

CITY OF MEADOWS PLACE

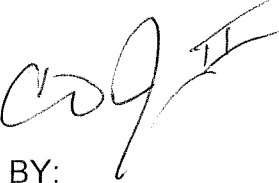
-----MEMO-----

DATE: January 28, 2008

TO: All Political Candidates

FROM: Mayor Charles Jessup

REPLY REQUESTED: no



BY:

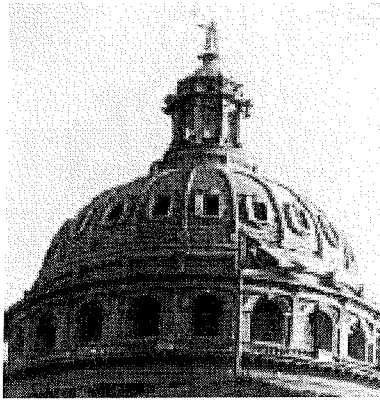
SUBJECT: Political signs.

During early voting and on election day, one unlighted sign no larger than five (5) square feet in area may be erected on the berm in front of City Hall (south of the parking area) by each candidate, or in support of each proposition on the ballot of the election for which early voting is being conducted.

Signs which violate the above rules will be removed by Meadows Place staff and held until Election Day.

POLITICAL ADVERTISING

What You Need To Know



The Texas Election Law requires certain disclosures and notices on political advertising. The law also prohibits certain types of misrepresentation in political advertising and campaign communications. This brochure explains what you need to know to insure that your political advertising and campaign communications comply with the law.

Please note that the law changed effective September 1, 2003. The requirements relating to the disclosure statements on political advertising are different. Also, the new law clarifies that communications on Internet websites are now covered by the political advertising laws. We have used italics in this brochure to summarize the new law.

If you are not sure what the law requires, do the cautious thing. Use the political advertising disclosure statement whenever you think it might be necessary, and do not use any possibly misleading information in political advertising or a campaign communication. If you are using political advertising or campaign communications from a prior campaign, you should check to see if the law has changed since that campaign.

Candidates for federal office should check with the Federal Election Commission at (800) 424-9530 for information on federal political advertising laws.

Texas Ethics Commission
P.O. Box 12070
Austin, Texas 78711-2070

(512) 463-5800
FAX (512) 463-5777

(800) 325-8506
TDD (800) 735-2989

Visit us at www.ethics.state.tx.us on the Internet.

REQUIRED DISCLOSURE ON POLITICAL ADVERTISING

I. What Is Political Advertising?

The disclosure statement and notice requirements discussed in this section apply to “political advertising.” In the law, “political advertising” is a specifically defined term. Do not confuse this special term with your own common-sense understanding of advertising.

To figure out if a communication is political advertising, you must look at what it says and where it appears. If a communication fits in one of the categories listed in Part A (below) and if it fits in one of the categories listed in Part B (below), it is political advertising.

Part A. What Does It Say?

1. Political advertising includes communications supporting or opposing a candidate for nomination or election to either a public office or an office of a political party (including county and precinct chairs).
2. Political advertising includes communications supporting or opposing an officeholder, a political party, or a measure (a ballot proposition).

Part B. Where Does It Appear?

1. Political advertising includes communications that appear in pamphlets, circulars, fliers, billboards or other signs, bumper stickers, or similar forms of written communication.
2. Political advertising includes communications that are published in newspapers, magazines, or other periodicals in return for consideration.
3. Political advertising includes communications that are broadcast by radio or television in return for consideration.
4. *Political advertising includes communications that appear on an Internet website.*

II. When Is A Disclosure Statement Required?

The new law provides that political advertising that contains express advocacy is required to include a disclosure statement. The person who causes the political advertising to be published, distributed, or broadcast is responsible for including the disclosure statement.

The new law does not define the term “express advocacy.” However, the law does provide that political advertising is deemed to contain express advocacy if it is authorized by a candidate, an agent of a candidate, or a political committee filing campaign finance reports. Therefore, a disclosure statement is required any time a candidate, a candidate’s agent, or a political committee authorizes political advertising.

