



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 16, 2018

Jodi Duron, Superintendent
Elgin Independent School District
P.O. Box 351
1002 N. Avenue C
Elgin, TX 78621

Byron Mitchell, President
Board of Trustees
Elgin Independent School District
P.O. Box 351
1002 N. Avenue C
Elgin, TX 78621

Via FedEx Overnight Mail and E-Mail

RE: Request to Cease and Desist Unlawful Electioneering

Superintendent Duron and President Mitchell:

It has come to our attention that the Elgin Independent School District recently published statements and resolutions advocating for the election of candidates who hold particular political views of the Texas Legislature. Elgin ISD published partisan materials on its internet websites advocating for and against the election of particular candidates and measures. *See, e.g.*, Elgin Superintendent Twitter Page, available at <https://twitter.com/ElginSupt> (Retweeting as Elgin ISD’s own communication “We endorse @smilder in GOP primary for Lt Gov.”); Elgin ISD HR Twitter Page, available at <https://twitter.com/ElginISDHR>; *see also* Enclosures (advocating for and against various candidates and measures).



Tweets **493** Following **99** Followers **369** Likes **757**

EISD Superintendent Retweeted



TXParentPAC @TXParentPAC · Feb 19

Lt Gov. @DanPatrickTX disrespects parents by refusing to answer PTA’s thoughtful questions. Early voting is Feb. 20-March 2. Election Day is Tuesday, March 6. @txstatepta #txlege #txed We endorse @smilder in GOP primary for Lt Gov. #BlockVote #blowingthewhistle @TxEdVote

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This evidence reveals that these communications were made on behalf of the School District as a government entity, acting in its official capacity, and using resources that belong to the taxpayers of Texas.

As you know, Texas law empowers local school districts to register students to vote, promote civic engagement, and allow high school students to serve as early

voting clerks. *See, e.g.*, Tex. Elec. Code § 13.046; Tex. Educ. Code § 25.087. By creating such a statute, the Legislature recognized the vital role educators play in the functioning of a democracy.

However, like all other governmental authorities, Elgin ISD has limits on its participation in the political process and the use of taxpayer resources meant for the education of Texas's youth. Like all state authorities, school districts "may not use state or local funds or other resources to electioneer for or against any candidate, measure, or political party." Tex. Educ. Code § 11.069; *see generally* Tex. Att'y Gen. Op. No. KP-0177 (2018). Furthermore, school districts and their employees "may not knowingly authorize the spending of public funds for political advertising," which includes "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," whether it appears on a Twitter feed, Internet website, or official documents, among other things. Tex. Elec. Code §§ 255.003(a), 251.001(16). The Texas Legislature chose to undergird the importance of governmental entities, like Elgin ISD, not engaging in unlawful electioneering; it not only prohibits such actions, but classifies violations as a Class A misdemeanor. Tex. Elec. Code § 255.003(c).

As mentioned above, your district promulgated and published numerous communications directed for or against candidates and measures. *See* Enclosures. By advocating for change in political representation, Elgin ISD produced "a communication . . . opposing a candidate for nomination or election to a public office or office of a political party." This communication violates Texas law. *See* Tex. Elec. Code §§ 255.003(a), 251.001(16).

Accordingly, we ask you to withdraw the above noted communications, as well as any like communications, and cease from making any further communications designed to support or oppose certain political candidates, or which may otherwise run afoul of Texas law. We request that we hear from you, in writing, no later than the end of business on Wednesday, March 21, 2018.

Sincerely,


Cleve W. Doty
Assistant Attorney General
Administrative Law Division
Cleve.Doty@oag.texas.gov

Enclosures

cc: Pete Bega, Board of Trustees
Beth Walterscheidt, Board of Trustees
John Altmiller, Board of Trustees
Geno Chavarria, Board of Trustees
Angie Edmon, Board of Trustees
JD Harkins, Board of Trustees



EISD Superintendent
@ElginSupt

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EISD Superintendent
@ElginSupt

Tweets **493** Following **99** Followers **369** Likes **757**

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EISD Superintendent Retweeted



Scott Milder @smilder · Feb 23

I married really well. @Texans4E @pastors4txkids @TACSnet @TxREA_ @tasanet @OfficialATPE @TRTA @txstateteachers @texascta @TexasAFT @txbiz



Leslie Milder @FOTPSLeslie

Nobody likes a bully. Especially a teacher. We put a stop to that each and every time it rears it's ugly head...even if it's a Texas Lieutenant Governor. Keep the "I Voted" selfies coming!#blockvote #candan

