

POLITICAL ADVERTISING

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The following, as it pertains to general purpose political committees, is extracted from the Texas Ethics Commission website. For additional information on general purpose political committees or on candidate or special purpose political committees, contact the website, www.ethics.state.tx.us.

Texas Election Law requires certain disclosures and notices on political advertising and also prohibits certain types of misrepresentation in political advertising and campaign communications. 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.

What is political 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 one of the categories listed in Part A and it fits in one of the categories listed in Part B, 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 a political party office.
2. Political advertising includes communication 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.

When is a Disclosure Statement Required? Political advertising that contains express advocacy is required to include a disclosure statement. Political advertising contains express advocacy if it is authorized by a political committee filing campaign finance reports. 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.

What Should The Disclosure Statement Say? The disclosure statement must appear on the face of the political advertising and must include the following:

1. the words “political advertising” or a recognizable abbreviation such as “pol. adv.”;
2. the full name of the committee authorizing the political advertising.

Are There Any Exceptions To The Disclosure Statement Requirement? The following types of political advertising do not require the disclosure statement:

1. 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;
3. an envelope 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 stationary, if the letterhead includes the name of the political committee authorizing the advertising.

Only officeholders may use the state seal in political advertising.