The precise language of political advertising authorized by someone other than a candidate, the candidate's agent, or a political committee will determine if the advertising contains express advocacy and is therefore required to include a disclosure statement. Generally, the question is whether the communication expressly advocates the election or defeat of an identified candidate, or expressly advocates the passage or defeat of a measure, such as a bond election. The inclusion of words such as "vote for," "elect," "support," "defeat," "reject," or "Smith for Senate" would clearly constitute express advocacy. Similar phrases, such as "Cast your ballot for X," would also constitute express advocacy. It is a question of fact whether a particular communication constitutes express advocacy. If you are not sure whether political advertising contains express advocacy, do the cautious thing and include the disclosure statement. That way there is no need to worry about whether you have violated the law.

Remember: The concept of "express advocacy" is only relevant in determining whether political advertising is required to include a disclosure statement. The political advertising laws governing the right-of-way notice, misrepresentation, and use of public funds by political subdivisions will apply to political advertising regardless of whether the advertising contains express advocacy.

III. What Should The Disclosure Statement Say?

A disclosure statement must include the following:

1. the words "political advertising" or a recognizable abbreviation such as "pol. adv."; and
2. *the full name of one of the following: (a) the person who paid for the political advertising; (b) the political committee authorizing the political advertising; or (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate.*

The disclosure statement must appear on the face of the political advertising.

The advertising should not be attributed to entities such as "Committee to Elect John Doe" unless a specific-purpose committee named "Committee to Elect John Doe" has filed a campaign treasurer appointment with the Ethics Commission or a local filing authority.

IV. Are There Any Exceptions To The Disclosure Statement Requirement?

The following types of political advertising do not need the disclosure statement:

1. t-shirts, balloons, buttons, emery boards, hats, lapel stickers, small magnets, pencils, pens, pins, wooden nickels, candy wrappers, and similar materials;
2. invitations or tickets to political fundraising events or to events held to establish support for a candidate or officeholder;
3. an envelope that is used to transmit political advertisement, provided that the political advertisement in the envelope includes the disclosure statement;
4. *circulars or fliers that cost in the aggregate less than \$500 to publish and distribute; and*

5. political advertising printed on letterhead stationery, if the letterhead includes the name of one of the following: (a) the person who paid for the advertising, (b) the political committee authorizing the advertising, or, (c) the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. (Note: There is also an exception for holiday greeting cards sent by an officeholder, provided that the officeholder's name and address appear on the card or the envelope.)

V. What Should I Do If I Discover That My Political Advertising Does Not Contain A Disclosure Statement?

The new law prohibits a person from using, causing or permitting to be used, or continuing to use political advertising containing express advocacy if the person knows it does not include the disclosure statement. A person is presumed to know that the use is prohibited if the Texas Ethics Commission notifies the person in writing that the use is prohibited. If you receive notice from the Texas Ethics Commission that your political advertising does not comply with the law, you should stop using it immediately.

If you learn that a political advertising sign designed to be seen from the road does not contain a disclosure statement or contains an inaccurate disclosure statement, you should make a good faith attempt to remove or correct those signs that have been distributed. You are not required to attempt to recover other types of political advertising that have been distributed with a missing or inaccurate disclosure statement.

VI. The Fair Campaign Practices Act.

The Fair Campaign Practices Act sets out basic rules of decency, honesty, and fair play to be followed by candidates and political committees during a campaign. A candidate or political committee may choose to subscribe to the voluntary code by signing a copy of the code and filing it with the authority with whom the candidate or committee is required to file its campaign treasurer appointment. A person subscribing to the code may indicate that fact on political advertising by including the following or a substantially similar statement:

(Name of the candidate or political committee, as appropriate) subscribes to the Code of Fair Campaign Practices.

