



FW: Sworn Complaint Against Mayor Steve Adler by Mackenzie Kelly & Linda Guerrero

To: Ken Martin <72mken.1939@gmail.com>

From: Bill Aleshire <bill@aleshirelaw.com>
Sent: Wednesday, January 4, 2023 4:43 PM
To: delia.garza@traviscountytx.gov; sherine.thomas@traviscountytx.gov
Cc: TCAOINFO@traviscountytx.gov; Mackenzie Kelly Personal <MackenzieKelly@gmail.com>; Linda Guerrero <lindaguerrerofordistrict9@gmail.com>
Subject: RE: Sworn Complaint Against Mayor Steve Adler by Mackenzie Kelly & Linda Guerrero

Dear Delia Garza, Travis County Attorney:

Please supplement the complaint by Ms. Kelly and Ms. Guerrero with an allegation that Mayor Adler also violated Tex. Elect. Code sections 61.003 and 61.004. The Ethics Commission does not have jurisdiction for these violations, but your office does. <https://austintx.new.swagit.com/videos/190448> It is apparent that Mayor Adler was electioneering within 100 of the outside door of City Hall while it was a polling place and was using an amplification device within 1,000 feet of the polling place for a political speech and electioneering.

Tex. Elect. Code

Sec. 61.003. ELECTIONEERING AND LOITERING NEAR POLLING PLACE. (a) A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person:

- (1) loiters; or
- (2) electioneers for or against any candidate, measure, or political party.

(a-1) The entity that owns or controls a public building being used as a polling place may not, at any time during the voting period, prohibit electioneering on the building's premises outside of the area described in Subsection (a), but may enact reasonable regulations concerning the time, place, and manner of electioneering.

(b) In this section:

- (1) "Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Section 172.1114.
- (2) "Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(c) An offense under this section is a Class C misdemeanor.

Sec. 61.004. UNLAWFUL OPERATION OF SOUND AMPLIFICATION DEVICE OR SOUND TRUCK. (a) A person commits an offense if, during the voting period and within 1,000 feet of a building in which a polling place is located, the person operates a sound amplification device or a vehicle with a loudspeaker while the device or loudspeaker is being used for the purpose of:

- (1) making a political speech; or
- (2) electioneering for or against any candidate, measure, or political party.

(b) For the purpose of Subsection (a), a person operates a vehicle with a loudspeaker if the person drives the vehicle, uses the loudspeaker, or operates sound equipment in connection with the loudspeaker.

(c) In this section, "voting period" means the period prescribed by Section 61.003(b).

(d) An offense under this section is a Class C misdemeanor.

Bill Aleshire

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From: Bill Aleshire <bill@aleshirelaw.com>
Sent: Wednesday, January 4, 2023 3:25 PM
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Cc: 'TCAOINFO@traviscountytx.gov' <TCAOINFO@traviscountytx.gov>
Subject: Sworn Complaint Against Mayor Steve Adler by Mackenzie Kelly & Linda Guerrero
Importance: High

To Travis County Attorney Delia Garza,