



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 327

May 10, 1996

Whether a corporation may make expenditures for creating and maintaining an Internet site containing photos and information relating to candidates in upcoming elections. (AOR-364)

The Texas Ethics Commission has been asked whether a corporation engaged in providing Internet services may create and maintain a site on the Internet for posting the credentials and photos of Texas political candidates. The site would be available to all candidates in a particular election, and the candidates would supply the information listed. The corporation would not endorse any of the candidates.

Generally, title 15 of the Election Code prohibits corporations from making contributions or expenditures in connection with candidate elections. *See* Elec. Code ch. 253, subch. D. The Ethics Commission has interpreted this prohibition to mean that a corporation may not make expenditures in support of or in opposition to any candidate but may make other election-related expenditures. *See* [Ethics Advisory Opinions Nos. 198 \(1994\)](#) (corporation is prohibited from making expenditures in connection with a campaign only if the communications expressly advocate the election or defeat of a clearly identified candidate), [37 \(1992\)](#) (title 15 does not prohibit corporate expenditures for nonpartisan notices of election); *see also* Elec. Code § 253.099 (corporations may make expenditures for nonpartisan voter registration and get-out-the-vote drives). Because the corporation will not include endorsements of any candidate on its Internet site and will make the site available to all candidates on an equal basis, title 15 does not prohibit the corporation from creating and maintaining the proposed Internet home page.

SUMMARY

A corporation may make expenditures for creating and maintaining an Internet site containing photos and information relating to candidates in upcoming elections if all candidates in an election have access to the site on an equal basis and if the site is not used to support or oppose any candidate.