no use of district resources, are permissible.

Preparation of WFISD-published brochures, fliers and TV, radio or newspaper ads that provide purely factual election information are permissible. Examples of such include:

- Bond figure amount
- Bond election purpose
- Verifiable, documented facts about WFISD. Examples include current student capacity, student performance data, age of facilities and tax rates
- Potential projects to be funded with bond proceeds
- Estimated cost of projects
- Information on the establishment of committees to assist management of successful bond program to the extent known and factual
- Voter registration information
- Voting dates and polling place information
- Proposition location on ballot

Board policy and state law permit off-duty WFISD employees to distribute materials for campaigning purposes during the time a school facility is being used.

## **What is advocacy?**

Advocacy includes more than just expressing endorsements for or against a bond. 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?**

Political appearances and speeches on school campuses advocating 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, on or off duty, should not advocate passage or defeat of the bond while speaking with on-duty district employees. Such communications may interrupt the district employees from attending to their work responsibilities.

It is prohibited for WFISD employees to communicate or prepare bond campaign materials using WFISD equipment or facilities during work hours.

Employees may not send emails, make phone calls or prepare written materials that advocate passage or defeat of the bond measure while on district time or using district-owned equipment.

It is not permissible for employees to use district resources or equipment to advocate for or against the bond measure, including use of district telephones, computers and copy machines. This is not permissible even after hours, such as evening use of copiers, software or fax machines.

It is not permissible to send emails or school communications that contain indirect advocacy, such as, "Although the law prohibits me from openly advocating for the passage or

defeat of the bond referendum, I know how the leaders of the district feel about the issue and urge you to give me a call.”

### **May I campaign for or against the bond during my lunch or coffee break or while on vacation?**

Advocacy for or against the bond during a break, vacation or other leave requires documentation that the employee is not on duty. For campus-based employees, signing in and out at the front office constitutes adequate documentation.

Employees may not use district equipment, telephones or email communication while on their lunch or coffee break supporting passage or defeat of the bond.

### **Where can I distribute written material containing bond advocacy?**

Distribution of literature containing advocacy for or against the bond is not permitted on school grounds or during school activities, except in accordance with Board policies. Placement of bond advocacy material in locations in accessible to the public is not permissible. Examples include campus mailboxes and private lounges.

Employees are not allowed to use school cafeterias, playgrounds, fences or marquees to post or distribute material advocating for or against the bond.

WFISD Board policy permits educational, religious, civic and other organizations to rent district facilities on the same terms and conditions as any non-school group.

Bond advocating materials may be distributed or displayed on the same terms as all other non-school materials. For example, bond advocating materials may be displayed at a campus-designated table or bulletin board where non-school literature is displayed or left for students, parents and staff to pick up voluntarily. Please note: Board policy requires that non-school 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 non-school materials at after-hours, non-school-sponsored meetings on school property.

### **May WFISD administrators campaign during off-duty time on behalf of the bond program?**

Yes. The Constitution’s First Amendment grants WFISD administrators the right to participate in political activity, which includes campaigning for or against the bond program. However, employees should be certain they are not perceived by others as acting in an official capacity as a WFISD representative when campaigning. For example, endorsing the bond at one’s own church as a member of the congregation may be appropriate, so long as the administrator does not introduce themselves as a WFISD principal. Endorsing the bond

program among friends or at a sorority or fraternity gathering is permitted when it is clear you are acting in your own personal capacity.

If you are attending an event in which it appears you are there as a representative of WFISD, or in your capacity as an administrator, you should not endorse the bond. In this case, you may provide only factual information found in WFISD materials.

**During a PTA or PTO meeting held on a school campus, may the organization's officers endorse the bond?**

Yes, but only if it is clear that the PTA or PTO officers are holding the meeting, not the school principal or campus administrators. In this case, the principal should remain neutral and only respond, if asked, with the factual information provided by the district.

If it appears that a school administrator is conducting the meeting, it is not permissible to voice support for the bond program.

**May civic clubs or other groups using a WFISD campus or facility distribute campaign materials and endorse the bond program?**

District policy allows non-school groups, such as civic clubs, to rent district facilities. If it is clear that the activity or meeting is not sponsored by a school or WFISD, it is permissible to distribute campaign material and endorse the bond program. Make certain that as soon as the group leaves, all campaign-related material is removed. Factual WFISD information material may remain.

**May bond campaign material be distributed during school-sponsored or PTA/PTO-sponsored carnivals and/or festivals held on school campuses?**

If an activity on school property has been publicized solely as a PTA/PTO activity and is clearly being sponsored by the PTA/PTO, it is permissible to distribute campaign material for or against the bond.

If the event is sponsored by the school or could reasonably be believed to be sponsored by the school, bond campaign material cannot be distributed. Only the WFISD Bond Overview handout should be distributed. If there is any doubt regarding the perception of the event's sponsorship, campaign material should not be used.

**May non-school groups hold forums on district property to discuss or debate the bond?**

Yes. If the group properly leases the space in accordance with district policy, forums to discuss or debate the bond program can be held on district property. Any WFISD administrators who are present should remain neutral and only present factual information. Even though the event may be at what would normally be considered non-duty time, a principal or other district administrator could be perceived as attending the event as a WFISD

representative. Therefore, they should not act in a campaign posture.

### **May bond campaign material be left in the teacher's lounge?**

No. The teacher's lounge is not considered a "limited open forum" and is not a public area, which means it is not permissible to leave campaign material in this area. Only WFISD-produced fact sheets can be placed in this area. If available, campaign material may be left in a school's public space, such as a table in a public area where brochures and other handouts are left.

### **May students distribute bond campaign material?**

As a preliminary matter, political advertising cannot be in areas that are not considered a campus' "limited open forum." However, under local policy, students may have the opportunity to distribute non-school literature, including bond material, to fellow students in compliance with Board policy.

### **What if I am asked if the community should vote for the bond?**

If you are asked this question during duty hours while on district property, you should state that you cannot provide this information. You can only provide factual information, such as proposed bond projects, cost of the projects and tax rate effect.

If you are asked this question in your capacity as a WFISD employee, while off campus but during duty hours, you should state that you cannot provide this information. You can only provide factual information, such as proposed bond projects, cost of the projects and tax rate effect.

If you are asked this question in your capacity as a WFISD 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 but during duty hours, you should state that you are answering the question in your capacity as a private citizen and you may provide your opinion, at your discretion.

**Special Note for School Administrators:** Because your duties often include appearing as a district representative at after-school community gatherings, you may have a more difficult time than other employees separating your official speech from private speech. Advocacy on a school district election matter by a school administrator may appear to others as an official statement by the district, and thus a use of district funds. As a general rule, school administrators should speak only about the bond's factual purposes so as not to advocate, encourage, promote or imply that listeners should vote for or against the measure. It is also recommended to limit personal opinions concerning the bond to times and places that are clearly not associated with the administrator's job duties.