



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 390

January 16, 1998

Whether balloons must contain the disclosure statement required by Election Code section 255.001, and whether a candidate must report the use of campaign materials left over from a previous campaign. (AOR-429)

A candidate has asked the Texas Ethics Commission to consider several questions about the use of balloons left over from a previous campaign. Words on the balloons urge voters to re-elect the candidate.

The first question is whether the balloons must contain the disclosure statement required by Election Code section 255.001. Section 255.001 provides as follows:

(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.]

In previous opinions we have determined that campaign materials such as magnets, emery boards, and wooden nickels are similar to campaign buttons, pins, and hats and are therefore not required to contain a disclosure statement. [Ethics Advisory Opinion Nos. 387](#) (1997), [184](#) (1994). Likewise, we conclude that balloons are similar to campaign buttons, pins, and hats and are not required to contain a disclosure statement.

The remaining question is whether the candidate is required to report the use of balloons left over from a previous campaign. When a candidate makes a "payment" for campaign purposes, that payment must be reported as a political expenditure. Elec. Code §§ 251.001(6), (7) (defining "campaign expenditure"); 254.031(a)(3) (required reporting of political expenditures). Presumably, the candidate reported payment for the balloons on

reports filed in connection with the previous campaign.¹ The candidate's use in his current campaign of materials paid for in a previous campaign does not, however, give rise to a new reporting requirement. See generally [Ethics Advisory Opinion No. 116](#) (1993).

SUMMARY

Campaign balloons are not required to contain the disclosure statement described in Election Code section 255.001.

A candidate is not required to report his use in a current campaign of materials paid for and reported in connection with a previous campaign.

¹ If another person donated the balloons to the candidate for use in a campaign, the donation of the balloons would be reportable as an "in-kind " contribution. Elec. Code § 251.001(2), (3) (defining "campaign contribution"); 1 T.A.C. § 20.1 (defining "in-kind " contribution).