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Elgin ISD HR
@ElginISDHR

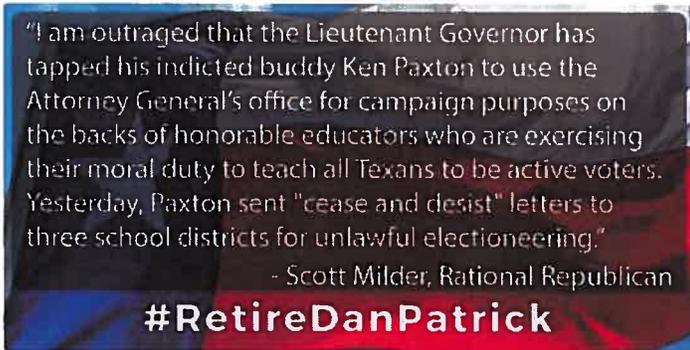
Tweets **556** Following **75** Followers **356** Likes **100**

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Elgin ISD HR Retweeted



Scott Milder @smilder · Feb 15



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Scott Milder @smilder · 13 Dec 2017

Cheating 5.4 million students out of desperately needed resources are NOT conservative values. Join me in retiring Dan Patrick and getting the Senate back to business! #blockvote #retireDanPatrick #txlege #txed
scottmilder4txlg.com/donate.html



 **EISD Superintendent**
@ElginSupt

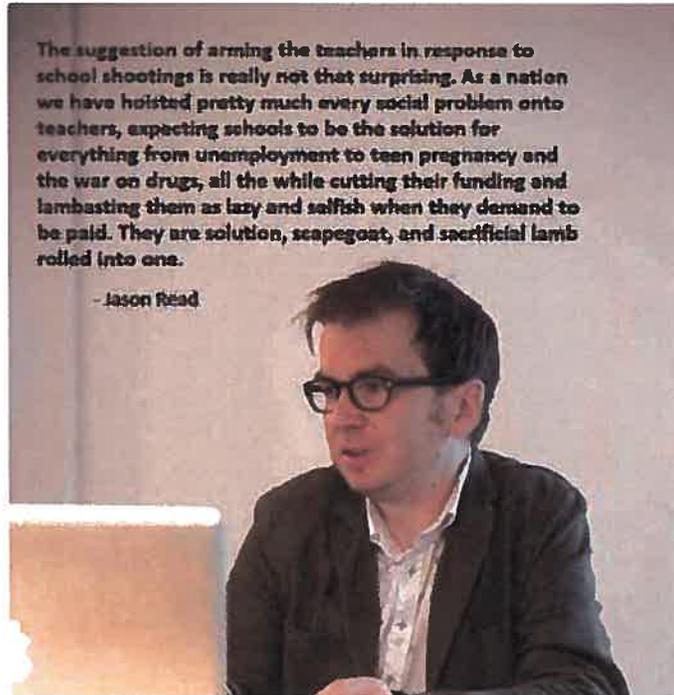
Tweets **493** Following **99** Followers **369** Likes **757**

 EISD Superintendent Retweeted



RaeAnn Pruitt @pruittr · Feb 24

Vote @smilder and for public education! #blockvote @Texans4E @pastors4txkds



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 **EISD Superintendent**
@ElginSupt

Tweets **493** Following **99** Followers **369** Likes **757**



EISD Superintendent @ElginSupt · Feb 21

It's time to VOTE! Please vote in Republican primary and vote for Scott Milder for Lt Gov. He is a friend of pub edu #retiredan #It'sTimeTX

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 **EISD Superintendent**
@ElginSupt

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 EISD Superintendent Retweeted



Bennett Ratliff @BennettRatliff · Feb 10

Replying to @JerryCStout

Go to txparentpac.com for a list of candidates who support our Texas Public Schools, students and teachers.

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 **EISD Superintendent**
@ElginSupt

Tweets **493** Following **99** Followers **369** Likes **757**

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 EISD Superintendent Retweeted



Dr. Debbie Cano @DeborahCano1 · Jan 31

It's time for a NEW Lt. Governor, vote for Scott Milder! @smilder @pastors4txkids #CanDan



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 **EISD Superintendent**
@ElginSupt

Tweets **493** Following **99** Followers **369** Likes **757**

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EISD Superintendent @ElginSupt · Jan 29

Red dot for Scott!

Leslie Milder @FOTPSLeslie

"People remember how you arrived and they remember how you left."
@villarreal_jj #TASA18

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 **EISD Superintendent**
@ElginSupt

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 EISD Superintendent Retweeted



Pastors for Children @pastors4txkids · 23 Aug 2017

No matter how much @GregAbbott_TX & @DanPatrick spin their deception, Texans know @SpeakerStraus is the real #txlege leader. We honor him.

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