



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 289

*November 3, 1995*

*Whether holiday greeting cards sent by an officeholder and paid for from political contributions must have a political advertising disclosure. (AOR-323)*

The Texas Ethics Commission has been asked to consider whether holiday greeting cards sent by an officeholder and paid for from political contributions must have a political advertising disclosure. *See generally* [Ethics Advisory Opinion No. 190](#) (1994) (concluding that an officeholder may use political contributions to send Christmas cards).

The Texas Election Code provides that a person may not enter into an agreement to print "political advertising" that does not disclose the source of the political advertising and the fact that the material is political advertising. Elec. Code § 255.001. The Election Code defines "political advertising" as follows:

"Political advertising" means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

- (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or
- (B) appears in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication.

Elec. Code § 251.001(16).

For purposes of this opinion, we will assume that holiday greeting cards sent by an officeholder and paid for with political contributions are "political advertising." Even so, we conclude that such holiday greeting cards are not required to contain a political advertising disclosure as long as the name and address of the officeholder sending the cards appear on the card itself or on the envelope.

An Ethics Commission rule excepts from the disclosure requirement "political advertising printed on letterhead stationery, if the letterhead contains the [name and address of the person who had the political advertising published]." 1 T.A.C. § 26.5. Although that rule is not expressly applicable to holiday greeting cards, holiday greeting cards fit within the spirit of the rule—that the disclosure is not necessary since the source and the nature of the communication are clear. We conclude, therefore, that holiday greeting cards sent by an officeholder and paid for with political contributions are not required to contain a political advertising disclosure as long as the name and address of the officeholder sending the cards appear on the card itself or on the envelope.

### SUMMARY

Holiday greeting cards sent by an officeholder and paid for with political contributions are not required to contain a political advertising disclosure as long as the name and address of the officeholder sending the cards appear on the card itself or on the envelope.