




# TEXAS ETHICS COMMISSION



**\*\*Overruled, Modified, Clarified, or Superseded\*\***  **Opinion History**

## ETHICS ADVISORY OPINION NO. 210

May 13, 1994

*Whether a particular bumper sticker is in violation of section 255.006 of the Election Code. (AOR-233)*

The Texas Ethics Commission has been asked to consider whether a particular bumper sticker is in violation of section 255.006 of the Election Code. Subsection (a) of section 255.006 provides:

A person commits an offense if the person knowingly enters into a contract or other agreement to print, publish, or broadcast political advertising with the intent to represent to an ordinary and prudent person that a candidate holds a public office he does not hold at the time the agreement is made.

Subsection (b) of section 255.006 provides:

A person commits an offense if the person knowingly represents in a campaign communication that a candidate holds a public office he does not hold at the time the representation is made.

The specific question raised here is whether a particular bumper sticker indicates that the candidate named on the bumper sticker holds the office he is seeking. The bumper sticker contains the candidate's name in large type. Under the name in smaller type are the words, "A Needed Change for the BETTER." In the top right corner, in even smaller letters, is the office the candidate is seeking. The word "for" does not precede the office. (A copy of the bumper sticker is appended hereto, and made a part of this opinion.)

Because of the relative type sizes and the statement "A Needed Change for the BETTER," the bumper sticker at issue does not, as a whole, represent that the candidate holds the office he is seeking. Therefore, we conclude that this particular bumper sticker does not violate section 255.006 of the Election Code. Nonetheless, we caution that a candidate who is not an incumbent in the office sought should avoid uncertainty about the application of section 255.006 by using words such as "for" before the name of the office sought, or "elect" before the candidate's name.

### SUMMARY

The particular bumper sticker at issue in this opinion does not violate section 255.006 of the Election Code. We caution that a candidate who is not an incumbent in the office sought should avoid uncertainty about the application of section 255.006 by using words such as "for" before the name of the office sought, or "elect" before the candidate's name.