



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 387

December 12, 1997

Whether section 255.001 of the Election Code requires that a political advertising disclosure statement be placed on wooden nickels printed with a candidate's political logo. (AOR-426)

The Texas Ethics Commission has been asked whether section 255.001 of the Election Code requires that a political advertising disclosure statement be placed on wooden nickels printed with a candidate's political logo. Section 255.001 of the Election Code provides the following:

(a) A person may not knowingly enter into a contract or other agreement to print, publish, or broadcast political advertising that does not indicate in the advertising:

(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.

(b) This section does not apply to tickets or invitations to political fund-raising events *or to campaign buttons, pins, hats, or similar campaign materials*. [Emphasis added.]

For purposes of this opinion, we assume that the wooden nickels in question would be "political advertising" within the definition of that term in Election Code section 251.001(16), by virtue of the political logo printed on them.¹ In [Ethics Advisory Opinion No. 184](#) (1994), we determined that items such as magnets and emery boards are campaign materials similar to the campaign buttons and pins expressly exempted from the requirements of section 255.001 and so are not required to carry a disclosure statement. In the present case, we make the same determination as to wooden nickels printed with political advertising.

SUMMARY

Section 255.001 of the Election Code does not require that wooden nickels printed with a candidate's political logo include a political advertising disclosure statement.

¹ Section 251.001(16) provides the following: " '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."