



Bill Aleshire <bill@aleshirelaw.com>

Inbox - Gmail 4:02 PM

FW: Complaint Against Steve Adler for Political Advertising

To: Aleshire, Bill <bill@aleshirelaw.com>

Filed also with the City Attorney for violation of the City Charter.

From: Bill Aleshire <bill@aleshirelaw.com>

Sent: Wednesday, January 4, 2023 3:59 PM

To: Morgan, Anne <Anne.Morgan@austintexas.gov>

Cc: Mackenzie Kelly Personal <MackenzieKelly@gmail.com>; Linda Guerrero <lindaguerrerofordistrict9@gmail.com>

Subject: Complaint Against Steve Adler for Political Advertising

Importance: High

To City Attorney Anne Morgan:

Please acknowledge receipt of this email.

The evidence and facts in the attached sworn complaints for Mayor Steve Adler’s use of ATXN staff, equipment, and website resources to endorse Council candidates on December 1, 2022 are also relevant to Adler’s violation of Austin City Charter art. XII, section 2. That provision says:

Art. XII, § 2. - OFFICERS, ETC. — IMPROPER ACTS OF.

Any officer or employee of the city who by solicitation or otherwise shall exert his/her influence directly or indirectly to influence any other officer or employee of the city to favor any particular person or candidate for office in the city shall be guilty of a misdemeanor and upon conviction thereof shall forfeit his or her office or employment and be punished by a fine not exceeding \$200.00. Officers and employees shall not be permitted to take an active part in any political campaign of another for an elective position of the city if they are in uniform or on active duty. The term "active part" means making political speeches, passing out cards, or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about candidates for such elective positions. City officers and employees are prohibited from contributing or using city resources, equipment, or money for election campaigning.

Officers and employees coming under the provisions of this act are not required to contribute to any political fund or render any political service to any person or party whatsoever; and no person shall be removed, reduced in classification or salary, or otherwise prejudiced by refusing to do so; and any official who attempts the same shall be guilty of violating the provisions of this section.

Mayor Adler’s press conference and broadcast on the City’s ATXN website available to all city employees was use of his position, at least indirectly, to influence other officials and employees of the City to support his favored candidates and oppose those he did not endorse. Therefore, my clients, Ms. Kelly and Ms. Guerrero request that you initiate an investigation into whether Mayor Adler’s actions violate City Charter Art. XII, section 2. No precedent should be allowed to stand that permits such misuse of City resources.

Bill Aleshire

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