



## E-NEWSLETTER

An Update on Firm Activities  
&  
Trends in Municipal Law

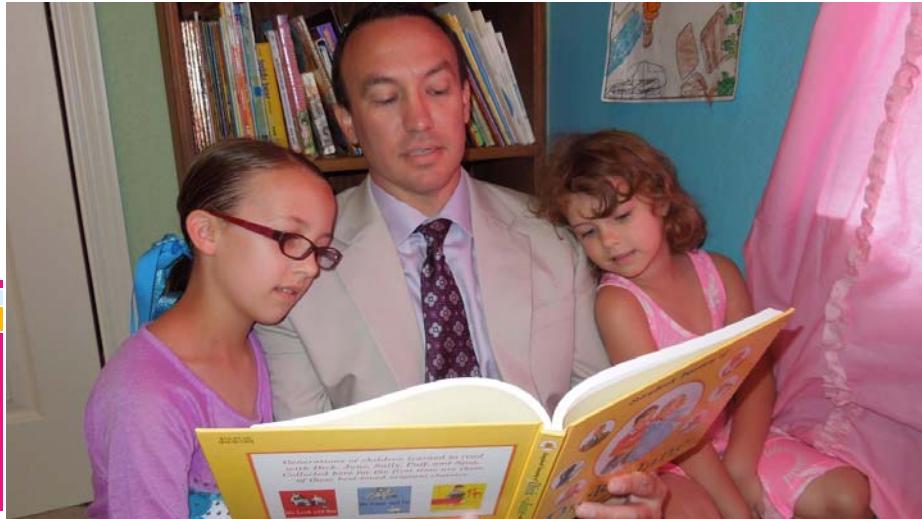
Ross rescues animals...

*“...because I care.”* → →



Ross volunteers...

*“...because children are our future.”* →→



Ross preserves the beauty...

*...of our scenic roadways.* →→



Ross helps the elderly...

*...because they are so old* →→



The End.

Any questions about...

*Ross Fischer?*

## Municipal Newsletters

- What was missing from the “newsletter”?
- For whose benefit was the “newsletter” designed?
- What was the most prominent feature of the “newsletter”?

## Frequent Newsletter Problems

**When does a newsletter cross the line into political advertising?**

**How close to an election may a newsletter be sent to residents?**

**What issues should be addressed in municipal newsletters?**

**Can candidates for office purchase ad space in a municipal newsletter?**

**How much space should be given to officeholders in a municipal newsletter?**

## ■ Texas Election Code

- “**Political advertising**” means a communication supporting or opposing a candidate, a political party, a public officer, or a measure that:
  - (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or
  - (B) appears:
    - (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or
    - (ii) on an Internet website.

## ■ Election Code 255.003

- An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.
- Violation is a Class A misdemeanor.
- Who in your city authorizes a newsletter’s content? Printing? Distribution?

## Texas Ethics Commission Rule 26.2

("Newsletter of a Public Officer of a Political Subdivision")

- A newsletter is not political advertising *if*:
  - It contains no more than two photos of a public officer per page, *and* the photos are limited to 20% of the page's size;
  - It contains no more than 8 "personally phrased references" per 8.5 x 11 inch page:
    - The officer's name, "I", "me", "the council member"
    - Reasonable reduction in personal references on smaller pages.

## Texas Ethics Commission Rule 26.2

("Newsletter of a Public Officer of a Political Subdivision")

- A newsletter is not political advertising *if*:
  - When viewed as a whole and in the proper context:
    - Is informational rather than self-promotional;
    - Does not advocate passage or defeat of a measure; and
    - Does not support or oppose a candidate for public office, a political party, or a public officer.

## Tips

- Tips for keeping your newsletter legal:
  - Limit photos, especially those of public officials, to two per page;
  - Limit “personally phrased references”;
  - Consider the timing:
    - How near a council election? Bond election? Recall?
  - Focus on news rather than people.

## Questions?