VII. Special Rule For Judicial Candidates, Officeholders, and Committees.

Candidates for the Supreme Court, Court of Criminal Appeals, courts of appeals, district courts, statutory county courts (county courts-at-law), and statutory probate courts are required to file a form declaring their intent to either comply with or exceed the voluntary expenditure limits of the Judicial Campaign Fairness Act. A candidate who has declared an intent to comply with the expenditure limits, as well as a specific-purpose committee supporting such a candidate, may state the following in political advertising:

Political advertising paid for by (name of candidate or committee) in compliance with the voluntary limits of the Judicial Campaign Fairness Act.

If a candidate declares an intent to exceed the expenditure limits, however, both the candidate and any specific-purpose committee supporting the candidate must include in their political advertising the following statement:

Political advertising paid for by (name of candidate or committee), (who or which) has rejected the voluntary limits of the Judicial Campaign Fairness Act.

ROAD SIGNS

I. When Is The “Right-Of-Way” Notice Required?

All written political advertising that is meant to be seen from a road must carry a “right-of-way” notice. It is a criminal offense to omit the “right-of-way” notice in the following circumstances:

1. if you enter into a contract or agreement to print or make written political advertising meant to be seen from a road; or
2. if you instruct another person to place the written political advertising meant to be seen from a road.

II. What Should The “Right-Of-Way” Notice Say?

Section 255.007 of the Texas Election Code prescribes the exact language of the notice:

NOTICE: IT IS A VIOLATION OF STATE LAW(CHAPTERS 392 AND 393, TRANSPORTATION CODE) TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY.

Note: The notice on political advertising signs printed or made before September 1, 1997, contained a citation to a prior law. You may continue to use those signs if they otherwise comply with the law.

III. Do Yard Signs Have To Have The “Right-Of-Way” Notice?

Yes. The “right-of-way” notice requirement applies to signs meant to be seen from any road. The notice requirement assures that a person responsible for placing signs is aware of the restriction on placing the sign in the right-of-way of a highway.

IV. What About Bumper Stickers?

Bumper stickers do not need the “right-of-way” notice. They do, however, need a political advertising disclosure statement.

V. Where May I Place My Signs And How Long May Signs Be Posted?

For information about exactly where you may or may not place signs, or for information regarding the length of time your signs may be posted, check with your city or county government and with the Texas Department of Transportation at (512) 416-2901.

MISREPRESENTATION

I. Are There Restrictions On The Contents Of Political Advertising?

Political advertising and campaign communications may not misrepresent a person's identity or official title, nor may they misrepresent the true source of the advertising or communication. The election law does not address other types of misrepresentation in political advertising or campaign communications.

Note that the misrepresentation rules apply to both political advertising and campaign communications. "Campaign communication" is a broader term than "political advertising."

A "campaign communication" means "a written or oral communication relating to a campaign for nomination or election to public office or office of a political party or to a campaign on a measure."

II. Misrepresentation Of Office Title.

A candidate may not represent that he or she holds an office that he or she does not hold at the time of the representation. **If you are not the incumbent in the office you are seeking, you must make it clear that you are seeking election rather than reelection by using the word "for" to clarify that you don't hold that office.** The word "for" must be at least one-half the type size as the name of the office and should appear immediately before the name of the office. For example, a non-incumbent may use the following formats:

**Vote John Doe
for Attorney General**

**John Doe
For
Attorney General**

consistent with good maintenance. All braces, bolts, clips, supporting frames and fastenings shall be free from deterioration, termite infestation, rot or loosening. All signs shall further be maintained in compliance with any additional requirements for signs as are specified in Chapter 9 of the Code of Ordinances of the City of Meadows Place and any other applicable requirements of said Code.

(e) No sign shall project over any property line.

