



TEXAS ETHICS COMMISSION



****Overruled, Modified, Clarified, or Superseded****

ETHICS ADVISORY OPINION NO. 37

July 24, 1992

Whether a corporation may send a notice to its employees advising them of an upcoming election and including questions and answers about voting. (AOR-48)

The Texas Ethics Commission has been asked whether a corporation may send a notice to its employees advising them of an upcoming election with questions and answers about voting. Election Code section 253.094 prohibits a corporation from making a political expenditure that is not specifically authorized. A political expenditure is defined by section 251.001(10) to mean a campaign expenditure or an officeholder expenditure. A campaign expenditure is defined by section 251.001(7) to mean an expenditure made in connection with a campaign for an elective office or on a measure.

An expenditure on a nonpartisan notice that contains only nonpartisan material to inform employees about an election and encouraging people to register to vote is not a political expenditure because it is not made in connection with a campaign for an elective office or on a measure, nor is it an officeholder expenditure.¹ See Elec. Code § 251.001(9) (definition of "officeholder expenditure"). The notice in question is nonpartisan because it merely sets out information about the mechanics of registering to vote and voting. Therefore a corporate expenditure to provide such a notice is not prohibited by the Election Code.

SUMMARY

An expenditure on a nonpartisan notice to inform employees about an election and encouraging people to register to vote is not a political expenditure because it is not made in connection with a campaign for an elective office or on a measure, nor is it an officeholder expenditure. Therefore a corporate expenditure to provide such a notice is not prohibited by the Election Code.

¹ Section 253.099(a) authorizes a corporation to make one or more expenditures to finance nonpartisan voter registration and get-out-the-vote campaigns aimed at its stockholders or members, as applicable, or at the families of its stockholders or members. The express authorization for such expenditures would suggest that such expenditures would otherwise be impermissible under title 15. That is, however, not the case. Nothing in title 15 prohibits corporate expenditures for nonpartisan notices, regardless of the target audience of the notices.