

CITY SECRETARY
CITY HALL
DALLAS, TEXAS 75201

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CITY OF DALLAS

Memorandum

DATE February 9, 2007
TO Mary K. Suhm, City Manager
SUBJECT City Council Election – Political Activities of City Employees

Chapter XVI, Section 16(b) of the Dallas City Charter contains specific restrictions on employees' political activities in city council elections, which restrictions have been judicially interpreted in Wachsman v. City of Dallas, 704 F. 2d 160 (5th Cir. 1983). With the exception of sworn police and fire department employees who must follow Section 150.002 of the Local Governmental Code, the following restrictions on political activities in city council elections are binding on all city employees:

(1) No employee of the city or association of such employees may publicly endorse or actively support candidates for the city council or any political organization or association organized to support candidates for the city council; however, city employees are not prohibited from privately endorsing a city council candidate or expressing their support for city council candidates with other individuals and with groups of 15 or fewer people. The spouse of a city employee, and associations and organizations of spouses of city employees, may publicly endorse and actively support city council candidates.

(2) No employee of the city may circulate petitions for city council candidates; however, a city employee may sign a city council campaign petition. The spouse of a city employee, and associations and organizations of spouses of city employees, may circulate petitions for city council candidates.

(3) No employee of the city may contribute, directly or indirectly or through an organization or association, to such a campaign nor solicit or receive contributions for a city council candidate. The spouse of a city employee may contribute to the campaign of a city council candidate and may solicit and receive contributions for a city council candidate.

(4) No employee of the city may wear city council campaign buttons nor distribute campaign literature at work or in a city uniform or in the offices or buildings of the City of Dallas. A city employee, while not on duty, not in uniform and not in a city office or building, may wear city council campaign buttons and distribute campaign literature.

(5) City employees may place city council campaign signs in their yards and on the premises of their homes.

(6) City employees may place city council campaign bumper stickers on their vehicles.

(7) City employees, while off duty and not in city uniform, may work in campaign headquarters of city council candidates.

(8) An association or organization of city employees may mail or otherwise distribute endorsements of city council candidates to the city employee members of such organization or association.

Under Section 150.002, Local Government Code, sworn police and fire department employees may not, while in uniform or on active duty, engage in the following political activities relating to a campaign for elective office:

- (1) making a public political speech supporting or opposing a candidate;
- (2) distributing a card or other political literature relating to the campaign of a candidate;
- (3) wearing a campaign button;
- (4) circulating or signing a petition for a candidate;
- (5) soliciting votes for a candidate; or
- (6) soliciting campaign contributions for a candidate.

While out of uniform and not on active duty, a sworn employee of the police and fire department may engage in a political activity relating to a campaign for elective office, including each activity listed above, except that a sworn police and fire employee may not solicit campaign contributions for a candidate other than from members of an employee organization to which that employee belongs.

All city employees should be advised of the following Code of Ethics provisions:

- (1) **Section 12A-9 - The use of city facilities, personnel, equipment, or supplies for private purposes, including political purposes, is prohibited.**

(2) Section 12A-10(b)(2) – A city employee immediately forfeits employment with the city if the employee becomes a candidate for election to the Dallas City Council.

(3) Section 12A-10(c) – A city employee shall not, directly or indirectly, induce or attempt to induce any city subordinate of the employee to:

(a) participate in an election campaign, contribute to a candidate or political committee, or engage in any other political activity related to a particular party, candidate, or issue; or

(b) refrain from engaging in any lawful political activity. A general statement merely encouraging another person to vote does not violate this provision.

(4) Section 12A-10(e) – A city employee shall not display campaign material on any city vehicle under his or her control or fail to remove campaign materials on any city vehicle under his or her control.

(5) Section 12A-10(f) – A city employee shall not use the prestige of his or her position with the city on behalf of a candidate, political party, or political committee.

City employees should also be aware that under Section 255.003 of the Texas Election Code, a city employee may not spend or authorize the spending of public funds for political advertising. “Political Advertising” is defined in Section 251.001(16) of the Texas Election Code as:

[A] communication supporting or opposing a candidate for nomination or election to a public office ... 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.

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A person who violates this provision commits an offense which is a Class A misdemeanor punishable by a fine not to exceed \$4,000, confinement in jail for a term not to exceed one year, or both fine and confinement.

If you have any questions, please contact me.



Jesús Toscano, Jr.
Administrative Assistant City Attorney

cc: The Honorable Mayor and Members of the City Council
Thomas P. Perkins, Jr., City Attorney
Craig Kinton, City Auditor
Deborah A. Watkins, City Secretary
Jay Robinson, Administrative Municipal Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, Assistant City Manager
Charles W. Daniels, Assistant City Manager
Ramon F. Miguez, Assistant City Manager
A. C. Gonzalez, Assistant City Manager
Dave K. Cook, Chief Financial Officer
Frank Libro, Public Information Office
Chandra Marshall-Henson, Mayor and Council Office