(f) Every business location shall be adequately identified by a street address, i.e. street numbers and/or name, which is clearly visible from the street adjacent to the front entrance of such business. However, the area of a sign which is erected for a sole purpose of providing such street address identification shall not be subtracted from or count against the total allowable sign area requirements for the several districts as hereinafter specified in this Article. Further, such street address identification may be incorporated into any sign permitted under the terms and provisions of this Article so long as such street address identification does not increase the maximum allowable sign area of any sign by more than ten percent (10%) or does not constitute more than ten percent (10%) of the actual sign area. The incorporation of such street address identification shall not change the height or setback requirements from the maximums or minimums allowable for such sign prior to incorporation thereof.

(g) No more than twenty-five percent (25%) of the sign area of a multi-party sign may be devoted to secondary uses or products sold on the premises.

Sec. 24-1006. Signs Exempted From Permits.

No permit shall be required for the following non-illuminated signs, which signs meet the number, size and design specifications as hereinafter set out in this Article:

- (1) Signs indicating only the name and/or address of the occupants of residential units, or the address of any commercial structure or business;
- (2) Realty signs located on private property in residential use;

- (3) Political signs located on private property in residential use or on property in commercial/office use, for the purpose of advocating certain political candidates or propositions for a specific identifiable date certain election;
- (4) Auxiliary or informational signs placed in windows or flat against the walls of buildings in commercial/office use;
- (5) Temporary business promotional signs placed in or on windows of structures in commercial/office use;
- (6) Community service signs placed in or on windows of structures in commercial/office use, or in the yards of structures or directly on structures in residential use or in residential districts.

Sec. 24-1007. Prohibited Signs.

The following signs shall be prohibited in all zoning districts:

- (1) All signs, other than address identification signs, which do not identify the primary uses, by name of the occupant or business, or the primary services provided or products sold on premises, except for auxiliary and public information signs as hereinafter provided;
- (2) Appendages which have flashing, blinking or traveling lights to primary signs;
- (3) Signs which are animated by means of flashing, traveling or blinking lights, or other means not providing constant illumination;
- (4) Signs or posters of miscellaneous character, not otherwise regulated, which are tacked, painted, pasted or otherwise affixed and visible from any public right-of-way or pedestrian passageway or plaza, located on the walls of buildings or sheds, on trees, poles, posts, fences or other structures;

- (5) Banners, pennants, searchlights, twirling signs, sandwich or "A" frame signs, or any other advertising sign of a similar nature, located anywhere upon the development site or upon the sidewalk, curb or right-of-way adjacent to the development site;

EXCEPTION: Banners, pennants and searchlights shall be permitted for a period not to exceed thirty (30) days for grand openings, for which a written permit shall be obtained from the City of Meadows Place.

EXCEPTION: Banners and pennants, for which a written permit shall be obtained from the City Of Meadows Place, shall be permitted for special promotions and/or sales, provided that the same shall not be permitted for more than two separate promotional and/or sales events in a calendar year or for a cumulative number of days in excess of thirty (30) during such calendar year;

- (6) Flags, other than flags of any nation, state or political subdivision;

EXCEPTION: One (1) flag of a standard customary size which shows an emblem or logo of a firm or corporation shall be permitted, provided all other regulations of this Article are met;

- (7) Any signs which resemble official traffic-control signs, signals or devices, which bear the words, "Stop", "Go Slow", "Caution", "Danger", "Warning" or similar words.

- (8) Signs which, by reason of their size, location movement, content, coloring or manner of illumination, may be confused with or construed as traffic-control signs, signals or devices, or the lights of an emergency or road equipment vehicle, or which hide from view any traffic-control or street signs, signals or devices;

- (9) Any sign or advertising device attached to or located on any vehicle or trailer parked on a public right-of-way, on public property or on private property so as to be visible from a public right-of-way, the basic purpose of which sign or advertising device is to provide advertisement of products or to direct people to a business or activity located on the same property or other property or premises;

EXCEPTION: This subsection shall not be construed so as to prohibit typical vehicular signage such as is lettered on a commercial vehicle;

- (10) Portable or wheeled signs;
- (11) Any sign which emits audible sound, odor or visible matter;
- (12) Billboards;
- (13) Signs pertaining to construction on residential property upon which the signs are located;
- (14) Roof signs;
- (15) Revolving signs;
- (16) Free-standing signs, other than free-standing monument signs, except as hereinafter specifically permitted in business districts for property fronting U.S. Highway 59.

