

Political Activity

**Park and Recreation Board
March 4, 2021**

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City Attorney's Office



City of Dallas



Statement of Purpose: Section 12A-1

It's the city's policy that city officials be:

- Independent.
- Impartial.
- Responsible only to the people of the city.



Fiduciary Duty: Section 12A-1.1

- To act in the best interest of city.
- Duty of:
 - Care.
 - Loyalty.
 - Impartiality.
 - Accountability.
 - Preserve the public's trust in government.



Section 12A-2(24)

The Dallas Code of Ethics defines a “city official” to include members of city boards and commissions.



City Charter, Chapter III, Sec. 17(a)

A city official who is a member of any board or commission immediately forfeits his or her position with the city if the person becomes a candidate for any public office.



Section 12A-10(a)(1)

A city official may not use the prestige of their position with the city on behalf of a candidate, political party, or political committee.

A city official may, however, lend their name so long as the office held with the city is not mentioned in connection with the endorsement.



Section 12A-10(a)(2)

A city official may not serve as the designated campaign treasurer for a candidate under the Texas Election Code.



Section 12A-10(a)(3)

A city official may not solicit or receive contributions for a candidate, political party, or political committee.

A city official may, however, serve on a steering committee to plan a program of solicitation. The city official's name may be listed, without reference to the city official's title, when the committee as a whole is listed.



Section 12A-10(c)

A city official may not, directly or indirectly, induce or attempt to induce any city subordinate to:

- participate in an election campaign;
- contribute to a candidate or political committee;
- engage in any other political activity related to a particular party, candidate, or issue; or
- refrain from engaging in any lawful political activity.



Section 12A-10(c)

A general statement merely encouraging another person to vote is allowed.



Section 12A-10(d)

A city official shall not directly or indirectly accept anything of value for political activity relating to an item pending on the ballot, if the city official participated in, or provided advice relating to, the exercise of discretionary authority by a city body that contributed to the development of the ballot item.

“Anything of value” does not include a meal or other item of nominal value the city official receives in return for providing information on an item pending on the ballot.



Section 12A-10(e)

A city official may display campaign bumper stickers on their personal vehicle but may not display campaign bumper stickers on a city vehicle. A city official must remove campaign bumper stickers from a city vehicle that is under the city official's control.



Public Property & Resources: Section 12A-9

You may not use, request, or permit the use of city facilities, personnel, equipment, or supplies for private purposes (including political purposes), except:

1. pursuant to duly adopted city policies; or
2. to the extent and according to the terms that those resources are generally available to the public (i.e. using a computer and printer at a public library outside of work hours).



Public Property & Resources: Section 12A-9

Additionally, a city councilmember, other city official, or city employee may not ask you or permit you to use city facilities, personnel, equipment, or supplies for any campaign purpose.



Texas Election Code Sec. 255.003(a)

Political Advertising:

A city official may not knowingly spend or authorize the spending of public funds (including public resources) for political advertising.



Texas Election Code Sec. 255.0031(a)

Political Advertising:

A city official may not use the city's internal mail system for the distribution of political advertising



Request for Opinion: Section 12A-33

- By written request, can ask our office for an advisory opinion regarding whether your proposed actions or conduct would violate the Code of Ethics. The CAO will not issue an opinion on past conduct.
- May provide a safe harbor.



Questions?

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City of Dallas

<https://dallascityhall.com/government/citysecretary/Pages/Ethics.aspx>