

Subject Line: Political Activity Guidance

As the 2023 political season kicks off, the El Paso County Ethics Commission reminds El Paso County employees of the specific local and state rules regarding elections. This guidance is not intended for non-judicial officers, as judicial officers are subject to specific rules, including but not limited to the Judicial Campaign Fairness Act and the Texas Code of Judicial Conduct.

Please bear in mind that the following El Paso County Ethics Code Sections apply: 2.11 (Political activity means) and 11 (Political Activity).

The Texas Election Code prohibits County employees and officers from spending or authorizing the spending of public funds for political advertising. This additionally includes spending or authorizing the spending of public funds for a communication that is known to be false and is sufficiently substantial and important to reasonably likely cause someone to vote for or against a measure. “Political advertising” means, in relevant part, a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer or a measure that appears in a pamphlet, circular, flier, billboard, or other sign, bumper sticker, or similar form of written communication. Tex. Elec. Code§255.001(16).

Below is a non-exhaustive list of election activities that you may, and may not participate in. For additional information, please review the following:

- Texas Elections Code, [Title 15.pdf \(state.tx.us\)](#).
- Texas Ethics Commission Opinions, [Opinions \(state.tx.us\)](#).

Permitted	Not Permitted
✓ Campaigning for a candidate when not on the clock.	▪ Using the County’s letterhead, logo or slogan that were designed with County funds to write and distribute political advertising.
✓ Sharing purely informational material that describes the purpose and potential consequences of a measure, without including any motivational slogan or call to action.	▪ Using your official authority to interfere with or attempt to influence the result of an election.
✓ Posting political flyers at local businesses after the work day or taking accrued vacation time, compensatory time or leave without pay to post the flyers.	▪ Using County equipment or work time for a political campaign. For example, posting political advertising on personal social media accounts during work time.
✓ Texting friends about a measure or candidate on a personal phone, when not at work.	▪ Using the County’s mail or email system to send out a mail or email blast in support of a candidate.*
✓ Having a reasonably sized political bumper sticker on your personal car.	▪ Placing campaign flyers on department refrigerators or bulletin boards.

<ul style="list-style-type: none"> <li>✓ Repurposing an image created for a separate, lawful purpose for a campaign. For example, using a picture taken by a journalist seated in the gallery as a member of the public during an open court proceeding for campaign purposes.**</li> </ul>	<ul style="list-style-type: none"> <li>▪ Coordinating pictures or videos for political advertising in areas that are restricted to the public, but accessible to a public officer as a result of their position. For example, coordinating a photo session behind a court bench for political advertisements.</li> </ul>
<ul style="list-style-type: none"> <li>✓ Voting.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Using a County newsletter or website to disproportionately highlight or feature a candidate.</li> </ul>

\*Campaign material may be mailed through the County’s mail system through use of pre-paid postage, delivered by the U.S. Postal Service.

\*\*This only relates to the use of government resources for political advertising; this does not address any applicable copyright restrictions.

Engaging in activities that are prohibited by the Texas Election Code is a Class A misdemeanor. Additionally, an employee engaging in the prohibited behavior listed above may also be in violation of the El Paso County Ethics Code. Therefore, if you have any doubt or questions regarding permissible behavior during the election season, please do not hesitate to reach out to the Ethics Commission via Luz Rojas ([LRojas@epcounty.com](mailto:LRojas@epcounty.com)).

As always, thank you for your cooperation in complying with local and state election rules!