Sec. 24-1008. Signs - Residential.

The following regulations shall apply for signs located on property in residential use or institutional use:

- (1) Signs indicating only the name and/or address of the occupant shall be permitted for each residential unit;

ORDINANCE NO. 2007 - 01

AN ORDINANCE OF THE CITY OF MEADOWS PLACE, TEXAS, AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF MEADOWS PLACE, TEXAS, ENTITLED "PLANNING AND ZONING REGULATIONS" ARTICLE X ENTITLED "SIGNS", SECTION 24-1008 ENTITLED "SIGNS-RESIDENTIAL" BY ADDING TO SUBSECTION (4) AND AMENDING SECTION 24-1009 ENTITLED "SIGNS- COMMERCIAL/OFFICE" BY ADDING TO SUBSECTION (9) ENTITLED "POLITICAL SIGNS;" PROVIDING FOR CUMULATIVE EFFECT; AND PROVIDING FOR SEVERABILITY THEREOF.

WHEREAS, regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the corporate limits of the City, to promote expression by sign while encouraging general community aesthetics and the attractiveness of the community and protecting property values therein; and

WHEREAS, Chapter 216 of the Texas Local Government Code provides for the municipal regulation of signs and no provision of this ordinance shall be deemed to conflict therewith,

NOW THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF MEADOWS PLACE, TEXAS:**

Section 1: That the City Council does hereby ratify and adopt as a part of this Ordinance all of the findings and conclusions herein previously set out in the preamble

and "WHEREAS" clauses heretofore stated as if the same had been fully repeated herein.

Section 2: That Chapter 24 of the Code of Ordinances of the City of Meadows Place, Texas, entitled "Planning and Zoning Regulations", Article X entitled "Signs", Section 24-1008 entitled "Signs-Residential" is hereby amended by amending subsection (4), by adding:

Section 24-1008. Signs-Residential.

Political signs may be posted at any time so long as it is within thirty (30) days of the date of the election of which the sign pertains

Political signs affixed to billboards shall be removed within twenty (20) days after the date of the election or the event for which the sign is placed. Other political signs shall be removed within ten (10) days following the date of the election, which date is the subject of the sign.

The City Secretary shall deliver a copy of this Chapter to any candidate filing for public office or any other person wishing to place any temporary political sign within the City upon their application to the City.

Section 3. That Chapter 24 of the Code of Ordinances of the City of Meadows Place, Texas, entitled "Planning and Zoning Regulations" Article X entitled "Signs", Section 24-1009 entitled "Signs-Commercial/Office" subsection 9 entitled "Political Signs", is hereby amended by adding to subsection (9):

Sec. 24-1009. Signs-Commercial/Office.

Political signs may be posted at any time so long as it is within thirty (30) days of the date of the election of which the sign pertains.

Political signs affixed to billboards shall be removed within twenty (20) days after the date of the election or the event for which the sign is placed. Other political signs shall be removed within ten (10) days following the date of the election, which date is the subject of the sign.

The City Secretary shall deliver a copy of this Chapter to any candidate filing for public office or any other person wishing to place any temporary political sign within the City upon their application to the City.

Section 4: That if any provision of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

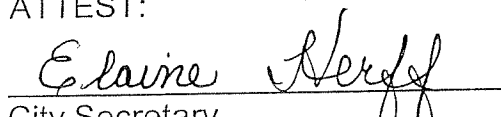
Section 5: That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Meadows Place, and this ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such ordinance or ordinances are hereby repealed.

PASSED and **APPROVED** on this, the 23 day of January 2007.



Mayor, City of Meadows Place

ATTEST:



City Secretary