

Luke Spence Nevada City Council Ward 2 Representative's Post



Luke Spence Nevada City Council Ward 2 Representative

October 30 at 7:00 PM · 🌐



Have you been receiving robotexts from candidates for our city elections? If so, did you know that they aren't legal without your consent?

The link to the law on this is below as well as a pamphlet from an advocacy group but to give a brief synopsis robotexts are only allowed if the person sending them already has your consent unless the text was sent manually. If the text you receive includes a "reply STOP to no longer receive these" type message it is definitely not being sent manually.

And what is "prior express consent?" For that refer to the second link below (p.13). In part it says this: "The mere fact that an organization has a person's cell phone number in its database is not sufficient to demonstrate prior express consent absent evidence that the person voluntarily provided the number. Since the number could have been obtained in a variety of ways, such as by acquiring a third-party list or capturing the number through caller ID or through an app that harvests numbers from users' contact lists, more is needed. There must be sufficient evidence linking the organization's possession of the cell phone number to the person actually providing that number to the organization."

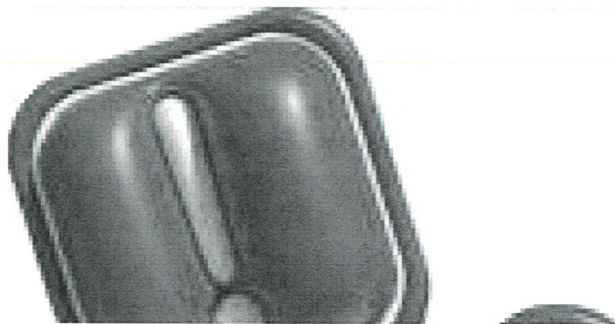
How do I know this you may ask? Because I wanted to do this in the past and hadn't read the rules. When I tried to send it out the company I was using, and had used in the past to send group texts for other non-campaign matters, called me and educated me on what I could and couldn't do.

What are the repercussions to doing this? Unfortunately, little to nothing for a small-town election. But you can report the sender by forwarding the texts to 7726 (or "SPAM") or file a complaint online at <https://consumercomplaints.fcc.gov>

Below are a couple links for reference.

<https://www.fcc.gov/rules-political-campaign-calls-and-texts>

https://afj.org/.../RulesofRobocalling_Guide_Revised-2025...



Comment as Melissa Muschick



Wednesday, November 5, 2025

Dear Mayor and Members of the Nevada City Council,

I am writing to express my concern regarding a public Facebook post made by Council Member **Luke Spence** on **October 30, 2025**, just days before the recent city council election. In that post, made from his **official page titled "Luke Spence Nevada City Council Ward 2 Representative,"** Mr. Spence alleged that candidates in the race had sent *illegal "robotexts"* to voters in violation of federal law.

While no candidates were named directly, it was immediately clear to the community that the statements referred to **myself and fellow candidate Barb Mittman**, as we were the only candidates who used text messaging as part of our campaign outreach. These statements were false, made without factual basis, misleading, and damaging. Our text messages were conducted legally through peer-to-peer systems that comply with all FCC and federal election communication regulations.

What concerns me most is that this statement was made from an **official city-branded account**. That distinction matters. When a sitting council member uses an official page to make unfounded allegations during an election, it gives the impression that the information is endorsed by or connected to the City of Nevada. That crosses an important ethical line. It not only damages the reputations of individuals but also undermines public trust in the integrity and impartiality of our local government.

This post was seen by numerous residents and discussed publicly in the days leading up to the election. The timing, tone, and appearance of authority undoubtedly influenced perceptions and, in my view, had a measurable impact on voter confidence and fairness.

This situation goes beyond personal reputation. It raises legitimate questions about fairness, integrity, and accountability in how elected officials use their platforms. Public trust depends on honesty, restraint, and respect for due process, especially during elections when emotions and stakes are high.

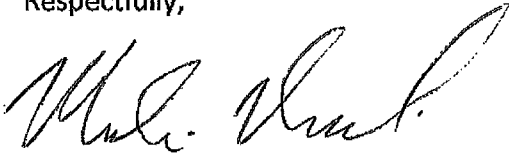
I am not sharing this out of anger but out of genuine concern for the health of our community and the credibility of our local government. I believe it is appropriate for the Council to review this matter and consider establishing clearer expectations or guidelines around the ethical use of official titles and public platforms in political contexts.

I have always valued and respected those who serve our city, and I remain committed to working collaboratively toward what is best for Nevada. **However, I also believe in accountability and transparency, which are essential to maintaining public confidence in those who represent us.**

I respectfully request that the City Council review this matter against the City's own Code of Conduct, relevant ethical guidelines, and applicable legal standards to determine whether this action constitutes a breach of duty or misuse of an official platform. I believe this is not just a matter of poor judgment but one that merits a clear and transparent review to protect the credibility of the Council and the community it serves.

I sincerely hope this matter can be resolved appropriately at the council level. However, if it is not reviewed or addressed through this process, I may explore other avenues available under state and local ethics and campaign conduct laws to ensure there is appropriate accountability.

Respectfully,

A handwritten signature in black ink, appearing to read "Melissa Muschick". The signature is fluid and cursive, with a large, sweeping initial "M".

Melissa Muschick