



# TEXAS ETHICS COMMISSION



## ETHICS ADVISORY OPINION NO. 380

*November 14, 1997*

*Whether an envelope used to send political advertising must bear the disclosure information required by Election Code section 255.001. (AOR-418)*

A candidate has asked whether an envelope used to send political advertising must bear the disclosure information required by Election Code section 255.001.

"Political advertising" is defined as a communication that is printed, published, or broadcast and that supports or opposes a candidate, officeholder, or ballot measure. Elec. Code § 251.001(16). As a general rule, political advertising must "indicate in the advertising" the following information:

- (1) that it is political advertising;
- (2) the full name of either the individual who personally entered into the contract or agreement with the printer, publisher, or broadcaster or the person that individual represents; and
- (3) in the case of advertising that is printed or published, the address of either the individual who personally entered into the agreement with the printer or publisher or the person that individual represents.

*Id.* § 255.001(a); *see also* 1 T.A.C. § 26.5(2) (regarding letterhead stationery).

The law requires that the disclosure information be indicated "in the advertising." In our view, an envelope is normally not a separate communication from the material contained in the envelope. Consequently, we conclude that the disclosure information required by Election Code section 255.001 is not required on an envelope that is used to transmit political advertising, even if the envelope itself bears a message supporting or opposing a candidate, officeholder, or ballot measure. The political advertising in the envelope must, of course, comply with the requirements of Election Code section 255.001.

### SUMMARY

The disclosure information required by Election Code section 255.001 is not required on an envelope that is used to transmit political advertising provided that the political advertising in the envelope complies with the requirements of Election Code section 255.001.